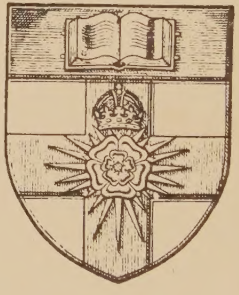
THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

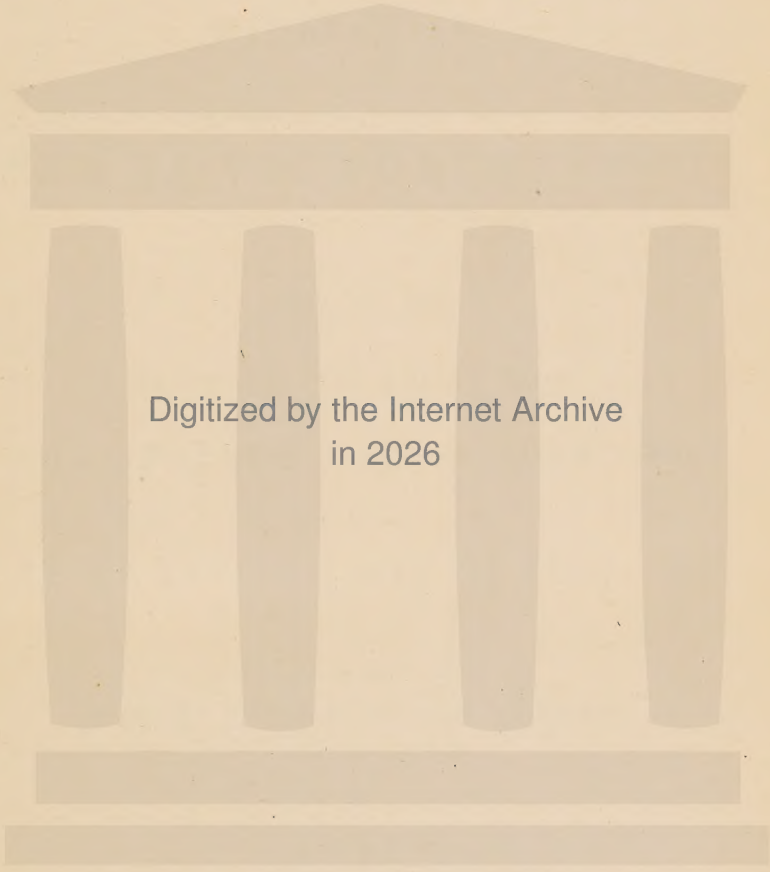
REFERENCE ONLY

PARL. PAPERS
FOR REFERENCE ONLY.



UNIVERSITY OF LONDON
LIBRARY

620022


Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_1860_159

HANSARD'S

PARLIAMENTARY DEBATES.

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

---

23 & 24 VICTORIÆ, 1860.

VOL. CLIX.

COMPRISING THE PERIOD FROM

THE SEVENTH DAY OF JUNE, 1860,

TO

THE TWENTIETH DAY OF JULY, 1860.

Fourth Volume of the Session.

LONDON:

PUBLISHED BY CORNELIUS BUCK,

AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,

23 PATERNOSTER ROW [E.C.]

AND BY

LONGMAN AND CO.; J. RIDGWAY; HATCHARD AND SON; J. BOOTH; C. DOLMAN; J. BAIN; W. DALTON; SMITH, ELDER, AND CO; RICHARDSON, BROTHERS; UPHAM AND BEET; AND J. ALLEN AND CO.

1860.

BIBL. CENTR. UNIV.

LONDON : CORNELIUS BUCK, PRINTER, 23, PATERNOSTER ROW.

TABLE OF CONTENTS

TO

VOLUME CLIX.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. New Members Sworn.

I. Subjects of Debate in the House of Lords.

	Page
Thursday, June 7.	
Endowed Charities—*Presentation* of a Bill by the Lord Chancellor—Bill read 1ª	1
Court of Probate and Divorce—Motion of Lord Brougham for Returns—Motion *agreed to*	2
Sir John Barnard's Act, &c., Repeal Bill—Bill read 2ª	4
Vote by Ballot and Manhood Suffrage—Resolutions of Lord Teynham on presenting Petitions in favour of Vote by Ballot and Manhood Suffrage—Resolutions *negatived*	4
Friday, June 8.	
Sicily—Bombardment of Palermo—Question of Lord Brougham	146
Court of Rome—Diplomatic Relations—Motion of Earl Stanhope for Papers—Motion *agreed to*	147
English Shipwrights in French Dockyards—Question of Viscount Dungannon	161
Refreshment Houses and Wine Licences Bill—House in Committee ...	165
Monday, June 11.	
Harbours of Refuge—*Presentation* of Petition by Lord Portman and Question of Lord Ravensworth	218
Westminster Clock—Question of the Earl of Derby	218
Ecclesiastical Courts and Registries (Ireland) Bill—Bill read 2ª ...	219
Refreshment Houses and Wine Licences Bill—Order of the Day for the Third Reading read—Amendment of Lord Denman that the Bill be read a Third Time this Day Six Months—Amendment *negatived* by a Majority of 34—Bill read 3ª—Division List	220

TABLE OF CONTENTS.

	Page
TUESDAY, JUNE 12.	
Dilapidation of Glebe Houses—Question of Viscount Dungannon ...	295
Light Weight Racing Bill—Order of the Day for the Second Reading read—Amendment of the Duke of Beaufort that the Bill be read a Second Time this Day Three Months—Amendment and Original Motion, by leave of the House, *withdrawn*—Bill also *withdrawn*	295
Duchy of Cornwall (Limitation of Actions) Bill—House in Committee ...	314
Union of Benefices Bill—House in Committee	316
Ecclesiastical Courts Jurisdiction Bill—Bill read 3ª—Bill *passed*, and sent to the Commons	321
THURSDAY, JUNE 14.	
Disturbances in New Zealand—Question of the Earl of Carnarvon ...	417
Reduction of the Wine Duties—Motion of Lord Monteagle for Returns—Motion, by leave of the House, *withdrawn*	418
Tuscany—The Yacht *Medina*—Question of the Earl of Malmesbury ...	422
FRIDAY, JUNE 15.	
India—Leasing of Children—*Presentation* of Petition, and Motion for Returns moved for by Lord Brougham—Motion *agreed to*	492
Rifled Cast-Iron Guns—Question of the Earl of Camperdown	492
Furious Riding and Driving Bill—Order of the Day for the Second Reading read—Amendment of Lord Portman that the Bill be read a Second Time this Day Three Months—Amendment and Original Motion, by leave of the House, *withdrawn;* and Bill, by leave of the House, *withdrawn* ...	496
Australian Colonies—Introduction of Animals—Question of the Earl of Carnarvon	498
Bank of Ireland Bill—Bill read 3ª and *passed*	500
Bank of Ireland Bill—Protest of Lord Monteagle against the Third Reading ...	500
Duchy of Cornwall (Limitation of Actions) Bill—Amendments *Reported* ...	501
Union of Benefices Bill—Bill read 3ª and *passed*	505
MONDAY, JUNE 18.	
Business of the House—Resolution of Lord Redesdale that Bills be not read a Second Time after the 17th of July, except Bills of Aid and Supply ...	550
Cathedral and Collegiate Churches Commission—Question of Lord Lyttelton ...	550
Church Temporalities (Ireland) Act Amendment Bill—House in Committee ...	552
The Ecclesiastical Commissioners Valuation—Question of Lord Portman ...	554
India—European Troops—Motion of the Marquess of Clanricarde for Returns—Motion *agreed to*	555
Italy—Naples—Rumoured Interference of France—Question of Lord Brougham	557
TUESDAY, JUNE 19.	
Church Rates Abolition Bill—Order of the Day for the Second Reading read—Amendment of the Duke of Marlborough that the Bill be read a Second Time this Day Six Months—Amendment *agreed to* by a Majority of 97—Division List	618
THURSDAY, JUNE 21.	
Italy—Naples and Sicily—Question of the Marquess of Normanby ...	755
Plea on Indictment Bill—Bill read 2ª	757
Adulteration of Food or Drink Bill—House in Committee	759
FRIDAY, JUNE 22.	
Law and Equity Bill—Motion of the Lord Chancellor for a Select Committee—Motion *agreed to*—Select Committee *appointed*	834
Employment of English Shipwrights at Cherbourg—Observations ...	843

FRIDAY, JUNE 22—*continued.* *Page*

Militia and Constabulary (Ireland)—Motion of the Marquess of Clanricarde for Returns—Motion *agreed to* 844

MONDAY, JUNE 25.

Slave Trade—Mozambique—Motion of Lord Stratheden for an Address to the Crown in favour of Appointing a Consul at Mozambique—*Resolved* in the *affirmative* by a Majority of 5—Division List 908

TUESDAY, JUNE 26.

Ecclesiastical Commission Bill—Bill read 2ª 977

Church Temporalities (Ireland) Acts Amendment Bill—Bill read 3ª—Bill *passed* and sent to the Commons 987

Ecclesiastical Courts and Registries (Ireland) Bill—Bill read 3ª—Bill *passed* and sent to the Commons 988

THURSDAY, JUNE 28.

Harbours of Refuge—Motion of the Marquess of Clanricarde for the Appointment of a Select Committee—Motion, by leave of the House, *withdrawn* ... 1069

China—Conduct of the Colonial Office—Petition for Inquiry—*Presentation* of Petition by Earl Grey 1082

Law of Evidence further Amendment Bill—*Presentation* of a Bill by Lord Brougham—Bill read 1ª 1084

FRIDAY, JUNE 29.

Trotman's Anchors—Question of the Earl of Hardwicke 1181

Commanders of Packets between Holyhead and Kingstown—Question of Viscount Dungannon 1186

Endowed Charities Bill—Bill read 2ª 1188

Breakwaters and Harbours—Motion of the Marquess of Clanricarde for the Appointment of a Select Committee—Motion *agreed to*—Select Committee *appointed* 1190

MONDAY, JULY 2.

Education (India)—Exclusion of the Bible from Government Schools—Motion of the Duke of Marlborough that the Exclusion of the Word of God from the course of Education afforded in the Government Colleges and Schools ought to be removed—Motion *negatived* 1237

TUESDAY, JULY 3.

Berwick-upon-Tweed Election—Her Majesty's Answer to the Address *brought up* by the Lord Steward (the Earl of St. Germans) 1313

Slave Trade—Consulship at Mozambique—Her Majesty's Answer to the Address *brought up* by the Lord Steward (the Earl of St. Germans) ... 1313

Weights and Measures Bill—Order of the Day for the House to be again in Committee read—Amendment of Lord Chelmsford that their Lordships go into Committee on the Bill this Day Three Months—Amendment *agreed to*—Bill *put off* for Three Months 1313

Masters and Operatives Bill—Order of the Day for the Second Reading read—Amendment of Lord Ravensworth that the Bill be read a Second Time this Day three Months—Amendment (by leave of the House) *withdrawn*—Bill read 2ª and *referred* to a Select Committee 1314

New Zealand Bill—Bill read 2ª 1326

THURSDAY, JULY 5.

Italy—General Garibaldi—Question of the Marquess of Normanby ... 1378

TABLE OF CONTENTS.

	Page
FRIDAY, JULY 6.	
St. George's-in-the East—Question of Viscount Dungannon	1507
Education (India)—*Presentation* of Petition by the Bishop of Oxford ...	1513
New Zealand Bill—House in Committee	1518
MONDAY, JULY 9.	
Italy—Explanation of the Marquess of Normanby and Lord Brougham ...	1608
Naval Discipline Bill—Bill read 2ª	1612
Law and Equity Bill—House in Committee	1616
TUESDAY, JULY 10.	
Massacre of Christians in Syria—Questions of Lord Stratford de Redcliffe ...	1647
Tithe Commutation Bill—Order of the Day for the House to be put into Committee read—Order *discharged*, and Bill referred to a Select Committee	1656
Railway Cheap Trains, &c., Bill—Bill read 2ª	1657
THURSDAY, JULY 12.	
India—Prize Money—Question of the Earl of Ellenborough	1742
Jews Act Amendment Bill—House in Committee	1745
Holyhead Harbour of Refuge—Motion of the Earl of Mayo for a Select Committee—Motion, by leave of the House, *withdrawn*	1750
FRIDAY, JULY 13.	
Italy—The Roman States—Motion of the Marquess of Normanby for Papers...	1842
Scottish Drainage and Improvement Company Bill—Order of the day for the Third Reading read—Amendment of Lord St. Leonards that the further Debate be adjourned to *Friday* next—Amendment *negatived* by a Majority of 3—Bill read 3ª—Bill *passed*, and sent to the Commons	1843
Galway Harbour Bill—Bill read 3ª—Bill *passed*, and sent to the Commons ...	1844
MONDAY, JULY 16.	
Savoy—Motion of the Marquess of Clanricarde for Papers—Motion *agreed to*...	1925
Ecclesiastical Commission Bill—Order of the Day for the House to be put into Committee read—Amendment of the Earl of Chichester that the House go into Committee on the Bill this day Three Months—Amendment *agreed to*—House to be in Committee on *this Day Three Months*	1944
TUESDAY, JULY 17.	
Annuity Tax (Edinburgh, Montrose, &c.) Bill—Bill read 2ª	2013
Titles to Land (Scotland) Act (1858) Amendment Bill—Bill read 2ª ...	2015
Conjugal Rights (Scotland) Bill—*Presentation* of a Bill by the Lord Chancellor —Bill read 1ª	2020
THURSDAY, JULY 19.	
Labourers' Cottages (Scotland) Bill—House in Committee	2126
Lands Clauses Consolidation Act (1845) Amendment Bill—Bill read 2ª ...	2127
Parliamentary Business—Motion of the Earl of Derby that a Select Committee be appointed to inquire into and consider the best mode of carrying on Parliamentary Business—Motion, by leave of the House, *withdrawn* ...	2129
FRIDAY, JULY 20.	
Tithe Commutation Bill—House in Committee	2215
Mines Regulation and Inspection Bill—Bill read 2ª	2216
Tramways (Ireland) Bill—Order of the Day for the Second Reading read—Amendment of the Earl of Lucan that the Bill be read a Second Time this Day Six Months—Amendment, by leave of the House, *withdrawn*—Bill read 2ª, and Select Committee *appointed*	2216

II. Subjects of Debate in the House of Commons.

Thursday, June 7. *Page*

Smithfield Markets, Streets, and Improvement Bill—Order for Second Reading read—Amendment of Mr. Mackinnon that the Bill be read a Second Time this Day Six Months—Amendment *negatived*—Bill read 2° ... 19

The Case of Jesse Mumford—Question of Mr. T. Duncombe 22

Officers' Chargers—Question of Major Knox 23

The Reform Bill—Dissolution of Parliament—Question of Mr. Blake ... 23

Poor Law Rating—Question of Mr. Perry Watlington 24

The Scotch and Irish Reform Bills—Question of Mr. Brady 25

Representation of the People Bill—Committee—Adjourned Debate—Second Night—Order read for resuming Adjourned Debate on Amendment proposed to Question [4th June]—Motion of Sir J. Fergusson "That the Debate be now Adjourned."—Motion *negatived* by a Majority of 21—Division List—Question again put—Debate *adjourned* till *Monday* next 26

Representation of the People (Ireland) Bill—Order for Second Reading read—Motion of Mr. Cardwell that the Order be discharged—Motion *agreed to*—Order *discharged*—Bill *withdrawn* 144

Representation of the People (Scotland) Bill—Order for Second Reading read—Motion of the Lord Advocate that the Order be *discharged*—Motion *agreed to*—Order *discharged*—Bill *withdrawn* 144

Wakefield Election—Prosecutions for Bribery—Resolution of Captain Jervis to abandon the Prosecutions—Debate *adjourned* till *To-morrow* ... 144

Friday, June 8.

Clare County Election—Determination of the Committee "That Francis Macnamara Calcutt, Esq., is duly Elected 175

Londonderry City Election—Determination of the Committee "That William M'Cormick, Esq., is duly elected 175

Corrupt Practices Prevention Act—Question of Mr. Hunt 175

Exportation of Spanish Corks—Question of Mr. T. S. Duncombe ... 175

The Telegraph to Gibraltar—Question of Colonel Percy Herbert ... 177

Commercial Treaty with France—Question of Mr. Seymour FitzGerald ... 178

Chinese War—Naval Pay—Question of Sir George Pechell 182

Indian Civilians Killed during the Mutiny—Question of Mr. Vansittart ... 182

Organization of the Indian Army—Question of Colonel Sykes 183

Conveyance of Stores from India to China—Question of Mr. Somes ... 184

The Bengal Army—Rewards to Officers—Question of Mr. Kennard ... 185

Local Army in India—Question of Sir De Lacy Evans 186

Sale and Re-purchase of Government Land—Question of Lord William Graham 188

The National Defence—Question of Sir Frederic Smith 189

Relative Rank of Army Surgeons—Question of Colonel Dickson ... 191

Clerk of the Council—Observations of Viscount Palmerston 191

Army Purchase—Question of Captain Stacpoole 192

Colonel Sir Justin Shiel—Arrests in Dundalk—Observations of Mr. Whiteside 193

Defence of Portsmouth—Observations of Sir Charles Napier 196

Destitution in Ireland—Question of Mr. Hennessy 197

Wakefield Prosecutions—Question of Captain Jervis 201

African Slave Trade—Question of Mr. Cave 202

English Shipwrights in French Dockyards—Question of Mr. H. B. Johnstone... 208

Post Office Administration—Question of Mr. Bowyer 211

TABLE OF CONTENTS.

Page

FRIDAY, JUNE 8—*continued.*

India—Disarming the Natives—Motion of Mr. H. Baillie for an Address for Papers—Motion *agreed to* 214

Anchors and Chain Cables, Merchant Service—Motion of Sir James Elphinstone for Leave to bring in a Bill—House *counted out* 217

MONDAY, JUNE 11.

Case of Daniel Shea and the Islington Union—Question of Mr. H. A. Herbert 225

Representation of the People Bill—Committee—Adjourned Debate—Third Night—Order read for resuming Adjourned Debate on Amendment proposed to Question [4th June]—Amendment and Motion, by leave, *withdrawn*—Bill *withdrawn* 225

Statute Criminal Law Consolidation Bills—Offences against the Person Bill—Bill read 2° 270

Admiralty Court Jurisdiction Bill—Order for Second Reading read—Order *discharged*—Bill *withdrawn* 280

Landlord and Tenant (Ireland) No. 2 Bill—Bill read 2° 280

Tenure and Improvement of Land (Ireland) Bill—Second Reading—Order read for resuming Adjourned Debate on Amendment proposed to Question [15th May]—Debate *resumed*—Bill read 2° 282

TUESDAY, JUNE 12.

Annuity Tax Abolition (Edinburgh) Bill—House in Committee... ... 322

Italy—The Sicilian Insurrection—Question of Mr. H. B. Sheridan ... 329

Militia Desertions—Question of Lord Burghley 330

Election Committees—Question of Mr. Warner 331

Colonial Military Expenditure—Question of Mr. Childers 331

Highleigh Prebendal Grammar School—Question of Mr. Freeland ... 332

Military Attachés to Foreign Courts—Question of Mr. O. Stanley ... 332

The Organization of the Indian Army—Question of Sir Henry Willoughby ... 333

Board of Admiralty—Motion of Admiral Duncombe for a Select Committee—Motion, by leave, *withdrawn* 334

European Forces—India—Motion of Sir Charles Wood for Leave to bring in a Bill—Debate *adjourned* till *Thursday*, 21st June 368

WEDNESDAY, JUNE 13.

Mines Regulation and Inspection Bill—House in Committee 396

THURSDAY, JUNE 14.

The Brehon Law Commission—Royal Irish Academy—Question of Mr. Maguire 423

The Naval Reserve—Motion of Mr. Lindsay that more prompt and effective measures should be adopted to complete the Reserves of Marines and Seamen for Her Majesty's Navy—Motion *negatived* 424

Property and Income Tax —Observations of Mr. Whalley 441

Supply—Civil Service Estimates—House in Committee 450

Supply—Navy Estimates—House in Committee... 455

Roman Catholic Charities Bill—House in Committee 490

FRIDAY, JUNE 15.

Annuity Tax Abolition (Edinburgh) Bill—House in Committee... ... 507

Berwick-upon-Tweed Election—Message from the House of Lords respecting the Address to Her Majesty 514

Uniform Weights and Measures—Question of Mr. Garnett 515

Commercial Treaty with France—Question of Mr. Baines 515

Commercial Treaty with France—Question of Mr. Seymour FitzGerald ... 517

Uniform Valuation of Property—London Corporation—Question of Mr. Stanley 517

FRIDAY, JUNE 15—*continued.* *Page*

New Houses of Parliament—Question of Colonel Wilson Patten ... 518
The Parks and Charing Cross—Question of Mr. W. Ewart 519
Disturbances in New Zealand—Question of Lord Alfred Churchill ... 521
European Army in India—Question of Sir De Lacy Evans 528
Harbour of Holyhead—Question of Colonel Dunne 531
Army (Medical Officers)—Motion of Colonel Lindsay for an Address—Motion, by leave, *withdrawn* 532
Votes for Disqualified Candidates Bill—Motion of Mr. Butt for Leave to bring in a Bill—Leave given—Bill read 1° 537
Selling and Hawking Goods on Sunday Bill—Second Reading *deferred* till *Friday*, 29th June 539
Tithe Commutation Bill—House in Committee 542
Tenure and Improvement of Land (Ireland) Bill—House in Committee ... 544

MONDAY, JUNE 18.

Berwick-upon-Tweed Election—Answer to Address *brought up* by Lord Castlerosse, Comptroller of the Household 560
Anchors—Question of Viscount Raynham 560
Infectious Diseases—Public Carriages—Question of Viscount Raynham ... 560
Public Business—Observations of Viscount Palmerston 561
Promotion from the Ranks—Motion of Mr. McEvoy for an Address to Her Majesty—Motion *negatived* 562
Ordnance Survey—Civil Assistants—Observations of Mr. Digby Seymour ... 568
Italy—Foreign Enlistment—The Papal Army—Observations of Mr. E. James 571
The Weedon Inquiry—Observations of Colonel Dunne 580
Supply—Army Estimates—House in Committee 589
Roman Catholic Charities Bill—Order for Consideration, as amended, read—Debate *adjourned* till *To-morrow* 617

TUESDAY, JUNE 19.

Tenure and Improvement of Land (Ireland) Bill—House in Committee ... 665
Cavalry Regiments—Question of Mr. Darby Griffith 672
Harbours of Refuge—Resolution for the adoption of the necessary measures to carry into effect the recommendations of the Commissioners—Motion *agreed to* 672
Diplomatic Service—Motion of Mr. Grant Duff, "That a Select Committee be appointed to Inquire into the present condition of the Diplomatic Service, and the best means of increasing its Efficiency"—Motion, by leave, *withdrawn* ... 714
Marine Stores—Motion for Leave to bring in a Bill—Leave *given* ... 724
South Kensington Museum—Motion of Mr. Lowe, "That a Select Committee be appointed to Inquire and Report what Buildings are necessary for the South Kensington Museum"—Select Committee *appointed* 724

WEDNESDAY, JUNE 20.

Professional Oaths Abolition Bill—Bill read 2° 728
Aggravated Assaults Act Amendment Bill—Order for Committee read—Amendment of Viscount Enfield, "That the Bill be Committed this Day Three Months"—Amendment *agreed to*—Bill *put off* for Three Months 733
Valuation of Lands (Scotland) Act Amendment Bill—Order for Second Reading read—Amendment of Mr. Black, "That the Bill be read a Second Time this Day Three Months"—Amendment *agreed to* by a Majority of 47—Bill *put off* for Three Months 740
Felony and Misdemeanour Bill—Bill read 2° 744
Ecclesiastical Commission, &c., Bill—Second Reading—Adjourned Debate—Order read for resuming Adjourned Debate on the Amendment proposed to Question [6th June]—Debate *resumed*—Debate *further adjourned* till *To-morrow* 748

THURSDAY, JUNE 21. *Page*

Petitions—Rules of the House—*Presentation* of Petition by Mr. Duncombe ... 761
The Defences of Portsmouth—Question of Lord William Graham ... 761
Low Moor Gun Factory—Question of Sir De Lacy Evans 762
European Forces (India) Bill—Leave—First Reading—Order read for resuming Adjourned Debate on Question [12th June]—Debate *resumed*—Leave given—Bill read 1° 762
Inland Bonding Bill—House in Committee 815
Caledonian and Crinan Canals Bill—Order for Third Reading read—Amendment of Mr. W. Williams, "That the Bill be read a Third Time this Day Three Months"—Amendment *negatived* by a Majority of 51—Bill read 3° and *passed* 816
Roman Catholic Charities Bill—Order read for resuming Adjourned Debate on Question [18th June] "That the Bill be now taken into Consideration"—Debate *resumed*—Main Question, as amended, put and *agreed to*—Bill *re-committed*—Committee report Progress; to sit again on *Monday* next... ... 820

FRIDAY, JUNE 22.

Mines Regulation and Inspection Bill—House in Committee 845
Proceedings of the House of Lords—Question of Mr. T. S. Duncombe ... 856
Transfer of Land—Observations of Mr. Vincent Scully 859
Annexation of Nice and Savoy to France—Ministerial Policy—Question of Sir Robert Peel 860
The Army in the United Kingdom—Observations of Colonel Dickson ... 870
High Sheriffs for Cities and Boroughs (Ireland)—Observations of Mr. Blake ... 874
Savings Banks and Friendly Societies Investments Bill—House in Committee 880

MONDAY, JUNE 25.

Insolvency and Bankruptcy (Salaries, &c.), Report *brought up* by Mr. Clive—Debate *adjourned* till Thursday 934
Excise and Assessed Taxes Acts—House in Committee 947
Ecclesiastical Commission, &c., Bill—Second Reading—Adjourned Debate—Third Night—Order read for resuming Adjourned Debate on Amendment proposed to Question [6th June] "That the Bill be now read a Second Time; and which Amendment was that the Bill be read a Second Time this Day Six Months"—Debate *resumed*—Amendment *withdrawn*—Bill read 2° ... 954
Mines Regulation and Inspection Bill—House in Committee 970

TUESDAY, JUNE 26.

Tenure and Improvement of Land (Ireland) Bill—House in Committee ... 992
Commissions of Patents Offices—Question of Mr. Tite 998
Soldiers' Knapsacks—Question of Colonel Lindsay 999
Irish Appointments—Motion of Mr. Conolly—Objecting to Certain Appointments Made by the Lord Lieutenant "That this House is further of opinion that the incautious and inconsiderate Use of the Prerogative of the Crown is prejudicial to the Public Service"—Motion *negatived* 999
Distress in Ireland—Motion of Mr. Hennessy, "That an humble Address be presented to Her Majesty, praying that She will be Graciously pleased to direct that steps may be taken to relieve the great distress now prevailing in Ferris and other parts of Ireland"—Motion *negatived* by a Majority of 35 ... 1022
Militia Bill—Leave—Motion of Mr. Sidney Herbert for leave to bring in a Bill—Leave *given*—Bill read 1° 1030
Locomotive Bill—House in Committee 1045
Sale of Gas Act Amendment (No. 2) Bill—Bill read 2° 1050

WEDNESDAY, JUNE 27.

Labourers' Cottages (Scotland) Bill—House in Committee 1050
Bleaching and Dyeing Works Bill—House in Committee 1051

TABLE OF CONTENTS.

THURSDAY, JUNE 28. *Page*

European Forces (India) Bill—First Night—Order for Second Reading read—Amendment of Mr. Mills "That the Bill be read a Second Time this Day Six Months"—Debate *adjourned* till *To-morrow* 1086

FRIDAY, JUNE 29.

Tenure and Improvement of Land (Ireland) Bill—House in Committee ... 1190
Game Licences (Scotland)—Question of Mr. Fenwick 1200
Landed Estates Court (Ireland)—Question of Captain Stacpoole ... 1200
Volunteer Corps for Ireland—Question of Colonel French 1200
Superannuation of Dockyard Labourers—Question of Sir Stafford Northcote ... 1201
European Forces (India) Bill—Question of Colonel Sykes 1201
St. George's-in-the-East—Observations of Mr. Kekewich 1212
Holyhead Harbour—Question of Mr. Stanley 1216
Trotman's Anchors—Question of Mr. Mildmay 1217
Supply—Civil Service Estimates—House in Committee 1221
Registration of Births, &c., (Scotland) Bill—House in Committee ... 1236

MONDAY, JULY 2.

Tax Bill—The Paper Duty—*Presentation* of Petition by Mr. Bright ... 1253
European Force in India—Question of Mr. Torrens 1254
Annexation of Savoy—Question of Sir Robert Peel 1254
European Forces (India) Bill—Second Reading—Adjourned Debate—Second Night—Order read for resuming Adjourned Debate on Amendment proposed to Question [28th June], which Amendment was "That the Bill be read a Second Time this Day Three Months"—Debate *resumed*—Amendment *negatived* by a Majority of 229—Bill read 2° 1255
Supply—Resolutions *reported* 1309
Poor Law Board Continuance Bill—Bill read 2° 1310

TUESDAY, JULY 3.

Mines Regulation and Inspection Bill—House in Committee 1330
Tenure and Improvement of Land (Ireland) Bill—House in Committee ... 1334
Cadets at Sandhurst—Question of General Buckley 1335
Commissions in Yeomanry, Militia, and Volunteer Corps—Question of Mr. Cayley 1335
Army (General Officers)—Motion of Colonel Lindsay for a Select Committee—Motion *agreed to* by a Majority of 14 1336
Cadetships (Navy)—Motion of Captain Esmonde for a Select Committee—Motion *negatived* by a Majority of 57—House *counted out* 1341

WEDNESDAY, JULY 4.

Privileges of the House—Notice of Motion by Mr. T. S. Duncombe ... 1345
Church Rates Law Amendment Bill—Order for Second Reading read—Order *discharged*—Bill *withdrawn* 1346
Highways Bill—Order for Second Reading read—Amendment of Mr. Hodgkinson "That the Bill be read a Second Time this Day Three Months"—Amendment *negatived* by a Majority of 83—Bill read 2° 1348
Dealers in Marine Stores Bill—House in Committee 1372

THURSDAY, JULY 5.

Island of St. Juan—Question of Mr. W. Williams 1381
Italy—Naples and Sicily—Question of Colonel Stuart 1381
Tax Bills—The Resolutions—Question of Lord Fermoy 1383
Tax Bills—Resolutions of Viscount Palmerston—Debate *adjourned* till *To-morrow* 1383

TABLE OF CONTENTS.

	Page
FRIDAY, JULY 6.	
Annuity Tax Abolition (Edinburgh) Bill—House in Committee... ...	1520
Tax Bills—*Presentation* of a Petition by Mr. T. S. Duncombe... ...	1524
Inland Revenue Officers—Question of Mr. Norris	1525
Scottish Schoolmasters—Question of Mr. H. Baillie	1526
Officers of Customs and Excise—Question of Mr. Blake	1526
Atrocities in Sicily—Question of Mr. H. B. Sheridan	1527
Bankruptcy Bill—Question of Mr. Crawford	1527
Reserve Fund—Question of Lord Hotham	1527
Enlistment of Apprentices—Case of John Bishop—Question of Mr. Humberston	1528
Outrage in Dublin—Question of Sir Edward Grogan	1530
Poor Relief (Ireland) Bill—Question of Captain Esmonde	1530
Prize Money in India—Question of Colonel Dunne	1531
Appointment of Mr. Keogh—Observations of Mr. M'Evoy	1533
Volunteer Corps for Ireland—Question of Captain O'Connell	1535
Tax Bills—Resolution—Question of Lord Fermoy	1536
Tax Bills—Resolutions—Adjourned Debate—Second Night—Order read for resuming Adjourned Debate on Question [5th July]—Debate *resumed*—Resolutions *agreed to*	1536
Maynooth College—Resolution—House in Committee	1606
MONDAY, JULY 9.	
Houses of Refuge—Question of Mr. W. Ewart	1617
Kensington Gardens—Question of Sir John Shelley	1618
Bankruptcy and Insolvency (Salaries, &c.)—Resolutions—Adjourned Debate—Order read for resuming Adjourned Debate on Question [25th June]—Debate *resumed*—Resolutions *agreed to*	1618
Bankruptcy and Insolvency Bill—House in Committee	1624
TUESDAY, JULY 10.	
Nuisances Removal and Diseases Prevention Bill—Committee—Adjourned Debate—Order read for resuming Adjourned Debate on Question [14th June] "That the Bill be now taken into Consideration" read, and *discharged*—Bill *re-committed*—Bill *reported*, as amended, to be considered *To-morrow* ...	1658
Savings Banks and Friendly Societies Investment Bill—House in Committee ...	1661
The Punishment of Whipping—Question of Viscount Raynham ...	1663
Kensington Gardens—Question of Mr. Edwin James	1664
Newfoundland Fisheries—Question of Mr. A. Mills	1665
Italy—Sardinia and Naples—Question of Mr. Darby Griffith	1666
Annexation of Savoy to France—Question of Mr. Darby Griffith ...	1666
The Whitworth Gun—Question of Mr. Dodson	1667
Navy (China)—Motion of Mr. Baillie Cochrane for "An Address to Her Majesty to place the Officers, Marines, and Seamen of the Fleet serving in China on the same footing as her Majesty's Troops with respect to extra pay and allowances"—Motion *withdrawn*	1667
Votes at Elections Bill—Motion of Mr. Wyld for Leave to bring in a Bill—Leave *given*—Bill read 1°	1674
Gas (Metropolis) Bill—House in Committee	1676
Roman Catholic Charities Bill—House in Committee	1689
WEDNESDAY, JULY 11.	
Census (England) Bill—House in Committee	1695
Census (Ireland) Bill—House in Committee	1741
THURSDAY, JULY 12.	
Bankruptcy and Insolvency Bill—House in Committee	1761
The Galway Contract—Question of Mr. Corry	1766

THURSDAY, JULY 12—*continued.* *Page*

Office of Postmaster General—Question of Sir George Bowyer ... 1769
The Lebanon Massacres—Observations of Sir Charles Napier 1769
The Nelson Monument—Question of Admiral Walcott 1775
Italy—Sardinia and Sicily—Motion of Sir Robert Peel for Papers—Motion *negatived* 1776
Paper Duty Repeal Bill—Observations of Sir John Trelawny 1806
The China Vote—Observations of Sir Henry Willoughby 1808
Supply—Operations in China—House in Committee 1812
Peace Preservation (Ireland) Act (1856) Amendment Bill—Motion of Mr. Cardwell for leave to bring in a Bill—Leave *given*—Bill read 1° ... 1839

FRIDAY, JULY 13.

Tenure and Improvement of Land (Ireland) Bill—Bill *Considered* as amended—Further consideration *adjourned* till *this day* 1847
Senior Naval Lieutenants—Question of Mr. Dunn 1850
Case of Dr. Guydir—Question of Colonel Greville 1851
Inch Keith—Question of Mr. Black 1852
Switzerland and France—The Congress—Question of Mr. Kinglake ... 1852
Volunteers in Ireland—Observations of Mr. Brady 1858
The Paper Duty—Observations of Mr. Whalley 1859
Outrage in Tyrone—Question of Mr. Maguire 1862
Marriage in the Preventive Service (Scotland)—Question of Mr. Black ... 1865
The Galway Packet Contract—Question of Sir Stafford Northcote ... 1865
Outrage in Tyrone—Observations of Lord Claud Hamilton 1878
War with China—Motion of Mr. Baillie Cochrane—Motion *negatived* ... 1879
Supply—China War—House in Committee 1887
Poor Law Board Continuance Bill—House in Committee 1982

MONDAY, JULY 16.

Vaccine Board—Question of Mr. Brady 1945
Deanery of York—Question of Mr. Kinnaird 1946
Foreshore at Pembroke Dock—Question of Lord William Graham ... 1946
The Bronze Coinage—Question of Mr. Hopwood 1947
Supply—The China War—Resolution *reported*—Resolution *agreed to* ... 1947
Late Sittings of the House—Resolution of Mr. Newdegate *negatived* ... 1953
Ways and Means—Financial Statement—*Considered* in Committee—Resolutions of the Chancellor of the Exchequer *agreed to*—Resolutions to be reported *To-morrow* 1963
Bankruptcy and Insolvency Bill—House in Committee 1990
Refreshment Houses and Wine Licences (Ireland) Bill—Order for Committee read—Amendment of Mr. Hennessy "That the House should resolve itself into Committee this Day Three Months"—Amendment *negatived*—House in Committee 2008

TUESDAY, JULY 17.

Education Bill—Order for Second Reading read—Amendment of Mr. Pease that the Bill be read a Second Time this Day Three Months—Amendment *agreed to* by a Majority of 71—Bill *put off* for Three Months ... 2021
The Tenpenny Income Tax—Question of Mr. Whalley 2034
Paper Duties Repeal Bill—Question of Lord Fermoy 2035
Hostilities in New Zealand—Question of Mr. Adderley 2035
National Education (Ireland)—Motion of Mr. Butt for an Address *negatived* by a Majority of 134 2036
Paper Duties Repeal Bill—Resolution of Lord Fermoy *negatived* by a Majority of 39 2078

Tuesday, July 17—*continued.* Page

Volunteers (Ireland)—Motion of Colonel French for leave to bring in a Bill—Motion of Colonel Greville that the House do now Adjourn *agreed to* by a Majority of 33 2106

Wednesday, July 18.

Coroner's (No. 3) Bill—Bill read 2° 2110

Metropolis Local Management Act Amendment (No. 2) Bill—Order read for resuming Adjourned Debate on Amendment proposed to Question [11th July] —Debate *resumed*—House in Committee 2117

Ways and Means—Inland Promissory Notes—House in Committee ... 2125

Thursday, July 19.

Landlord and Tenant (Ireland) Bill—House in Committee 2151

Peace Preservation Act (Ireland) (1856) Amendment Bill—Question of Sir William Verner 2155

Bankruptcy and Isolvency Bill—House in Committee 2156

Public Business—Observations and Explanations 2167

Greenwich Hospital—Motion of Sir Charles Napier that the Report of the Commission on Greenwich Hospital should be taken into immediate Consideration —Motion *negatived* 2189

Supply—Navy Estimates—House in Committee 2203

London Corporation Bill—Order for resuming Adjourned Debate on Committee [24th April] read, and *discharged*—Bill *withdrawn* 2215

Friday, July 20.

Savings Banks and Friendly Societies Investments Bill—House in Committee... 2220

Rifled Muskets—Question of Mr. Hussey Vivian 2227

District Probate Registrars—Question of Mr. Hadfield 2227

Bonding Ports—Question of Mr. Hadfield 2228

Roman Catholics in the Navy—Question of Mr. Bellew 2229

The Disturbances in Syria—Question of Sir James Fergusson 2229

Personal Explanations—Sir Charles Wood and Mr. Horsman 2230

Kensington Gardens—Observations of Mr. Edwin James 2247

The Paper Duties—Question of Mr. Puller 2257

The Printing of the Bible—Question of Mr. Baines 2259

Party Banners in Ireland—Question of Mr. Cogan 2262

III. New Members Sworn.

Thursday, June 28.

Belfast.—Samuel Gibson Getty, Esq., *v.* Richard Davison, Esq., Chiltern Hundreds.

Tuesday, July 17.

Brighton—James White, Esq., *v.* Rear Admiral Sir George Richard Brooke Pechell, Bart.—Deceased.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Eighteenth Parliament* of the United Kingdom of *Great Britain* and *Ireland* Appointed to meet 31 May, 1859, and thence Continued till 24 January, 1860, in the Twenty-third Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, June 7, 1860.

Minutes.] Public Bills.—1ª Endowed Charities.
2ª Sir John Barnard's Act, &c., Repeal.
3ª Trustees, Mortgages, &c.

ENDOWED CHARITIES.

Bill presented. Read 1ª.

The LORD CHANCELLOR *presented* a Bill to amend the Law relating to the Administration of Endowed Charities, which he said had for its object to enable the Charity Commissioners to take cognizance of a certain class of cases without applying to the Court of Chancery.

Lord CRANWORTH said, that the country owed much to the Commissioners, whose useful services were manifested in not the least striking manner in the Bill then before their Lordships.

Lord BROUGHAM concurred in these remarks, and said that few Acts had exercised so important or beneficial an influence on the times and country.

Bill read 1ª.

COURT OF PROBATE AND DIVORCE.
RETURNS MOVED FOR.

Lord BROUGHAM moved for a Return of the Revenue of the Court of Probate and Divorce, from Fees or otherwise. The noble and learned Lord said, that in his opinion the constitution of this Court was most unsatisfactory. In saying so he had not the slightest intention to cast any reflection on the distinguished Judge who presided over that Court with so much ability and integrity; but he thought the Court, considering its vast importance, ought to be constituted on a different scale, and with a more enlarged basis. In other Courts cases occasionally arose that were painful to the feelings of all the parties concerned, and decided personal questions of extreme importance; but in this Court, every case, so far as regarded divorce, had a painful interest and affected the personal condition of parties. Nothing could possibly exceed the importance of a jurisdic-

tion which gave the Judge power to decree the separation of married persons or the dissolution of the marriage tie; and, in addition, the disposal of important questions affecting property, and he had a positive objection to vesting in a single Judge the power of dissolving any marriage. In his opinion, the Divorce Court ought to consist of three Judges—a Chief Judge of Common Law, an Equity Judge, and a Judge of the Consistorial Court. A Court composed of these three Judges would form a competent tribunal to try all the important cases of separation, of dissolution of marriage, and of property that could come before them. There would be no increase of expenditure by an improvement of the Court, except in the most important branch—the Judges. To meet this additional expense there was a surplus of £12,000 or £13,000 a year arising from the fees of the Probate Court, now paid into the Consolidated Fund; but, even if there were no such surplus, financial considerations ought not to stand in the way of enlarging the basis of the Court, and making it fit to be entrusted with a jurisdiction of this important character.

THE LORD CHANCELLOR said, he quite agreed with his noble and learned Friend that expense ought to be no obstacle whatever to obtaining the proper constitution of a Court of so important a character as the Court of Divorce. But he thought Parliament had acted wisely in proceeding cautiously in constituting the Court; and hitherto the business of the Court had been transacted satisfactorily. He would also remind his noble and learned friend that great objection was felt to multiplying Judges without urgent necessity.

THE EARL OF DONOUGHMORE was understood to refer to a case about to come before the Court in which the parties were natives of Ireland, but in which the marriage was solemnized in this country. He wished to know whether the jurisdiction of the Court extended to such a case.

THE LORD CHANCELLOR replied, that the question would depend altogether upon whether they were domiciled in Ireland or England. If they were domiciled in Ireland and Ireland alone, then the Court had no jurisdiction; but if in England it had.

Motion *agreed to.*

Returns ordered to be laid before the House.

Lord Brougham

SIR JOHN BARNARD'S ACT, &c. REPEAL BILL.

SECOND READING.

EARL GRANVILLE, in moving the second reading of this Bill said, he did not anticipate any opposition in that House. The Act which it proposed to repeal had been found to be inoperative for the purposes for which it was passed, and when it did act it had an injurious effect.

Motion *agreed to.*

Bill read 2ª accordingly; and *committed* to a Committee of the Whole House to-morrow.

VOTE BY BALLOT AND MANHOOD SUFFRAGE—RESOLUTIONS.

LORD TEYNHAM having presented petitions in favour of Manhood suffrage and Vote by Ballot, moved the Resolutions of which he had given notice, as follows:

"That this House, greatly desiring the Settlement of the Question of Parliamentary Reform, for the satisfaction of Men's Minds, for the Sake of the Peace of the Country, and that the Business of Parliament may be proceeded with without let, is willing to give its most careful Consideration to the Prayer of the Petitions which have been presented to it in favour of Manhood Suffrage and Vote by Ballot; this being the broadest Basis for the Elective Franchise which has been presented to it by Petition:

"That this House hopes to be able to discern them who for any Reason ought not to be allowed a Vote, and to point out the Means whereby improper Persons may be deprived of the Franchise after it is legally possessed; so that, on the one hand, no Man shall be left without the Franchise against whom no just or sufficient Reason for his Disfranchisement can be assigned; and, on the other hand, no Man shall be put on the List of Voters, or continued thereon, against whom just Grounds of Disfranchisement can be alleged and proved:

"That this House is, therefore, prepared to recommend such Alterations in the Criminal, Vagrant, and Poor Laws as shall appear necessary to cut off from the Register of Voters all improper Persons:

"In this Way the House hopes to grant the Spirit of the Prayer of its Petitioners for Manhood Suffrage and Vote by Ballot, not only without Detriment to the common Weal but with great Advantage to the same."

The noble Lord said, that besides the few petitions he then had the honour to present to their Lordships, in an earlier part of the Session he had presented very numerous petitions, principally from Northumberland and Durham, in favour of Universal Suffrage and Vote by Ballot, and from other parts of the country in favour of the Ballot alone, and, therefore when

it was said that the people generally were indifferent to their political rights, he thought these petitions with their numerous signatures afforded sufficient proof that a large portion at least of the unrepresented classes were greatly interested in the question. Deeply conscious of his own weakness and incompetence to perform the task he had undertaken, he had only ventured to address their Lordships, under shelter of the petitions of the people; but at the same time he must admit that he fully adopted their statements, and in the remarks which he was about to address to their Lordships, he wished it to be understood that he fully approved in his conscience the truth and justice of the cause he was advocating. In former days there were Colonies of this country which it pleased Parliament, in its wisdom, to endeavour to tax. A voice, that of Mr. Otis, was raised in their behalf; and President Adams remarked, "I do say that Mr. Otis' oration against writs of assistance breathed into this nation the breath of life." It was like the lightning. It came unexpectedly. It did its work, the fruit of which remains to the present day, whilst it itself is unremembered. Thus revived, the people of these Colonies—not of one or of some, but of all thirteen together—rose in opposition to that attempt, and, after a long struggle, they secured their independence. They were told that in like manner there was a very large number of unrepresented persons in the United Kingdom who were in the same position, and who, notwithstanding all that had been said and done, were like so many dead men's bones. But the experience of the United States bade him hope better things concerning them, namely, that the same views would breathe life into these dead men's bones. In the contest for truth, in the struggle for justice, almost uniformly the battle, in the first instance, was of the weak against the strong—eventually the weak triumphed. Now the unrepresented in England were weak—they were poor—their claims were mocked; yet the experience of history led to the belief that better hopes might not in vain be entertained for them. Mr. Otis said, "I have waited years in hopes to see some one friend of the Colonies pleading in public for them. I have waited in vain." He had in like manner ventured to undertake the cause of the unrepresented in their Lordships' House, feeling that if he did not, it was not likely that another would take his place. The sum and substance of his Motion was this—that their Lordships would be willing to give their most careful consideration to the prayer of the petitioners in favour of universal suffrage and vote by ballot; and if their Lordships thought fit, that a Select Committee or Royal Commission might be appointed to inquire into what was necessary to be done in order that the prayer of the petitions might be granted. In the eloquent speech recently made by Mr. Gladstone at Edinburgh, he said, "I think it is eminently British to admit the voice of the governed in the choice of governors." This is an eulogium of universal suffrage. Therefore, in that sentiment he fully agreed, and at the same time he congratulated the University of Edinburgh on the choice which they had made by the selection of so able and eloquent a man as Mr. Gladstone to be their Rector. The petitions which he had presented had in many instances been signed only by the chairman presiding at public meetings, who thus represented the views of hundreds and thousands of persons. If they thought the views of the petitioners were transient, their feelings evanescent, or that they would ever be satisfied till the prayer of their petitions was heard, the House knew not the stuff of which the Tyne-side men and Cornish miners were made; and, in the words of Burke, he would say, "Reflect how you ought to govern a people who think they ought to be free, and think they are not." Their Lordships would do well to weigh the thoughts of men who are disfranchised, and who, having petitioned for their freedom, should their petitions be disregarded, have to fear lest their disfranchisement be perpetual. What such may brood over is well put by Otis. He said:—

> "The very act of taxing exercised over those who are not represented appears to me to be depriving them of one of their most essential rights as freemen; and, if continued, seems to be in effect an entire disfranchisement of every civil right. For what one civil right is worth a rush after a man's property is subject to be taken from him at pleasure, without his consent? If a man is not his own assessor in person, or by deputy, his liberty is gone, or lies entirely at the mercy of others."

Again, a common idea seemed to prevail that the unrepresented were—if he might use the expression—represented by those who were represented, and that Parliament had become the trustee for a majority of the

people. On this subject he would venture to remind their Lordships of what had been said by Burke: "Perhaps we might wish the Colonists [say the non-electors] to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands." That such a wish is unavailing, and what would be the result of entertaining it, their Lordships may learn by comparing the circumstances under which they were then met and those under which Edmund Burke addressed the other House of Parliament. At that time there were some hundred thousand descendants of the people of this country living beyond the sea, whom it was endeavouring to tax. The unrepresented of the people of England now are more numerous, mingled at home with those who are represented, and daily seeing the coat of many colours which you have placed on your Joseph, who lives in a ten-pound house. These, unrepresented, you yet tax. The grievances of the Colonists and of your petitioners are one and the same. The men do not differ. The Colonists were Britons: so are these. These think and feel as those thought and felt. In method of action, through difference of circumstances, the twain may not be one; but in the effect of action no dissimilarity will be found, taxation without representation ceasing to exist. The method of conciliation which ought to have been pursued was that, as you could not give representation, you should desist from taxing. Now, you cannot cease to tax; it is, therefore, your duty to give representation, to quell by kindness and by justice the existing, the growing, discontent. The refusal of the demand of your petitioners might be attended with even more fatal consequences than was the disregard of the appeals and warnings of that great orator. He therefore earnestly implored their Lordships to listen to their plea while it was yet time. He begged to direct their attention to the way in which universal suffrage had been presented to the human mind. In every age and time the greatest truths had been taught by means of fables. A good fable is like the sun. It is capable of illuminating all mankind in every age; and their Lordships remembered the fable of the trees who met to choose a king, and when the olive and the vine were asked to reign, they refused. Finally, as they well knew, the choice fell upon the bramble. Here was universal suffrage, and the fable owes its origin to the fact of a king being so elected. "All the men of Shechem gathered together, and all the house of Millo, and went and made Abimelech king." Next to the Sacred writings, he might refer to Shakspeare, and the language put into the mouth of Brutus in *Julius Cæsar* would occur to their Lordships' recollection—

> "What means this shouting?
> I do fear the people choose Cæsar for their king?"

The fear now, however, would be, not that Cæsar were chosen, but that the suffrage was in the people's hands. Again, how small is the difference between the philosophy of nature, expressed in fables, and that of the schools, set forth in learned terms? They are alike derived from observation. What say the thoughtful of universal suffrage? An eloquent Member of the other House of Parliament lately, in his speech on the Reform Bill, recognized the abstract right of the people to a vote; but he treated that right as a thing of nought. Now, we had not known an abstract quality unless we had first become acquainted with it when it was not abstract. For an abstract quality to be, there must be something having the quality in it. Thus, for whiteness to be, there must be snow, or the snowdrop, or somewhat else. So, for an abstract right to be, there must be a man having the right in him. How came it to be in him? The answer is, it is his birthright; and the preamble of 12 & 13 *Will.* III., c. 2, claims it for him, saying—"Whereas the laws of England are the birthright of the people thereof." Now, since this abstract right has been lightly treated, since they who set it aside overlook that they are unjust, for an abstract right is a real right; and since they perceive not their want of wisdom—for their decision will be appealed against, and eventually with effect—it is necessary to notice that though an abstract quality often, perhaps, may be evanescent, as is the case with colour, yet it is not so with an abstract right. It is a man's throughout his life; it is his successors' from generation to generation. Thus our fathers thought at the time of the Revolution, for we read in 1 *William & Mary*, c. 2, s. 2, which is an Act declaring the rights and liberties of the subject, that all and singular the rights and liberties then asserted and claimed were the true, ancient, and indubitable rights and liberties of the people of this kingdom. It being then ac-

knowledged that a vote for a Member of Parliament is an Englishman's abstract right, it is his legal right at the present day; and, ere I finish, having first shown more fully that it is his right, it will be my duty to point out how he may plead, or assert his birthright—the right which he himself inherits, and which it is his duty to hand down to his children after him. From the abstract right to a vote he would pass to the analogical reasoning which sustains the doctrine of universal suffrage. Whenever several States have been forming, or have formed, a political union, each State has had a vote. In such cases we see universal suffrage. In the Helvetic Confederacy each canton sent two deputies to the General Assemblies, and each canton and associate State had a voice and a vote. This is set forth in the arms of the Confederacy, which were a medal, with thirteen shields for the several States, filling up the space just within its rim; the medal having also an inner circle, within the rim of which six shields containing the arms of the most important associate States were placed. In the Dutch Republic the voting was not by hands, but by States. Some States had more representatives at the Assembly than others; but each State had one vote alone. Here again is universal suffrage. The arms of the Dutch Republic were a bundle of arrows, with the legend, "*Concordiâ res parvæ crescunt: discordiâ maximæ dilabuntur.*" The stars and stripes of the United States proclaim, analogically, universal suffrage throughout the world. In confirmation of his argument from analogy, he would draw their Lordships' attention to a remarkable passage in the history of the contest for their liberties so successfully carried on by our North American Colonies. When they declared their independence they consisted of thirteen States. But it so happened that at the second Congress, met at Philadelphia on the 27th of May, 1775, the delegates of twelve States only were present. At that Congress they began to tax their Union to raise an income to defray the expenses of the war. Bills of credit were issued to the amount of three millions of milled Spanish dollars, and the twelve united Colonies were pledged for their redemption. So scrupulous were they not to violate the principle for which they were contending, they would not pledge the credit of the colony whose representative was not there to vote. He now came to universal suffrage as it existed in the Church of God. The judicious Hooker, in his great work on the *Laws of Ecclesiastical Polity*, said, that "the natural subject of power to make laws civil is the commonwealth, so we affirm that in like congruity the true original subject of power also to make church laws is the entire body of that Church for which they are made. Equals could not impose laws or statutes upon their equals." Nevertheless, in England, where all men were equal before the law, the represented took upon themselves to impose laws upon the unrepresented, which Hooker said they could not do. Archbishop Whitgift, in his answer to the Admonition in 1572, admitted that in the Apostolical times, and down even to the times of Cyprian, the people had a voice in the appointment of their ministers, and that they sometimes made a right good choice; and, quoting Ambrose, with reference to the election of Eusebius, he adds —"He worthily proved a notable man, whom the whole Church elected; he was rightly thought to be chosen by God's appointment, whom every man desired." Thus the fear of universal suffrage is neither founded on the experience nor on the opinion of the Church of God. If we now search the world's history to note the opinions of communities asserting for the first time, or anew, their liberties, and seeking to establish them, we shall find that among them every man had his duty to perform, and no one was excluded from the common privileges of the State. If the question of suffrage arose, it was universal. The oldest document of the Swiss Confederacy is dated the beginning of August, 1291. This is its proclamation:—

"Know all men that we, the people of the valley of Uri, of the community of Schwitz, and of the mountains of Underwalden, seeing the dangers of the times, have solemnly agreed and bound ourselves by oath to aid and defend each other, with all our might and main, with our lives and property, both within and beyond our boundaries, each at his own expense, and against every enemy whatever who shall attempt to molest us, either singly or collectively."

Here each was self-taxed; and here we have proof that it is a libel to assert that men who seek to attain universal liberty are unwilling to bear their share of the expense. At a first nocturnal meeting to oppose the House of Hapsburg, held in 1307, thirty-three patriots resolved that the freedom they had inherited from their forefathers they were determined to assert, and

to hand down to their posterity untainted and undiminished. Three of them, Werner, Walter, and Arnold, held up their hands to Heaven, and in the name of the Almighty, who has created man to an inalienable degree of freedom, swore, jointly and strenuously, to defend that freedom. Thus we learn that they who know what liberty is, and are striving for its enjoyment, consider that man cannot alienate it voluntarily, so that his children shall not inherit it, nor allow it to be wrested from him, so that it should cease to be. At Uri each male of the age of sixteen had his suffrage. Mr. Gladstone, in the speech already noticed, added that it was eminently British to train men for the discharge of manly duties by letting them begin their exercise betimes. Thus the Swiss father, whose son stood by him, rifle in hand, when he was contesting with the enemies of the liberties of his country, did not disallow him his place in the public assemblies of his people. The lad who fought with his father, with his father had a vote. In the Grison country, in elections and in all public deliberations, every male of a stated age had a vote. The history of the Dutch Republic in a remarkable manner asserts that every freeman has his duty to perform; and so far as the question of supply was concerned, affords proof that it was judged just that taxation and representation should be strictly co-extensive. By the 8th Art of the Union of Utrecht, January 23, 1579, it was ordered that all the inhabitants between the ages of eighteen and sixty should be enrolled for the defence of the country; and so carefully and firmly was it held that every one who had his duty to perform had also his liberty to enjoy, that on the 24th of July, 1581, the States proclaimed every inhabitant absolved from allegiance to the intruder on his country, while at the same time, in the name of the population, they swore fidelity to the Prince of Orange. For the fiscal example referred to, we must go back to the Congress at Ghent, at the first meeting of the States of the Netherlands in 1477, where it was resolved that cities are not to be compelled to contribute to requests which they have not voted. The history of the Colony of Massachusetts affords an instance of universal suffrage in a peculiar form. At first considered a Christian State, every member of the Church was a freeman, and every freeman had a vote. In 1631 others tried for a vote, but they were overruled. But at a general court for elections in 1634, twenty-four of the principal inhabitants appeared as the representatives of the great body of freemen, and, before they proceeded to the election of magistrates, the people asserted their right to a greater share in the Government than had hitherto been allowed them. In France, although revolutions were frequent, there were certain principles on which the people, whenever they obtained their liberty, invariably insisted. Thus, the *Moniteur* of March the 5th, 1848, published: "The Provisionary Government of the Republic decrees, Art. 6—'All Frenchmen of twenty-one years of age are electors.'" And the recent events in Sicily confirm all this reasoning. One of the proclamations runs—"Sicilians! to arms all of you! Sicily shall once more teach the world how a country can be freed from its oppressors by the powerful will of a united people." One is not singular, then, in supposing that these lessons of the battling of people for freedom are to be used for their instruction whose liberties are more or less improperly curtailed. Amongst these, universal suffrage always found a place. Garibaldi, in his address to the Romans, called on them all to arm, and he signed his name, "G. Garibaldi, General of the Romans, appointed by a Government elected by universal suffrage." Well done, universal suffrage! And the Constitutional Defence Committee, now sitting in Parliament Street, could not with reference to the present condition of the House of Commons address itself to the electors. Its language is, "Fellow Countrymen." He would now call their Lordships' attention to what had been the practice in England for many years with regard to the suffrage. In the 28th of Edward I. he read that "the King had granted unto his people that they should have an election of their sheriff in every shire." That involved universal suffrage. Then by the 7th of Henry IV. it was enacted that "proclamation should be made in the full county of the day and place of holding a Parliament, and that all who might be there should attend to the election of their knights for the Parliament, and that in the full county they should proceed to the election freely and indifferently, notwithstanding any request or commandment to the contrary." Though there were limits in the boroughs at this period, universal suffrage prevailed in the counties, in proof of which he might quote the preamble to a statute of Henry VI., which stated that "elections had been made by a great and

excessive number of people dwelling within the counties, and who for the most part were people of small substance, and of no value, every one of whom pretended to have a voice equivalent to the most worthy knights and esquires;" and then the 40*s.* freehold qualification was enacted, and in proof that it was then intended to forge a yoke for the people, and to feel sure that it was on their necks and held them down, it is to be noted that the 23rd of *Henry* VI. c. 14, enacted, that no man who was a yeoman or under could be elected. Now, he contended that an Act of Parliament might be void *ab initio;* Parliament might exceed its duty, and pass Acts which were not legal. On this point he would give authorities, and the first he should quote was an American authority, *Clinton's Digest of Decisions*, in which there was this passage :—

"The Legislature is not supreme; it is only one of the organs of the absolute sovereignty which resides in the whole body of the people, and when it steps beyond that boundary, its acts, like those of the most humble magistrate who transcends his jurisdiction, are utterly void."

If that were so, by what authority had the franchise been taken away from a vast majority of the people? Such an Act of Parliament was void *ab initio*.

THE LORD CHANCELLOR said, he could not allow it to be stated that an Act of the Legislature which had received the Royal Assent had not the full force of law. The American authority the noble Lord quoted could have no import in this country.

LORD TEYNHAM said, he would quote an English authority, and that was Lord Coke, who said—

"In many cases the common law will control Acts of Parliament, and adjudge them to be utterly void; as when an Act of Parliament is against common right and reason, the common law shall control it."

Now, he asked, if legislation could go beyond its boundaries, was legislation with regard to the franchise one of those occasions? He must again fall back upon American authority. In the seventh article of the Constitution of the State of New York it was provided that no one should be deprived of his franchise and privileges but in accordance with the common law, which Mr. Justice Bronson interprets to mean that no member of the State shall be disfranchised or deprived of any of his rights or privileges, unless the matter shall be adjudged against him upon trial heard according to the course of common law. It cannot be done by mere legislation; and Justice Story said fundamental principles seemed to require that the right of personal liberty and private property should be held sacred, at least, no Court of justice in this country would be warranted in assuming that the power to violate and disregard them—a power so repugnant to the common principles of justice and civil liberty—lurked under any general grant of legislative authority, or ought to be implied from any general expression of the will of the people. The people ought not to be presumed to part with rights so vital to their security and well-being without very strong and direct expressions of such an intention. Parliament, however, acted without any expression of the will of the people in taking away their franchise, and he contended that Parliament exceeded its duty in the time of Henry VI., when it took away the right of the people to vote in counties. A stream cannot control the springs from which it came. Children are shameful who rise up against their parents. So Parliament in the time of Henry VI. erred when it abused many of the electors of its county Members and acted wickedly in depriving them of their votes. It was guilty of patricide. He thought the people should set forth in their petitions that they gave no authority to Parliament to deprive them of their votes, and they should ask that that and the other Acts which hung upon it should be repealed. There was an Appeal from Parliament to the common law, and he thought the unenfranchised should choose an irreproachable man living in a county, and on his behalf plead in a court of common law to have his name put upon the rolls of Parliament in spite of the statute of Henry VI. There were two occasions in our history whereon our forefathers overruled the written law. The first Parliament of King Charles II. passed an Act declaring the Parliament then sitting a lawful Parliament, notwithstanding any want of writs, or other defect; and in the first convention of William and Mary also passed an Act to the like effect. In an analogous manner, if the electors and non-electors should fail in their petitions and fail in their application to the courts of common law, were to choose their own representatives, and those representatives assembled at Westminster and called them-

selves the Commons House of Parliament, he questioned very much whether it would not in deed and in truth be the Commons House of Parliament; and it might be that, thus, not in two instances, but in three, it might be read by their children hereafter that a Parliament, summoned not by ordinary writ, met at Westminster, and determined itself to be the Parliament then and there. His notice of Motion referred to the practical manner in which the question ought to be dealt with. He thought they ought not to give, as in France, the vote to persons in the army and the navy, nor should it be granted to criminals, or idle paupers, or vagrants. Before leaving the question of the suffrage he would refer to an opinion that at least direct taxation and representation should go hand in hand, given by a Judge by no means friendly to popular rights. James the I. having claimed a duty on imported currants, a merchant, named John Bates, refused to pay it. An information was laid against him in the Exchequer, and Chief Baron Flemming held that "the imposition is properly upon currants and for them, and is not upon the defendant, nor his goods, who is a merchant, for upon him no imposition shall be, but by Parliament." He would not detain their Lordships long on the question of the Ballot, but he was bound to refer to it as it was part of his Motion. The Ballot was used in certain cases by the House of Commons in the reign of Queen Anne, and it is instructive and appropriate to the subject to survey the House that employed it. There was a general election in 1710. The influence of the mob was in a particular manner remarkable in the election for the City of Westminster, when Mr. Medlicot and Mr. Cross being set up by the Church party, some of those who offered to give their votes for their competitors, General Stanhope and Sir Henry Dutton Colt, were knocked down and sorely wounded, which obliged many of their party to return home without polling, whereby the first two candidates had a vast majority. In a similar manner the Church party carried the election for the City of London. In consequence, a Bill was brought into the Commons to prevent bribery, but it was lost on the question that the Bill do pass. This was the Parliament that passed the Bill fixing a qualification for Members of Parliament, doubtless hereafter to free some of the existing Members from their late competitors; and it had the effrontery to call the Bill, an Act for securing the freedom of Parliaments. On the day they threw out the Bribery Bill, the Commons proceeded to the choice of Commissioners to examine the value of lands, and other interests granted to the Crown, &c., and for the protection of its own members the votes were taken by Ballot. In the democratic cantons of Switzerland the votes were openly given; but in the aristocratic canton of Berne it was sometimes otherwise. By a succession of lot and Ballot the candidates or first-chosen men were reduced to two, and by Ballot of the whole assembly one of them was elected. In the reign of Queen Elizabeth the Ballot was employed by the Presbyterians of Northamptonshire, who were by no means a cowardly set of people. The manner of voting for a Moderator in the classes is thus described in *Bancroft's Dangerous Practices.* "Then he, that conceived the prayer, sitteth alone in scrutinie, and every one giveth his voice secretly to him." Then how could it be said to be un-English, when it was still resorted to in the reign of Queen Victoria by our fellow-Englishmen the colonists of Australia? Many, on this subject, spake of Englishmen, as though they were not men, and would not protect themselves as others did. We are thus reminded of how the people put Henry the V. without the pale of our common nature, and of how they were reproved. Henry, speaking in disguise, says:—

> "I think the King is but a man as I am; the violet smells to him as it doth to me; the element shows to him as it doth to me; all his senses have but human condition. His ceremonies laid by, in his nakedness he appears but a man; and though his affections are higher mounted than ours, yet, when they stoop, they stoop with the like wing; therefore, when he sees reason of fears, as we do, his fears, out of doubt, be of the same relish as ours are."

So, if an English elector fears, his fears are of the same relish as an Australian's, and he would be gladly pacified by the Ballot, as the Australian's are. He allowed that the electoral franchise was a trust; but the voter should therefore be enabled fairly and fearlessly to discharge that trust. He was acting judicially when he had to decide on the fitness of a candidate, and for his conduct in that capacity he could not legally be called to account, so that there was no ground for making his vote public. In conclusion, the noble

Lord said, he regretted that it had been his duty to trespass so long on their Lordships' attention in moving these Resolutions. The sum of what he asked was that they should pledge themselves to give to the petitions their serious consideration. The noble Lord then moved his Resolution.

EARL GRANVILLE said, it was impossible to have listened to the speech just delivered by the noble Lord without acknowledging the earnestness and sincerity with which he had advocated the doctrines he considered so important to the future welfare of the country; but this made it all the more imperative on him (Earl Granville) very briefly and plainly to state that it appeared to him that it would be impossible either for himself or the House to consent to the Resolutions which the noble Lord had proposed. The form and language of those Resolutions were somewhat unusual; but without applying to his noble Friend the Chairman of Committees to decide questions on which it would perhaps be painful and embarrassing for him to give an opinion, he (Earl Granville) must endeavour to show that the substance of these Resolutions was such as to make it impossible for the House to agree to any one of them. They were four in number, and the House was asked by adopting them to affirm a fact, and to express a hope or intention. Their Lordships were, in the first instance, called upon to say that they "greatly desire the settlement of the question of Parliamentary Reform." He (Earl Granville) certainly did greatly desire it, and he could not doubt that their Lordships felt the same desire. He could not, therefore, attribute the very thin attendance of their Lordships that evening to any want of interest in the matter, but rather to a feeling that this was not the most practical way of dealing with the question. But it would be perfectly impossible for them to declare "that this House is willing to give its most careful consideration to the petitions in favour of manhood suffrage and vote by ballot;" because adopting a formal Resolution of that sort would be going so far as to imply their intention of favourably considering that request. In the next Resolution they were called upon to express a hope that they would be able "to point out means whereby improper persons may be deprived of the franchise after it is legally possessed." This was precisely one of the most difficult things it could possibly be proposed to them to attempt, and the noble Lord offered no scheme for effecting that object, and yet in the third Resolution he suggested that "the House should recommend such alterations in the Criminal, Vagrant, and Poor Laws, as shall appear necessary to cut off from the register of voters all improper persons." The last Resolution, which contained the pith of the whole, declared that the House "might grant the spirit of the prayer of the petitioners for manhood suffrage and vote by ballot, not only without detriment, but with great advantage to the country." Now he (Earl Granville) was extremely desirous of reforming the present representation, and he had been endeavouring during some weeks to elucidate whatever evidence could be obtained to show that a considerable extension of the franchise might take place "without detriment to the common weal, but with great advantage to the same." But when they came to manhood suffrage he was not prepared to give any countenance to the adoption of any such proposition. He need not follow the noble Lord through all his philosophical, religious, historical, and almost treasonable reasons for adopting universal suffrage; indeed his memory would fail him if he attempted to do so. The noble Lord had indeed referred to precedents, and this was always desirable in discussing constitutional questions. But if the ballot was once resorted to by the House of Commons in the reign of Queen Anne, it was not quite clear that that ballot was the secret ballot, and it was clear that the system then tried was condemned. The example of the Presbyterians of Northamptonshire could hardly be applicable. With regard to the suffrage, it was not correct to say that universal suffrage existed in the reign of Henry VI., for the suffrage was then confined to freeholders alone, and was even then thought to be too widely extended. Perhaps, too, their Lordships might be inclined to think that the novel precedent drawn from the Fables of Æsop told rather against than in favour of universal suffrage. The noble Lord had referred to the appeal of Cæsar to the whole Roman people. That illustration brought forcibly to his mind what, in his opinion, was the strongest objection to universal suffrage. He believed that the inevitable tendency of universal suffrage was either to a weak and inferior government, or to anarchy, and finally to the destruction of liberty and the establishment of

despotism. And when the noble Lord urged the example of 1848 in France, he (Earl Granville) must remark that the form of government which had arisen in France was not such as we could wish to see arising in England. Switzerland was, no doubt, a country from which very sound lessons of liberty might be learned, but it was very different from our own country in its size and in its position, and in all its circumstances. The noble Lord had said that in Switzerland, as soon as the father put a rifle into his son's hands to qualify him for the defence of his country, that lad became possessed of the franchise. Yet the noble Lord himself proposed, in England, to deprive every man in our army and navy of the franchise; and so the absolute doctrine broke down of the indefeasible right of every man to vote who had not disgraced himself by crime. For these and other reasons he thought it was not desirable to adopt the Resolutions moved by the noble Lord.

Resolved in the *negative.*

House adjourned, at a quarter before Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 7, 1860.

MINUTES.] PUBLIC BILLS.—1° Phœnix Park.

SMITHFIELD MARKETS, STREET, AND IMPROVEMENT BILL.

SECOND READING.

Order for Second Reading read.

SIR JAMES DUKE moved the second reading of this Bill, which provided for the removal of the dead-meat market from Newgate and its establishment in Smithfield. The Bill had received the approval of the Home Office and of the trade, and he therefore trusted that the House would consent to the second reading of the Bill, and its consideration by a Select Committee of independent Members upstairs.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. MACKINNON asked of what use were Reports of Committees and Commissions if, when they pointed out the benefit to the health of the inhabitants from open spaces in large towns, their recommendations were to be thus disregarded? He protested against the annoyance to the inhabitants of the Metropolis of establishing a dead-meat market in the heart of the City. If a dead-meat market were wanted, let it be established at a proper distance from town. The Bill was, in fact, a most arrant City job, and, believing that the health and welfare of this great Metropolis required its rejection, he moved that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. ALDERMAN SALOMONS said, he should support the Bill, as he believed that a dead-meat market was much wanted in the City of London, and never so much as now, because a larger amount than ever of dead meat was sent to the Metropolis from the provinces.

SIR GEORGE LEWIS said, that the result of removing the City Cattle Market was that the ancient site of Smithfield was unoccupied. The City of London proposed to establish at their own expense a dead-meat market in the place of Newgate Market, which had become utterly insufficient for any purpose, and, in short, a public nuisance. Owing to the great extension of railways and steamers the trade in dead meat as compared with that of live cattle sent to the Metropolis, was annually on the increase, and required additional accommodation. So far from this being a City job, he trusted it would not prove a losing speculation for the City. The Bill, being partly public and partly private, would go before a Select Committee upstairs, where any objections to its details might be fully considered. He, therefore, trusted that the House would agree to the second reading.

MR. HANBURY said, he trusted the House would pause before it gave its assent to the Bill proposed, as not only the formation of a dead-meat market, but the erection of slaughter-houses in the City, might interfere with the sanitary condition of the Metropolis.

SIR MORTON PETO said, that while professing to take only a comparatively small portion of the site of Smithfield, the Bill would in fact take the larger portion of it. And he believed, moreover, that, under the cover of a meat market, the Bill designed to advance the interests,

especially, of a proposed railway, which was to have a considerable extent of the space assigned to it. He objected on behalf of his constituents to any buildings being erected on the site of Smithfield, and urged that to pass the Bill would be to contravene the decision of the Commission which inquired into the removal of the Cattle Market.

MR. COWPER said, he had been Chairman of the Committee which had considered this question, and he thought this plan did carry out a great portion of their intentions. The plan proposed would tend, as he believed, to the sanitary improvement of the Metropolis, and he thought the House might lend its sanction to the measure.

MR. NORRIS said, that all that was proposed to be taken of the ancient site of the market for the purposes of this Bill was 447 yards, while the City proposed to give up 2,270 yards of their corporation property for the benefit of the public. He would not then go into the merits of the Bill, but he hoped it would be read a second time, so that it could be referred to a Committee up-stairs.

MR. T. S. DUNCOMBE said, this Bill bore on the face of it the appearance of a job, from being mixed up with the Corporation of the City of London and the Metropolitan Railway, but he should have no objection to the Bill being read a second time, if it should then be referred to a Select Committee. While the establishment of this market might prove of benefit to some portion of his constituents, yet he thought they were bound to keep open spaces in the City for their recreation.

MR. E. P. BOUVERIE said, he wished to direct attention to the circumstance that this Bill, which was essentially a private Bill, had been introduced as a public one by a Motion in the House. Such a course was permitted only when a measure of this sort was brought forward by a Member of the Government, because the Crown could not appear as petitioner for a private Bill before the House.

SIR GEORGE LEWIS said, he did not know whether this was the proper time to take the objection, or whether it ought not to have been taken at an earlier stage. The Metropolitan Cattle-market Bill was brought in by the Government and treated afterwards as a private Bill. This Bill was not brought in by the Government, but he did not understand that if it were its quality would consequently be altered.

MR. W. EWART said, he rose to order. He wished to ask the Speaker whether it was competent for the right hon. Gentleman to address the House twice upon the same Motion.

MR. SPEAKER said, that the right hon. Baronet was out of order, as he had already addressed the House.

MR. SLANEY said, he also must urge the necessity of open spaces being kept for the benefit of the people, and with that view he hoped the Bill would go before a Select Committee. Unless some pledge were given that it would be so referred, he trusted the House would resist the Bill.

MR. DEEDES said, he could not help thinking that there was great importance in the observations of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), and it was quite clear that a Bill like that, involving such great interests, both public and private, should not be sent to a different tribunal than that which usually investigated matters of that kind, and therefore he was in favour of it being referred to a Committee to be nominated by that House.

SIR JAMES DUKE said, he moved the second reading of this Bill with a view of having it referred to the Committee of Selection; so to that extent the objection to the Bill was removed.

LORD JOHN RUSSELL said, his right hon. Friend the Secretary for the Home Department had no objection to the Bill being referred to a Committee of Selection after the second reading.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* to the Committee of Selection.

THE CASE OF JESSE MUMFORD.

QUESTION.

MR. T. S. DUNCOMBE said, he rose to ask the Secretary of State for the Home Department, if his attention has been directed to the Petition of Jesse Mumford, a labouring man, of Pershore (presented on the 31st of May), complaining of the illegality and outrage perpetrated upon his wife, in having been forcibly reconveyed after ten weeks' absence, and in defiance of the wishes of himself and her relatives, to the Lunatic Asylum of the county of Worcester, and what steps he has taken in consequence?

SIR GEORGE LEWIS said, that some time ago a memorial had been sent to him

in reference to this case. He forwarded that memorial to the Commissioners in Lunacy for their Report. They investigated the case, and obtained the explanations of the Medical Officers of the Asylum in question. It appeared that the woman was a private patient, and not a criminal lunatic. The Commissioners in Lunacy were, however, of opinion that the treatment of the woman was proper, and that there was no ground for censure upon the parties concerned. It appeared that the woman was in a state of decided insanity, but had improved so much in health that she was permitted to go out upon trial for a limited time. At the end of that time an application was made to her to return, which she, however, disregarded. Means were then taken to remove her back to the asylum, when she was found in a most filthy and neglected state, and requiring the treatment which she was now receiving.

OFFICERS' CHARGERS.

QUESTION.

MAJOR KNOX said, he would beg to ask the Secretary of State for War, Whether Officers who were in Cavalry Regiments at the time that the General Order of the 23rd day of February, 1860, was issued, and are still serving, are entitled to select Chargers from the ranks; and, if so, whether they have been in all cases permitted to do so, and to dispose of the Horses previously bought by them for the purpose?

MR. SIDNEY HERBERT said, the change would be applicable for the future to all officers who were in those cavalry regiments; but officers would not be allowed to sell the chargers they now possessed in order to select horses out of the ranks. The effect of taking some forty horses out of the ranks would very much reduce the efficiency of the regiment.

THE REFORM BILL—DISSOLUTION OF PARLIAMENT.—QUESTION.

MR. BLAKE said, he wished to ask the Secretary of State for Foreign Affairs, Whether, in the event of a measure for the Amendment of the Representation of the People passing during the present Session of Parliament for England alone, a Dissolution and General Election for Great Britain and Ireland would take place, to be followed by Elections in Scotland and Ireland on the passing of the Bills for the Amendment of the Representation of the People for those countries?

LORD JOHN RUSSELL: Sir, I do not quite comprehend the meaning of the hon. Gentleman's question; but this much I can tell him, that no dissolution can take place without the exercise of the prerogative of the Crown, and no measure passed by this House can provide for a dissolution. When the prerogative is exercised—when Her Majesty is advised to dissolve Parliament, there would, of course, be elections in Scotland and Ireland as well as in England.

POOR LAW RATING.

QUESTION.

MR. WATLINGTON said, he wished to ask the President of the Poor Law Board, Whether the Instructional Letter from the Poor Law Commissioners to Parochial Officers, dated the 22nd day of June, 1837, has ever been withdrawn, or whether the practice of considering gross estimated rental as the landlord's rent, the landlord and tenant respectively paying their own proper charges, prevails in opposition to the instructions therein contained.

MR. C. P. VILLIERS said, that in answer to the first part of the hon. Member's question, he had to state that the Instructional Letter of the Poor-Law Commissioners in 1837 had never been withdrawn. That letter had no further authority than the expression of the opinion of the Commissioners on the provisions of the Parochial Assessment Act. Its chief purpose appeared to be to indicate to the parish authorities upon what value of property they were to make their assessments, and so far the letter was quite clear, for it says that it is upon value after deducting all charges and expenses incidental to the occupation or ownership of property. But the point of the hon. Member's question he (Mr. Villiers) presumed was, that in that letter there was a reference to gross rent, which seemed to be at variance with the reply that had been given to the hon. Gentleman on that subject on a former occasion, the Commissioners apparently implying that the landlord paid what were called the tenant's taxes as well as his own. He did not think that the Commissioners' letter was very clear upon that point, and this appeared to have been the opinion also of the Poor Law Board in the month of May, 1859, for, upon having occasion to consider the real meaning of what is called gross estimated rental, they

referred the matter for the opinion of the Law Officers of the Crown, and also of Mr. Tomlinson, who was counsel to the Board; and their opinion was to the effect that the gross estimated rental mentioned in the Schedule of the Parochial Assessment Act was the rent at which the property might be expected to let, the tenant paying his own rates and taxes, and they assumed that the column was filled up with a figure corresponding with that rent on a tenancy from year to year; and they then further stated that the rateable value was a deduction from that rental, amounting to what is required from the landlord for repairs and other expenses necessary to maintain the value of the property. What had been the prevailing practice in cities and boroughs among overseers in making their assessments had not particularly been brought under the attention of the Poor Law Board until the recent inquiries which were directed by order of the Government as to the number of persons rated under different denominations of value; and from the result of those inquiries it appeared that the practice of overseers in such places coincided more with the opinion of the Law Officers of the Crown than with the Instructional Letter of the Commissioners of 1837.

THE SCOTCH AND IRISH REFORM BILLS.—QUESTION.

MR. BRADY said, he wished to put a question to the noble Lord the Secretary of State for Foreign Affairs. The reply which the noble Lord gave to his (Mr. Brady's) hon. Friend the Member for Waterford (Mr. Blake) though no doubt statesmanlike and productive of a great deal of merriment—[Order, order!"]

MR. SPEAKER: The hon. Member must confine himself to putting the question.

MR. BRADY said, he would put the question in the hope of receiving a more satisfactory answer than had been given to his hon. Friend. He wished to know Whether, in the event of the English Reform Bill passing into Law a Dissolution would necessarily take place before any measure of a similar kind was passed for Ireland or Scotland?

LORD JOHN RUSSELL: I have, Sir, already answered the question to the best of my comprehension, and, in now giving an answer to the hon. Gentleman, I hope he will understand that if I endeavour to make the matter clear to him it is not that I am by any means sanguine of success. His question supposed that, according to law, if a Reform Bill for England were carried, a dissolution would necessarily take place after the passing of the Bill. Now, what I stated was that no dissolution would take place unless Her Majesty were advised to exercise her prerogative. By law Parliament is not necessarily dissolved till seven years from the date of a general election; and therefore it would not be until Her Majesty was advised to exercise the prerogative that a dissolution would take place. If that advice were given, then, as I stated, the dissolution would produce a general election, as well in England, where the Reform Bill had passed, as in Ireland and Scotland, where it had not. But if the hon. Gentleman wishes to ask me what would be the advice given to the Crown, that is a question to which I can give no answer.

MR. H. BAILLIE said, he wished to ask the noble Lord the Foreign Secretary, Whether he is in a position to state definitively what course will be pursued with reference to the Irish and Scotch Reform Bills.

LORD JOHN RUSSELL: It is proposed to-night, after the debate on the English Bill, that the Irish and Scotch Bills shall be withdrawn, or postponed for three months.

REPRESENTATION OF THE PEOPLE BILL.—COMMITTEE.

ADJOURNED DEBATE. SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th June],

"That Mr. Speaker do now leave the Chair:" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "in order to obtain a safe and effective Reform, it would be inexpedient and unjust to proceed further with the proposed Legislative Measure for the Representation of the People until the House has before it the results of the Census authorised by the Bill now under its consideration."

—instead thereof:

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed*.

SIR JAMES FERGUSSON said, he had put a notice on the paper to postpone the Order of the Day for going into Commit-

tee on the Reform Bill for England till after the Scotch and Irish Bills had been read a second time. He had taken that course, although a very unusual one, relying, as he thought, on precedent and on the best advice which he had been able to procure. He felt extremely grateful to the Speaker for the caution which he had given, and for having saved him from the position, so embarrassing to a young Member, of being placed in antagonism to the rules of the House; he was, therefore, obliged to adopt another course, although that of which he had given notice, he believed, was only open to question. He hoped to be able to show that although the step he was about to take was unusual, the circumstances which had led to it were so extraordinary, and, perhaps, unprecedented, that the House would assent to the Motion he was about to submit, and thereby, in an indirect manner mark their sense of the course taken by the Government with respect to the Scotch and Irish Bills, and thus cause the Government to retrace their steps. To keep himself in order he begged, instead of the Motion of which he had given notice, to move that the debate be now adjourned. To render this Motion intelligible it was requisite that he should shortly go over the history of the three Bills which were before the House. Four months had now elapsed since those measures, dealing with the composition of the electoral body of the country, and involving consequences of great importance, had been brought forward. On the 1st of March the noble Lord the Secretary for Foreign Affairs, in fulfilment of the pledge which led to his accession to office—and, however embarrassing that pledge might have been to the Cabinet of which he was a Member, he took it for granted that the noble Lord would not have held office in it if that pledge had remained unfulfilled — submitted to a crowded and anxious House the most important Bill with regard to the representation of the people which had been laid before it since the settlement of 1832. The progress of that Bill had been but slow. After this grave introduction nearly another month elapsed before another discussion was taken on this measure, to the second reading of which no opposition had been offered. Easter found that discussion unfinished, and after the recess the debate received a new accession of strength from the public criticism which had been freely lavished on the proposals of the Government. Every inducement was offered to the Government to accede to what he took to be the prevailing opinion in the House, endorsed by public feeling out of doors, and to withdraw the Bill. But still so chary was the House of appearing to set itself against an extension of the suffrage—a measure which, on all hands, for some years had been allowed to be inevitable, that no opposition was offered to the second reading; but again a delay intervened before a further stage was attained; another month elapsed before it was proposed to go into Committee on the details of the Bill, which might before then have become part of the Statute-book. But at the very juncture when it appeared probable that that important step would have been taken, the disapproval which had been gaining strength day by day assumed a shape, not by any proposition on the part of the constitutional Opposition, but by the proposition of a Member sitting behind the Government, and usually a supporter of their measures. And he ventured to say that if hon. Members on the Liberal side of the House would only speak out honestly the sentiments they entertained it would be found that that proposition gave expression to the feelings of the majority. What he desired that the House should mark was this, that on every occasion the English Reform Bill appeared in the Notice Paper side by side with those for Scotland and Ireland, until for the first time it had been announced that evening by the noble Lord the Foreign Secretary that the Scotch and Irish Bills were to be postponed till next year. He was far from insinuating that the noble Lord in delaying that announcement intended to take advantage of the House, and to avoid the discussion which he must be aware hon. Members from the sister kingdoms would raise on those measures, but he did say that by withholding so long the profession of his intention, the noble Lord had placed it beyond the power of the House, in the regular and established manner, to protest with effect against the postponement of measures so vitally affecting the parts of the kingdom which they represented. It was in consequence of being now debarred from moving an instruction to the Committee that he now took the course of endeavouring to delay the further progress of the debate on the English Reform Bill. He did so with the view of inducing the Government to take the discussion on the Irish and Scotch

Sir James Fergusson

Bills *pari passu* with that on the English Bill, or withdraw the three Bills together, and thus deal evenhanded justice to all parts of the kingdom. Had the Government announced its intention of withdrawing all three Bills he should not have had a word to say; nor had it at first declined to deal with the representation of Ireland and Scotland should he have made any objection; the Government might have seen difficulties in dealing with it that would have justified it in so declining. But suppose the English Reform Bill to be passed; and statements had been made by supporters of the Government that it had resolved to make the English Reform Bill a Cabinet measure; and that if the House should have to sit till Christmas the Government was determined to pass it. He thought that was a straightforward and constitutional and sincere course to take. But should the English Bill be passed, he wanted to know in what position the House would stand next year with regard to the probable dissolution? The right hon. Member for Buckinghamshire (Mr. Disraeli) had stated to the House, in a clearer manner than he (Sir James Fergusson) could pretend to do, the inconveniences which would arise from that state of things. The experience of the youngest Member was enough to tell him that a dissolution was always a possible—after passing a Reform Bill, a very probable—contingency. It could not be expected that the new constituencies, outnumbering in many places the old electors, would tolerate a denial of the exercise of their newly obtained electoral privileges. During the discussion of any future Irish or Scotch Reform Bills, the newly-enfranchised electors would hardly consent to have no voice upon them, Members of the House would be pointed out as representing but a small portion of their constituencies; there were other Gentlemen, in the House and out of it, who would not be slow to agitate the public mind, and twit those constituencies with having been denied the exercise of the privilege Parliament had conceded to them. The Members of that House, it would be said, until a re-election, represented but a very small portion of their constituents, and it would be felt that a House which was, to use the word of the noble Lord the Member for North Leicestershire, moribund, and condemned by itself to an early end, was incompetent to decide questions that should be discussed in the most independent spirit? The peculiar advantage the House possessed over democratic assemblies, was that independent spirit gained by its being free, for a certain time, from the necessity of appealing to the people. It could decide fairly on great questions, without being swayed by the passions of the day. But the House of Commons knowing it must soon be dissolved, would not so freely express an opinion, according to the conviction of its Members. And the Government by having a dissolution in its hands would be able to exercise more than a legitimate control over the House. There was a further danger also, not of a control from above, but from below. Hon. Members who were certain they should soon have to meet new constituencies, including more of the democratic element than the old, would be far more apt to address the electors out of the House than their fellow Members in it. Having stood out against a principle they thought dangerous they would endeavour to efface the memory of many unfortunate expressions, by the expression of opinions more consonant to the feelings of the new electors they would soon have to meet. It was a state of things closely resembling the influence ascribed to annual or triennial Parliaments. But suppose the dissolution, as a natural consequence of passing the English Reform Bill, to take place, would it be fair that the English Members should be returned by a more democratic or lower franchise, while the Irish and Scotch Members were returned by electors on the old qualification? The English Members so returned would be likely to regard the Irish and Scotch Reform Bills in a very different spirit from that of the preceding Parliament. In support of this view he was entitled to quote the language of a petition, presented by the noble Lord (Lord John Russell), from a meeting held in St. Martin's Hall, on the 17th of May. It said—

"That while advocating Parliamentary representation on the basis of manhood suffrage and the ballot, your petitioners accept for the present, as an instalment, the Bill introduced by Lord John Russell, the provisions of which, in connection with a lodger qualification and the abolition of the ratepaying clauses, will confer the franchise on a considerable portion of the working population."

The Manchester School made no secret of their views in this respect. They openly expressed their conviction that the Reform Bill of the noble Lord was only an instal-

ment; that it was not a Reform Bill; but merely a Bill for the extension of the suffrage. He wished the House to recollect that several years ago it was decided that a Parliament on the eve of a dissolution ought not to deal with any subject unless it was of immediate urgency. When the first Government of the Earl of Derby was about to dissolve Parliament, it was proposed to deal with the four seats rendered vacant by the disfranchisement of Sudbury and St. Albans. That course was opposed and successfully opposed by the right hon. Gentleman the present Chancellor of the Exchequer, on the ground that a "moribund" Parliament was incompetent to deal with such an important question. If a Parliament about to expire was incompetent to deal with only four seats, how much less competent would a Parliament, on the verge of dissolution, be to deal with the representation of two portions of the kingdom? The expression of opinion of the right hon. Gentleman was as follows. He said—

"... There is a great inconvenience attending the introduction of such a question. ... Surely it is a sound canon of Parliamentary proceeding, that for all measures whatever, except those of immediate urgency ..... the eve of a dissolution of Parliament is the worst possible moment for their introduction, because it is plain it is a moment at which local partialities and personal interests are most alive, at which there is the most difficulty for a Member of the House of Commons to give a deliberate and dispassionate judgment." —[3 *Hansard*, cxxi., 459.]

He had gone on to say—

"So far from this being the time when there is a peculiar convenience in the entertainment of the present question, it is, of all periods, the worst and most inconvenient that could have been selected, and a period at which it is impossible for us to expect that that decision shall give satisfaction to the many claimants upon those franchises which we are bound to hear."—*Ibid.*

He had also referred to some of the numerous places and corporations, which he said preferred fair claims to these seats, and added—

"I put it to the right hon. Gentleman and to the House whether he thinks this House of Commons, this 'moribund' Parliament, is in a fair condition at this moment to give a fair hearing to and consideration of those claims."—*Ibid.*

Now, let him (Sir J. Fergusson) suppose that the English Reform Bill were passed into a law, and that a dissolution as a consequence took place, must there not, he would ask, in the event of the Scotch and Irish Reform Bills receiving the assent of the new Parliament, be in common justice another dissolution? The noble Lord, indeed, had relieved him of one doubt that had occurred to him, with respect to the dissolution, by pointing out that a dissolution for the three kingdoms should take place at the same time. But it had not seemed to him very absurd that separate dissolutions should take place; because, why should the Scotch and Irish Members be sent to their constituents in consequence of a Reform Bill being passed for England. Why should English Members be sent to their constituents in consequence of Reform Bills being passed for Scotland and Ireland? These questions the House must bear in mind were forced on the notice of hon. Members by the exceptional manner in which it was proposed to deal with Scotland and Ireland, as compared with this country. For his own part, he should confidently maintain that upon a subject of so much importance as that of reform it was most inexpedient there should be a distinct mode of proceeding in reference to different portions of the State, while, if there were to be a dissolution in consequence of the English Reform Bill next year, and one in the year following as the result of the passing of the Scotch and Irish measures, we might as well at once have recourse to annual Parliaments, the immediate tendency of which would be to make the House of Commons a democratic assembly. Now, he should wish to direct for a moment the attention of the House to the probable effect upon the Irish and Scotch measures of the course which the noble Lord proposed. To have parties fairly represented in that House during the important discussions to which they would give rise ought to be the object of everybody who was anxious to make and render the Bills as conducive as possible to the public weal. But was it to be anticipated, he would ask, that parties would be so represented if the House, exhausted by the debates which must take place on the English Reform Bill, were to be called upon to take up the Irish and Scotch measures, which he understood, from the observations of the noble Lord that evening, he was about to postpone for three months?

LORD JOHN RUSSELL: What I said was that I would propose to postpone these Bills for three months or withdraw them, the one proposition being equivalent to the other.

SIR JAMES FERGUSSON: That strengthened his argument. He was justified in contending that the Scotch Members had acquired an enviable notoriety for not obtruding questions relating to that country unnecessarily on the attention of the House. They were in the habit of settling such questions, as far as possible, quietly up stairs; but they were, he thought, perfectly justified in demanding that the settlement of a question which concerned the whole nation should take place in a full House, and receive the most careful consideration at the hands of hon. Members representing all parts of the United Kingdom; for, if the contrary course were adopted, and principles which were held of importance, as applied to England, were treated lightly or altogether set aside when their application to Scotland or Ireland became the subject of debate, the result must tend to the disadvantage of the country at large. It had been made a cause of complaint in the case of the first Reform Bill that but little regard was paid in framing it to the landed interest, and the consequence of that complaint being founded on justice was, that a large majority of the Members for Scotland, not only in towns but counties, were returned by urban influences. He trusted, therefore, that in disposing of the important question of the reconstruction of the representation of that country, the English Members would be afforded a fair opportunity of lending their assistance, which, however, could not be the case if hon. Members were preparing for an approaching election. That legislation for the two countries should proceed upon an equal footing was an opinion so strongly impressed upon the mind of the hon. Member for Montrose that he had, upon the introduction of the Reform Bill of the late Government, felt it to be his duty to go so far as to move an Amendment to the Motion, because the Government did not propose to deal in it with the representation of Scotland or Ireland. The hon. Gentleman on that occasion said:—

"He rose to oppose the Motion of the Chancellor of the Exchequer for two distinct and separate reasons. In the first place he did so in the interests of Scotland, which were not fairly dealt with in the scheme of the Government. He had originally intended to have proposed his Resolution on going into Committee, and he still thought that would have been a fit time for the Scotch and Irish Members to have interposed; but the statement they had just heard from the right hon. Gentleman afforded them ample reasons for protesting against the piecemeal legislation proposed by the Government. . . . Had the right hon. Gentleman, instead of confining his survey to England and Wales, looked abroad upon the United Kingdom, he would have had no difficulty in discovering many towns, and counties, too, that were not sufficiently represented in that House. The hon. Member for Birmingham (Mr. Bright) had in this respect, at least, satisfied the just requirements of Scotland. . . . the great benefit of the Bill proposed to the country by the hon. Member for Birmingham was that it dealt at once with the whole of the United Kingdom, and all the Scotch and Irish Members should lift up their testimony against any measure which was less extensive. He claimed for Scotland 19 additional members, &c."

He went on to say,—

". . . . He inferred that the representation of Scotland (in point of numbers) was to remain just as it was. He stood there to protest against that injustice, and he should warn the Government that the Members for Scotland would give the most strenuous opposition to any measure which did not deal fairly with that country."—[3 *Hansard*, clii., 1005-6.]

Now, the hon. Member for Montrose was, he felt assured, too honest and straightforward a politician to make such remarks as those from mere party motives, and would doubtless pursue the same with regard to any Bill, by whatever Government introduced, if it should fall short in those respects. He (Sir J. Fergusson) himself, in addressing the House on the present occasion, was actuated with no desire to make the question to which he was referring a Scotch grievance, but by the conviction that if the course which the Government proposed were adopted great injury to the interests of that country would be the result. He would point out to the House that, in accordance with the principles on which the Union between Scotland and England was carried out, the former was entitled, whether upon the ground of the relative proportions of taxation or population, to an increased number of representatives. At the time of the Union the amount of the Customs and Excise in England was £2,289,161; in Scotland, £63,500, or as thirty-six to one; while in the year 1830 the amount for England was £35,768,067, for Scotland, £4,134,082, or as eight and a half to one, which was also the present proportion. Next came the test of population, the population of the United Kingdom being 29,013,893, that of Scotland alone 3,139,860, while the scale of taxation was as £62,708,566 to £7,216,358, thus demonstrating that, these several elements being taken into account, Scotland was indisputably entitled to an increase of fourteen or fifteen Members. Now, unless the Reform Bills for the two

countries were discussed in conjunction, it would be extremely difficult, if not impossible, to succeed in carrying an Amendment providing that a certain number of additional seats should be conferred upon Scotland, while, if such an Amendment were adopted, what, he should like to know, was to become of those seats in the event of a dissolution taking place before the Scotch and Irish Reform Bills had passed into a law? On constitutional grounds then, on grounds of expediency and of general convenience, the course which the Government were pursuing was open to the gravest objections. He had stated that the Scotch Reform Bill in 1832 followed the English in the same year. It was during a weary autumn Session the Bills were discussed; and the first sentences of the chapter of the *Annual Register*, giving the history of the Scotch Bill, said:—

"The carrying of the English Bill, and still more the manner in which it had been carried, insured a rapid course to the Reform Bills for Scotland and Ireland. Resistance on any point which either party deemed of importance was now ascertained to be useless. Deliberation was at an end. Both Bills had already been read a first time, and had then awaited on the table of the House of Commons the fate of the English Bill in the House of Peers. The forms of Parliament remained to be gone through before they could become law. . . . On the second reading no opposition was made, the Opposition knew that resistance was hopeless. Some of the Scotch Members who had adhered to Ministers in regard to the English Bill complained, however, that the Scotch Bill did not do justice to the landed interest, the county representation bearing no fair proportion to that of the boroughs. Sir G. Murray contended that the total number of Members given to Scotland was too small. . . . The smallest English county had two Members; the largest Scotch had but one. . . . The Amendment was rejected by 168 to 61. Various other Amendments were moved in the details of the Bill, and pressed to divisions, but always with the same result. Many of the geographical arrangements for the grouping of burghs were most undesirable, but were maintained in many cases avowedly to assist the Ministerial influence."—[See *Ann. Reg.*, v. 74, p. 195.]

The writer went on to mention instances in which the arrangements connected with the Bill were notoriously made with regard to the exigencies of the Government party; and he could himself mention two towns in his own county which ought to have been united, but were not, because it was said the influence of the one interfered with the Ministerial majority in the other, and they were actually joined, the one to a place fifty miles off and the other to towns, between which and it the sea intervened.

Sir James Fergusson

He would read one other extract, showing the opinion held by a Liberal Member occupying an eminent position in that House as published in a work on the history of the Reform Bill, and strongly condemning the legislation separately for different parts of the United Kingdom. In Mr. Roebuck's *History of the Administration of the Whigs* he said:—

"The Bills for Ireland and Scotland were to be brought in; the first by Mr. Stanley, and the second by the Lord Advocate. The mode attempted before of making all these three Bills proceed *pari passu* had been found inconvenient, and now, therefore, a separate discussion was to take place of each Bill—a mode of proceeding fraught with great mischief, as it makes the people of Ireland and Scotland (but more especially the former) consider themselves a separate people, subject by this distinction in the process of legislation to direct oppression, because of the different measures of justice with which the three nations are served. One Bill might have been easily made applicable to the United Kingdom, and the whole people would then have found therein their one constitutional code. . . . . It gives a colour of truth to the charge of unfairness and unequal dealing on the part of England and English Ministers with respect to the less powerful Members of the United Kingdom. The belief that such injustice prevails in all our legislation is carefully inculcated upon the minds of the ignorant, and habits and feelings of antipathy and hate are the natural consequences."

He had thus endeavoured imperfectly to state a case which he hoped would be endorsed, in no party spirit, by both Scotch and Irish Members, as so nearly affecting the interests of their constituents. He also hoped that English Members on both sides would, if they attached any weight to the arguments used, impartially ponder the propriety of by their votes inducing the Government to reconsider their decision with respect to the Scotch and Irish Bills. He should certainly regret if the Motion should become in any sense one to embarrass the Government. He might also be allowed to express his belief, although, as a private Member, he could not speak with authority, that in the different debates which had taken place during the present Session, in which the Opposition and those who conducted its proceedings had found it necessary to take exception to various measures proposed by Ministers, they had been actuated by no desire to disturb the Government. The statement was endorsed by those who led the Conservative party, and enjoyed their confidence, that they would shrink from displacing them on any party grounds; but, because they held that patriotic opinion, were they to be deterred from expressing their opinion upon

measures which they believed fraught with danger to the institutions of the country? If so, they would be as much wanting in duty to their party as to the country of which they were citizens. The postponement of the Scotch and Irish Reform Bills to a future Session was a perilous, or, at least a doubtful course, against which he sincerely and earnestly protested. The noble Lord—to use a simile he had himself employed in introducing a measure of education with which he had fondly hoped that his name would be associated—had launched a triple venture in a sea which had already proved fatal to many gallant barks. With a clear sky, and no opposing gales, he had been compelled to return to port two of his vessels which had not encountered the first sea breeze. Could he hope that next year the circumstances under which he might renew his venture would be as fair and promising as now? Could he hope that it would not be with a clouded sky and increasing mutterings of the storm? He of all others in the country must know whether we are likely to have a peaceful and unclouded year. But, even if there were not so many whisperings of danger, it was at least a hazardous policy to build so much on a doubtful future. He had considered it his duty to protest against the postponement of two Bills vitally affecting Scotland and Ireland, thus dealing with three portions of the kingdom in a fragmentary manner, when they ought to have the same measure dealt out to all parts of the kingdom. He hoped Parliament would not lightly give its consent to a course the danger of which could not be estimated. He begged to move the Resolution of which he had given notice.

Motion made, and Question proposed, "That the Debate be now adjourned."

COLONEL DICKSON said, that as a representative of an Irish county, and feeling deeply the slight which had been put on his country, he rose to second the proposition of the hon. Baronet who had just sat down. He was not of the number of those against whom the accusation had been made so freely that they were opposed to reform, or actuated by motives of factious opposition. They had been accused of dealing in these matters in a party spirit. He did not hesitate to declare that he would rather see the sides of the House changed. Had the Conservative party been in power during the last year they would not have had a commercial treaty which, by its negotiation, had effectually paralysed our foreign policy; they would not have had a Budget which, with all deference to the brilliant but deceptive eloquence with which it had been introduced, had never seduced him, and which was, in fact, one of the worst Budgets ever proposed. They would have been discussing *bonâ fide* and useful measures of reform; instead of wasting their time with miserable abortions. Another accusation had been brought against that side of the House. The noble Lord opposite (Lord John Russell) had accused them of conduct unworthy of a great party. He (Colonel Dickson) did not pretend to belong to that great party, but he had given them a ready and conscientious support, because he believed their policy to be the best calculated to confer benefits on the empire, and that portion of it which he had the honour to represent; and he would tell the noble Lord what he considered unworthy conduct. There were two noble Lords opposite not supposed to entertain any great political or party affection for each other, who, refusing that fair consideration to their political opponents they expected should be extended to themselves, joined in a factious vote, and with a narrow majority, to oust a Conservative Government from power. They introduced their Bills, but, finding they could not carry them, instead of honestly dropping them, they delayed them from day to day, from week to week, and from month to month, till they were now in the middle of June discussing a measure which, had Ministers wished to carry it, they might have compelled the House to discuss it in the middle of February. Such conduct was unworthy of the noble Lords and of the position they held. He did not wish it to be understood that he was enamoured of the present Reform Bill. What he complained of was that the Bills for Ireland and Scotland should not move on, *pari passu*, and that the House should not have an opportunity of discussing and deciding the one with the others. He would not detain them by discussing the clauses of the Irish Bill, but he must say he thought they were totally unworthy of consideration. In fact, in the Irish Bill, there was scarcely anything to discuss. There was simply a reduction of the franchise, very small and unimportant; and a clause to enable Irish peers to represent Irish constituencies in the House of Commons. As a measure of reform it was entirely unworthy of consideration. But he protested against the system of treating

with contempt any measure tending to the advantage of Ireland. When Irish measures came on they were discussed in thin Houses or met by counts out; yet they were approaching the end of the Session, and no Irish measures had been passed. He was not in the habit of bringing before the House Irish grievances. He did not profess to be an Irish patriot. He was for a thorough union with the mother country. He thought the union was mutually beneficial to the two countries. But the union should be on fair and equal terms. The Irish would not be the mere pioneers of civilization; they would not be hewers of wood and drawers of water for their Imperial masters. They claimed equal shares in British freedom and British laws. They heard great sympathy expressed for those who were suffering under the King of Naples, but there was a great part of Ireland which stood as a monument of disgrace to England, and as a proof of its misrule. He saw in Ireland a country with every natural advantage, and a people who, with their faults, were noble, amenable to discipline, and open to fair treatment; but what was the fact? A great portion of the country was still neglected, uncultivated, and waste, and the people deprived of those moral and physical advantages which separated the freeman from the slave. This was a state of things which ought not to be allowed to exist, and the only remedy to be applied was to have equal legislation in every part of the empire. He did not blame the present Government only. He thought all Governments had been equally to blame. In conclusion, he would repeat that it was his opinion that it would be unjust to postpone the Scotch and Irish Reform Bills, which ought, on the contrary, to be considered at the same time as the Bill for reforming the representation of the people of England.

Sir GEORGE GREY: Sir, I did not hear the opening portion of the speech of the hon. Gentleman the Member for Ayrshire (Sir J. Fergusson), but now that I have heard the Motion with which he concluded I am at a loss to comprehend what possible relation there can be between the Motion of the hon. Gentleman and the speeches which have been delivered in support of it. Still less can I conceive how the adjournment of the debate could assist the object which the hon. Gentleman had in view—namely, the earliest possible consideration of Bills amending the representation of the people for all parts of the United Kingdom. The hon. Member for Ayrshire began by reminding the House that he was a young Member and deficient in experience as to its forms. I must, however, congratulate him, after having taken counsel with his friends, upon having manifested the skill and ingenuity of an experienced tactician in having developed a new mode, after others have been pretty well exhausted, of interposing delay and obstruction to the further progress of a Bill which no hon. Gentleman on the Opposition benches has yet met with the direct and manly opposition that the Government are entitled to expect. The hon. and gallant Gentleman who last spoke, said there was no disposition on the part of hon. Members near him to embarrass the Government, or displace them in favour of hon. Gentlemen in Opposition, and he claimed for them the right, which no one would deny, to assert their principles in a manly, open, and Parliamentary manner, and to oppose measures which they consider prejudicial. That is what we ask them to do—not to cavil at them, and not to obstruct them by dilatory manœuvres—but to meet them with a direct Motion, upon which the sense of the House may be taken. Not only are hon. Gentlemen opposite entitled to take that course, but they are bound to take that course if they believe the Bill to be one which they ought not to sanction, and prejudicial to the interests of this country. But although the hon. Member for Ayrshire says he is a young and inexperienced Member, he has sat in former Parliaments and taken a frequent part in debates, and I am, therefore, astonished that the hon. Gentleman should have shown such a want of experience, such an utter ignorance of the forms and proceedings of the House, and even of the nature of the Constitution. First of all, the hon. Gentleman gave notice of a Motion yesterday diametrically in opposition to one of the Standing Orders of the House, so clear and unambiguous that no one can doubt its purport. I assume that he received from you, Sir, an intimation that his Motion was contrary to the Standing Orders, and that it would be your duty, as the guardian of the forms of the House, to interpose when the Order for the Debate came on, and prevent his submitting that Motion to the House. The hon. Member says it is doubtful whether he would have been in order if he had moved the Resolution he originally drew up, but I appre-

hend there is no doubt whatever that the opinion he collected from you in private is in strict accordance with the orders of the House, and that it would have been your duty to interpose if the hon. Gentleman had made his Motion on the Order of the Day being read. The hon. Gentleman again talks of three Parliaments — a Parliament for England, Scotland, and Ireland, forgetting that since the Act of Union with Scotland there has been but one Parliament for England and Scotland, and that since the Union with Ireland there has been but one Parliament for the United Kingdom. A dissolution of Parliament is, therefore, a dissolution of the Parliament of the three kingdoms, and it is impossible to suppose three Parliaments—one for each portion of the United Kingdom. He also fell into a mistake which showed that he was little conversant either with the Bill or with former Reform Acts, in assuming, as he did, that as soon as the Bill for amending the representation either for the whole or a portion of the United Kingdom was passed, it would be the bounden duty of the advisers of the Crown to recommend the Crown forthwith to dissolve Parliament, in order that the new constituency may exercise their privileges. The passing of the Act does not bring those constituencies into existence, and a very considerable interval must elapse before the claims of persons entitled to be placed upon the register under the new law could be taken into consideration. If the Bill were passed before the close of the present year it would be impossible, until the close of the next year, after the registration had been completed, that they could exercise the franchise that Parliament had bestowed upon them. If a dissolution of Parliament took place at the close of next year after the registration had been completed, no doubt the constituencies would then claim to exercise the franchise, but not before.

SIR JAMES FERGUSSON was understood to say he had not asserted that a dissolution would necessarily take place, but that he was led to think by their conduct that that was the object of the Government.

SIR GEORGE GREY: Well, I am sorry I misunderstood the hon. Gentleman. The hon. Gentleman has also read as part of his speech a petition which was presented by my noble Friend the Secretary of State for Foreign Affairs, from some of his constituents in the City of London; and has fallen, as I imagine hardly any one else in the House could have done, into the error of supposing that an hon. Member in presenting a petition makes himself responsible for the opinions and sentiments contained in it. I have myself often presented petitions, from the sentiments expressed in which I entirely differed; but, as they came from my own constituents, and were drawn up in accordance with the rules of the House, I felt it my duty to give the petitioners an opportunity of making known their views to the House. I certainly never heard that in presenting a petition an hon. Member identified himself with the opinions contained in it. I must say I am not at all surprised at the course which the hon. Gentleman has taken. I am not surprised, especially after the debate the other night, that there is now a desire to change the issue which was tendered by my hon. Friend the Member for Rye (Mr. Mackinnon) and that hon. Gentlemen opposite, feeling the absurdity involved in that proposition, have devised this other Motion in which there is no reference to it whatever. It is significant, too, that the hon. Gentleman, in proposing the Motion, made no allusion to the debate which he proposes should be adjourned. I cannot believe that any number of Gentlemen in this House could seriously entertain the Motion of the hon. Member for Rye, as one which should be conclusive as to the fate of the Bill. After having, by agreeing to the second reading, affirmed the principle that there should be a reduction of the franchise both in the county and the borough, so as to admit certain classes who are now excluded from the exercise of that privilege, I do not believe that the House could seriously entertain a Motion to postpone for an almost indefinite period the consideration of those rights, in order that they might ascertain, with arithmetical precision, the exact population of a few small boroughs, from each of which on account of their comparative unimportance it is proposed to take away one seat, in order to confer it on some more important and populous community. I was glad the other night to hear the right hon. Member for Buckinghamshire (Mr. Disraeli) speaking in the name of that party which he so ably leads, repeat the declaration which he made at the beginning of this present Parliament, that he adhered to the principle which he thought the country had affirmed by the last election—that the borough franchise should be reduced in order to admit a por-

tion of the working classes. That principle has unquestionably been affirmed both by this House and by the country; and I now call upon those hon. Gentlemen who represent the boroughs in the schedule to reflect whether they are doing justice to their constituencies, and placing them in a position which they would wish them to occupy before the country, when they seriously ask the House to postpone the consideration of the whole question of Parliamentary Reform until they shall, by means of the Census—the results of which will be ascertained two or three years hence—be able to show that these boroughs have been improperly scheduled? I am glad to find from what has taken place to-night that that proposition has been abandoned ["No, no!"] I have too much faith in the justice and the common sense of the House to believe that, after no one has ventured to meet the Bill with a direct negative, and after the principle of the Bill has been affirmed, they will avail themselves of the miserable pretext of waiting for the Census. The hon. and learned Member for Guildford (Mr. Bovill) the other night made a long and able speech which he might have made with more propriety in Committee. If he had in Committee brought forward reasons why the borough of Guildford had been improperly placed in the schedule, he would have received a patient and impartial hearing, and that borough might be withdrawn from the schedule, without affecting the ultimate fate of the Bill. Instead of taking that course the hon. and learned Member has determined to place Guildford in the van—in the van of obstructives, and proposes to hang up the consideration of the whole question of reform until the results of the Census have been made known, and it can be authoritatively decided whether Guildford has more than 7,000 inhabitants. Notwithstanding the few cheers which came from the other side of the House some minutes ago, I believe that when my hon. Friend the Member for Rye goes to a division, if he ever ventures to do so, he will find that the common sense of the House is against him and that they are not disposed to take the course he proposes. The Census has really nothing whatever to do with the essential portions of the Bill. The principle of the borough franchise and county franchise does not depend in the slightest degree on the population which may be proved to exist in certain boroughs and counties by the Census of 1861. The only portion of the Bill to which the Census can at all apply is that which relates to the redistribution of seats, and even to that I hold that it can apply only in a very small and infinitesimal degree. No one can expect to find anything in the Census which would prove that the Ridings of Yorkshire or South Lancashire are not entitled to receive additional representatives. The same may be said as to Liverpool, Manchester, Birmingham, Glasgow, Leeds, and other large cities. Although some of them may have increased, of late years, in a more rapid ratio than others, no one can believe that they have altered their relative position to the other boroughs of the kingdom, nor is there any reason to believe that the mere Census would show that the boroughs now contained in the schedule ought not to have been placed there, even if we were to limit ourselves to decide such a question on mere arithmetical grounds. We must of course draw the line somewhere, and 7,000 has been chosen as a fair point at which to draw it; but it is not to be pretended that that number constitutes a substantial principle of the Bill. If this Motion is really to be supported by hon. Gentlemen opposite, as I am led to believe may be the case from the cheers they have given, I would ask them why they did not start the objection on the second reading of the Bill, when it would have been just as applicable as now? And, further, why did they not make the same objection to the Bill of the right hon. Gentleman the Member for Buckinghamshire, to which it would have applied almost in the same degree as to the present measure, the only difference being that there was then an interval of two years, and now of one year before the taking of the Census? The hon. Member for Ayrshire, who comes forward now in the character of an ardent Scotch Reformer, expresses himself extremely dissatisfied with the state of the representation in Scotland, and anxious that the Session should not close without some Amendment taking place. I think the positions he has laid down in expressing those views are as liable to criticism as those I have already adverted to. He has asserted that it has been uniformly the custom to proceed *pari passu* with the Reform Bills of the three countries which form the United Kingdom. [Sir JAMES FERGUSSON: I said just the reverse.] I understood the hon. Gentleman to complain that the Go-

vernment was departing from the course taken on the former occasion.

SIR JAMES FERGUSSON: What I said was that in 1832 the course of proceeding with one Bill before the other was adopted with great disadvantage to those countries the Bills relating to which were postponed.

SIR GEORGE GREY: It appeared to me the hon. Gentleman entertained the idea that it would be possible to go into Committee one day on the English Bill, and then, having advanced it a little, to take up the Scotch Bill, and so on. ["Oh, oh!"] If the hon. Gentleman had been in the House during the last Parliament he would have known that the course taken by the present Government is much nearer that which he deems the right one than that pursued by the late Government. The right hon. Gentleman the Member for Bucks not only did not, when he introduced the Reform Bill for England, lay the Bills for Scotland and Ireland on the table at the same time, but he actually invited the House to read the English Bill a second time without ever having given the slightest intimation to the House of the principle on which the other two measures were to be based. The right hon. Gentleman even went further, and said it was the intention of the Government, if the second reading of the English Bill should be acceded to, to ask the House to go into Committee on it before Easter. Consequently it would have been impossible previously to that time to lay on the table, and ask the House to read a second time, the Bills for Scotland and Ireland. I am bound to suppose that the hon. Gentleman is sincere in assuming the character of an ardent reformer; and I would ask him whether he is taking the course that will most promote the object he professes to have in view? After the experience we have had of late years as to the pressure of business on the Government, and the difficulty of obtaining full and ample time during the period when the House is fully attended by hon. Members for the consideration of all the important business which the Government has to submit to Parliament, I very much doubt whether the best mode of securing full and ample discussion for a Bill of this kind is not to attempt less in one Session. [*Cheers from the Opposition.*] I mean that it might be better to be content with passing one Bill of this kind in one Session. I am satisfied that greater progress will be made by taking the measures separately than by attempting to take the three together. I believe that that would be the course most conducive to the end which those Gentlemen profess to have in view. But of this I am sure, that to adjourn the consideration of this Bill to no named day is merely to interpose an obstacle to its passing, without enabling the House to come to any decision, or to express any opinion with regard to its future progress. I can understand many Gentlemen who are really honest Reformers feeling the great difficulty which attends the progress of a Bill of this kind during the same Session in which an unusual amount of time has been occupied by financial measures of extraordinary magnitude and importance. I can understand their feelings that it is a difficulty which is entitled to some weight; but I cannot understand any hon. Gentlemen professing to be reformers, and to desire to see the representation amended, lending themselves to these merely dilatory and obstructive Motions, without in the least advancing the views which they profess to entertain. With regard to the question of dissolution, I have already reminded the House that if the prerogative of the Crown be exercised at any time, it can only operate upon what are then the constituencies by law capable of electing Members. If this Bill should pass before the close of the present year, it will be absolutely necessary that many months intervene before the registration is completed. I do not say that there will be no dissolution, but if it should take place it will merely affect the constituencies now existing in the United Kingdom. No dissolution can operate on the new constituencies until towards the close of next year. If this Bill is disposed of in the present Session, the House will have ample time to consider and to pass measures of the same nature affecting both Scotland and Ireland before the new registration can be complete. After all the measures have received the consent of Parliament a dissolution may take place, though not at so early a period as some anticipate, so as to operate on the new constituencies. I hope, therefore, that the House will not now encourage these Motions, which, as I have said, only tend to obstruct and delay, but will take a course more worthy of its character, and one which will enable it to stand better in the opinion of the country, which cannot be deceived by professions of a desire for Reform in the face

of acts which only tend to delay. If the House wishes these Bills to be put off for two or three years, let them express that wish by a direct vote, and not under the shelter of professions of a desire to advance Reform lend themselves to Motions which only tend to defeat an object which successive Governments have proposed to effect, with a view to a safe and salutary amendment in the representation of the people.

LORD JOHN MANNERS said, he must congratulate the right hon. Baronet upon having made a speech which he must have been anxious to deliver on the Amendment of the hon. Member for Rye. The right hon. Gentleman said that was the question before the House, but he had heard the Speaker put the question that the Debate be now adjourned. Towards the conclusion of his address in answer to the hon. Member for Rye, the right hon. Gentleman did condescend to make some observations in reply to the statesmanlike speech of his hon. Friend the Member for the County of Ayr, and he wished to call the attention of the House, not to the arguments of the right hon. Gentleman against the Amendment of the hon. Member for Rye, but to those observations with which he attempted to reply to the statements of his hon. and gallant Friend. The right hon. Gentleman assumed an air of injured innocence, and said that this was one of those paltry attempts at procrastination and delay by which hon. Members on both sides, equally reluctant to sanction the provisions of this measure, had from time to time attempted to impede its progress. The right hon. Gentleman should recollect that, as far as the Opposition side of the House was concerned, up to the present moment not a single Amendment had been put from the Chair. It was true that two important Amendments were submitted to the House —one by the right hon. Chairman of Committees, a Gentleman certainly not connected, however remotely, with the party who sat on that side of the House; and the other by an hon. Member who stated that it was the pride of his life to be the devoted follower of the noble Lord at the head of the Government. And yet the right hon. Baronet could look across the table and taunt the Opposition with attempts at delay and procrastination when he knew as well as any man in the House that those who were most anxious to defeat the Bill sat upon the benches immediately behind him. But he would ask the right hon. Baronet, under what circumstances was it that his hon. and gallant Friend felt compelled by his duty to his constituents and to the country to submit the Motion for the adjournment of the Debate? The right hon. Baronet told them that as an earnest and sincere Reformer he was now convinced of the inutility and impossibility of proposing to reform the representation of the three countries in the same Session. When did that light dawn upon the mind of the right hon. Gentleman? Why was Parliament summoned a fortnight earlier than usual? [Sir GEORGE GREY: Not a fortnight—only ten days.] The right hon. Gentleman said it was only ten days. Well, be it ten days. Why was Parliament summoned any number of days earlier than usual? Why was it announced from the Throne that measures would be introduced for the reform of the representation of the three kingdoms? Why, above all, upon the very evening when the Reform Bill for England was introduced, were separate Bills for the Reform of Ireland and Scotland also introduced? And why, if the right hon. Gentleman's view was entertained by the Government, were those two Bills made to follow in the list of business night after night the Bill to Amend the Representation of the People in England? It was clear from the first that it was then in the mind of Her Majesty's Government—and most properly so—to reform Parliament in the three divisions of the Empire, if not simultaneously, clearly within the limits of the present Session of Parliament. He asked whose fault was it that the Session was so far advanced that in the opinion of Her Majesty's Government now it was impossible to pass three Reform Bills? Was it the fault of the Opposition? He would like to know when in the annals of Parliament measures of such vast importance had received such slight consideration and discussion as that with which the financial measures of the Chancellor of the Exchequer had been allowed to pass. If there were any fault—and he admitted that there was—it was not the fault of the House of Commons or of the Opposition, but of Her Majesty's Ministers, who, by their treatment of the business of the House, had shown that they did not regard the reform of the representation of the people as the first, the greatest, and the most paramount duty which they had to discharge. Parliament was called together earlier than usual and was suffered

to dawdle away time until the health of the right hon. Gentleman the Chancellor of the Exchequer was re-established. Why was the Reform Bill not proceeded with at once; why was it subordinated to and placed behind the financial measures of the Chancellor of the Exchequer; and why was the interest of the Session concentrated upon those revolutionary financial measures? The conduct of the Government taught Parliament and the country that they regarded free commerce with France, and the measures which hinged upon it, as of paramount importance, and Reform of the Representation as a matter of merely secondary consideration. Thus it was that, at the end of the first week in June, Her Majesty's Ministers found themselves reduced to the pitiable condition that they were compelled, as they said, to throw over the Irish and Scotch Bills, and to make an attempt—he believed only a colourable attempt—to proceed some stage further with the Reform Bill for England. When, on Monday last, for the first time, the noble Lord made the unexpected announcement that it was the intention of the Government not to proceed this Session with the Scotch and Irish Reform Bills, every hon. Gentleman representing Ireland and Scotland found the position completely changed; and that it was no longer possible for them, with the high and manly feelings which they undoubtedly entertained, to submit in silence to this extraordinary change in the policy of Her Majesty's Government. The feeling was not confined to the Opposition. It at once became incumbent on the Representatives of Ireland and Scotland, without reference to considerations of party, to mark their sense of the mode in which the interests confided to their charge were slighted and neglected by the conduct of Her Majesty's Government. It was then that his hon. and gallant Friend was induced to put on the paper notice of the Motion on which the right hon. Baronet had remarked. That Motion not being in order, his hon. and gallant Friend, determined to mark his sense of the conduct of the Government, did not yield to the technical objection, but took a course, which he ventured to say would call the attention of the House and the country to the extraordinary position of these Reform Bills in a most pointed manner. The hon. and gallant Gentleman deserved the gratitude of the House and the country for the temperate and manly manner in which he had discharged his difficult and delicate task. He could not sit silently by, therefore, and hear the right hon. Gentleman treat his hon. and gallant Friend as though he was a mere novice, ignorant of the forms of the House, of the history of the country, and of the spirit of the Constitution. On the contrary, he had shown that he was thoroughly acquainted with the history and the Constitution of the country and that he was thoroughly alive to the importance of the subject, which the right hon. Baronet had greatly under valued. The right hon. Gentleman gave the House to understand that it was almost impossible for a dissolution of Parliament to take place in the year in which the Reform Bill was passed; but in 1832 two or three Reform Bills were passed, and yet there was a dissolution in the same year; and if the Government had properly conducted the business of the Session, they would not have had so great difficulty in passing their three Reform Bills, and dissolving in the same year, as was experienced in 1832. The right hon. Gentleman now intimated that he and his colleagues had changed their opinions upon the subject, and that they held piecemeal legislation to be the proper mode of proceeding with respect to the question of Reform; and he affected, moreover, to discover in the conduct of the late Government a precedent for this course. But there was this considerable difference — the late Government introduced their Bill at the very earliest possible moment. The right hon. Member for Buckinghamshire, as the organ of the late Government, made his statement in February; and he stated, in the most distinct manner, that the English Reform Bill would be followed immediately in the same Session by the Scotch and Irish Bills. They expressed no more than they showed they were able and willing to perform, whereas the present Government began the Session with loud boasts and empty promises, set aside the Reform Bill for gigantic and revolutionary measures of finance, and now, in the middle of June, found themselves face to face with a discontented Parliament and a deluded people. That was the position of affairs; and whether the noble Lord, who had special charge of these unlucky Bills, would take the advice to withdraw them all three, so freely tendered on both sides of the House, and by those organs of public opinion which gave a general support to the Government, it

was not for him to say; but of this he was convinced, that the country must feel grateful to the hon. and gallant Gentleman for having so pointedly and so ably called the attention of Parliament and the country to the anomalous position in which this most important question, which had long agitated and distracted the country, was placed; and that the conduct of the Government would be reprobated from one end of the kingdom to the other as fully as it deserved.

SIR EDWARD COLEBROOKE said, that as a Scotch Member he could not assent to the proposition that the English Reform Bill should be stopped because the Government intended to postpone the Scotch and Irish Reform Bills till next Session. That proposition, while it would damage the English Bill, would not in the slightest degree advance the interest of Scotland or Ireland. It was urged as an argument in favour of that proposition, that if the Scotch and Irish Bills were postponed until the English Bill was passed, those Bills would have to be considered by a moribund Parliament; but that, he thought, would be an advantage instead of a disadvantage, because those Bills would, so far as the English Members were concerned, be discussed by men whose opinions would not be influenced by a dread of offending their constituents. He had not concealed from his constituents or from the Government his opinion that the interests of Scotland had not been fairly considered in the distribution of seats proposed by the Government, but he had told his constituents that their prospect of obtaining redress lay in appealing to the justice of the English Members. That appeal, however, would not be made more successfully if they assisted in not merely delaying but destroying the English Bill. When that Bill went into Committee the Scotch Members would have an opportunity of making their appeal to the English Members. The Scotch and Irish Members would have had reason to complain of the Government if, at the commencement of the Session, Reform Bills for Scotland and Ireland had not been introduced simultaneously with the Reform Bill for England. In the present state of the business of the House, it was not unreasonable to propose that the Scotch and Irish Bills should be postponed. There was nothing in the history of legislation or in the practice of Parliament to make it imperatively necessary that the Scotch and Irish Bills should proceed, *pari passu*, with the English Bill; and he felt, therefore, it to be his duty to oppose the Motion of the hon. Baronet.

MR. LONGFIELD said, he should support the Motion of the hon. and gallant Gentleman, as it would lead at once to that which must certainly take place sooner or later—the postponement of the English Reform Bill *sine die*, and would afford the Government an opportunity of bringing in next Session a general Reform Bill *totus, teres, atque rotundus*, dealing with the United Kingdom as a whole. Looking at the number of Amendments on the paper, he maintained that there was not the slightest probability that the Bill could pass during the present Session. Those Amendments were directed to almost every detail of the Bill, and if carried would so thoroughly revolutionize the spirit in which it had been framed that entirely new machinery would become requisite to carry out its provisions. It was merely a question of time when the Ministry would think it right to announce that the business of the Session did not admit of the Bill being proceeded with; and it was a mere anomaly to go into Committee to consider one, two, or three Amendments, out of sixty or seventy which had to be disposed of. It had been said that the Opposition were guilty of bringing forward Motions which could not be carried, in order that the measure might be indefinitely postponed. He denied that such a charge could with justice be made against hon. Gentlemen on that side of the House. The blame was really attributable to the period of the Session at which the Bill had been brought forward. Who did not recollect the triumph with which it was introduced on the 1st of March—the noble Lord's fortunate day, "his crowning mercy of Worcester," "his Day of Dunbar," "his Battle of Austerlitz"—for equally with Cromwell and Napoleon he had yielded himself up to a petty superstition in being an observer of days and times—and no day would do for him for the purpose but the one in which he had slain and scattered his foes to the winds. With what pride had he not turned to his hon. Friends at either side, and with what blank dismay their faces met this, for it was only the noble Lord who had the good fortune to remember the circumstance which had dwelt so tenaciously in his memory, that on the 1st of March thirty years ago he had introduced the Bill to regenerate his country. If the present mea-

sure had been brought forward, not with an eye to coincidences, but with the serious intention of passing it into law, would it not have been submitted to the House upon the 1st of February? He did not set himself up as a modern Reformer in any sense of the word. He was not one of those who thought it impossible to carry on the business of the country unless the House were composed of representatives chosen by £6 householders, or by constituencies definitely fixed at 6,000 or 7,000. He believed that by "Reformers" were frequently understood those who set themselves to imagine inefficiency and the reasons for it, instead of making the best of the existing appliances. He believed that the hon. Gentlemen whom he was then addressing were just as capable of conducting the business of the country with dignity and efficiency, as would be the case if the most ideal Reformer of modern times, after covering quires of paper, and convening meetings innumerable to give effect to his views, were allowed to carry out all his crotchets, and suffered to return Members of Parliament by £8 or £6 constituencies, or by household suffrage. It was always the bad workman who complained of his tools, and instead of taking the slightest trouble to cut down the Army Estimates, which they alleged to proceed from an abuse of aristocratical power, "Reformers" spent their time complaining that the Members of the House of Commons were not selected by a certain number of £6 voters. He was not the advocate of change, but he accepted it as a painful necessity that certain alterations in the manner of electing Members were inevitable. But while admitting that the nauseous draught must be taken, he thought that the only way in which the change could be fairly carried out was by an equitable redistribution of seats in England, Ireland, and Scotland, which must be accomplished by the withdrawal of the separate Bills and the introduction of one general measure. By the course which the Government adopted in bringing forward a separate measure for England they prevented Irish and Scotch Members from feeling any interest in the question. What was it to them that Tiverton, Tamworth, and Tavistock—principally to be remembered by the alliteration—were spared, while Guildford and Hertford were smitten? What interest had Irish Members in the fate of those three happy T's—the teetotums he might call them? To them it was perfectly indifferent what course might be pursued in England; what family boroughs returning Whigs were spared, while increasing boroughs returning Tories were swept away. As long as the same number of Members were returned for England, it was matter of comparative indifference how they were distributed; for injustice to Ireland would equally be perpetrated. Indeed, if additional Members were not to be given to Ireland, he could not see what that country wanted with a Reform Bill. There had been one in 1832, and another in 1842, the third time he supposed was the charm; and the opportunity was to be taken of usurping on behalf of the peerage the representation of the Irish peasantry. If a general Reform Bill for the United Kingdom were introduced, the rights of the different countries could be fairly and equitably considered; but the consequence of dealing separately would be that neither Scotch nor Irish Members would have an opportunity of urging the respective claims of their countries from an Imperial point of view. At the time of the Union, Lord Castlereagh made a calculation, based on population, revenue, exports and imports, showing that Ireland was entitled to 108 Members; but, with that partiality for round numbers to which many persons were prone, he reduced the number to 100, which had since been raised to 105. If a calculation were now made, Ireland, upon the basis of the population, would be entitled to 164 Members, and on the score of revenue to 82. The mean of these two numbers would be 123, but he was willing to fix it at 118. All that the Government Bill proposed to allow was four additional Members, to be divided equally between Scotland and Ireland. Further to illustrate the inequality of the representation, it would only be necessary to instance the county of Cork, which was as large as any four or five counties in England, with the exception of Yorkshire, being 110 miles long and seventy broad, its population amounting to 600,000 or 700,000, nearly equalled that of Wales; and it had 15,000 registered electors, principally of the better class. Adding the boroughs included within the limits of this great county, it only returned eight Members to Parliament, while Devonshire, which was not more than half the size, returned twenty-two, and Wales, with an equal population, returned twenty-eight. They had, therefore, an irresistible case in favour of regu-

lating the representation of the entire kingdom, instead of passing a Bill dealing with it in detail. It was really impossible the present Bill could make any progress. The Estimates must be brought on; could another Vote on account be taken? The noble Lord (Lord John Russell) had said that a very slight reduction was ever made on the Estimates, when introduced. But this was only because they were brought in late in the Session, when the Members of the House were worn out and wearied, mind and body. It was morally certain that the Bill could not progress; but a few evenings were at the disposal of the Government, and there were seventy Amendments to be considered. The measure must have an end, and he advised the Government to withdraw it quietly with a graceful bow and as much magniloquence as they pleased. His object in voting for the Motion of the hon. Member for Ayrshire was not delay—that had been fully attained by the course of the Government itself and the long speeches of the hon. Gentlemen behind them, who had so often found occasion

"To hint a fault, and hesitate dislike."

His object was not delay, but justice; and that would be best obtained by supporting the Motion.

MR. INGRAM said, he had heard with regret the statement of the noble Lord the Member for the City, that he was willing to consider the propriety of raising the proposed franchise. If the franchise established by the Bill were changed from a £6 holding to one of £7 or £8, or if the franchise were made a rating instead of a rental one, the whole character of the measure would be destroyed. With regard to his own constituency (Boston), he had just received a return which he knew to be correct, showing that the Bill as it stood would increase the number of electors by 1,000; but if a rating franchise were substituted for that fixed by the Bill the increase would only be 97. He would sooner have no Reform Bill during the present Session at all than enter on the consideration of the present measure with the view of altering the proposed franchise from a rental to a rating. An alteration of the franchise from £6 to £7 or £8 would not be satisfactory to the working classes, who were fully entitled to the franchise proposed by the Bill. If the holding were altered from £6 to a higher amount he believed the agitation would continue for years to come. What antagonism existed between the £6 householders and those of £7. The £10 householders who now had the franchise showed no opposition of interests of those of £12. What grounds were there for supposing that the class to be enfranchised had interests opposed to those of the other inhabitants of the boroughs in which they resided? He would rather see the Bill postponed to another Session than that any alteration should be made in the £6 franchise, and he hoped to hear from the Government that they were determined to maintain it.

MR. PERRY WATLINGTON was unwilling to occupy the time of the House, but as the representative of an important constituency, which would be largely and in a peculiar manner affected by the measure now under consideration, it seemed to be his duty to make a few observations upon this occasion. When he considered the conduct of previous Administrations upon this question he was free to admit that it had seemed to him that there was but one course open to Her Majesty's Government, and that was the course which they had thought it right to pursue. At the same time he could not believe that there was any strong feeling in favour of Reform at all throughout the country, much less did he believe that there was any strong feeling in favour of such a measure as that which had been introduced by the noble Lord the Secretary of State for Foreign Affairs. He was quite sure that there was no desire to press forward legislation merely for legislation's sake, or to complete a Bill which would be attended with any amount of risk. But, whilst he was quite prepared to admit the necessity which compelled Her Majesty's Government to introduce a Reform Bill during the present Session—since the measure they proposed had been introduced—the effect which it would have upon existing constituencies seemed to be so doubtful—the want of accurate statistical information so manifest, and the importance of that information so great, that he trusted the Government would see the wisdom of withdrawing for the present that Bill from the consideration of the House. It was true, indeed, that the House had agreed to the second reading of the Bill—it was true that they had thus affirmed its principle, but this principle, after all, was so wide and general that the whole work of legislation yet remained to be accomplished. That the principle agreed upon was a broad and general one, no one could doubt.

It was, indeed, simply the principle of extension of the suffrage, for what the principle was upon which the suffrage was to be extended had not yet been determined. No distinct reasons had been given for the details of the Bill. So much had to be accomplished he did not think the Bill could be passed this Session. The noble Lord had told them that it was his desire to increase the number of electors in the borough constituencies by one-half, but upon what principle this proportion was selected he had not shown. Why one-half was better than one-third, or better than two-thirds, he had left altogether unexplained. The noble Lord had told them that the Government had well considered this question—and it was certainly quite right that they should do so; that they had considered the question of the £9 franchise; that they thought that would not add a sufficient number to the present body of electors; that then they considered the question of the £8 franchise, and that that was rejected for the same reason. Then, said the noble Lord, we considered the question of the £7 franchise, but we did not stop here; we took the £6 franchise. But why the Government did not stop there, and why they took the £6 franchise, the noble Lord had not attempted to explain. If it were desirable simply to enlarge the constituencies by adding to the number of electors only, why add in so irregular a manner?—why should we double the constituencies of Bradford and Salford, triple the constituency of Wolverhampton, whilst the constituencies of Ashburton and Arundel will be increased only by one-half, and that of Honiton by one-sixth? If, on the other hand, it was desirable to enfranchise particular classes, why enfranchise these classes in a certain set of boroughs, and leave them unenfranchised in others, merely because the rents in one are higher than those in the other? The fact was, that though they had agreed to the second reading of the Bill, the real principles of the measure had yet to be discussed, and he did not believe that they could get through a satisfactory Bill this Session. Then, with respect to the Returns which had been laid before the House. If the extension of the suffrage was mainly to be in the direction of a diminution of the amount of rent, which gave a qualification, it did seem of great importance that they should be able to ascertain with tolerable accuracy the probable number of electors that would be added by the Bill. With respect to boroughs, the Returns had certainly been shown to be most unsatisfactory, neither were they less so as regarded counties. The Government had republished some of the results of the Returns of 1856, and the right hon. Baronet the Secretary of State for the Home Department had given to the House certain calculations upon them. He had deducted 15 per cent for female occupiers, non-payment of poor rates, &c., from the number of occupiers of houses from £10 to £50 rateable value, in order to obtain the probable number of additional electors, and 50 per cent for other causes—a total deduction of 65 per cent—whilst he added nothing for the difference which a rental qualification would make, instead of a rating qualification, and nothing for the probable increase of £10 occupation since 1856. But even applying these principles to the case of South Essex it would appear from calculations that the effect upon South Essex would be to give to one town in the division, Stratford, 20 per cent of the whole electoral power, instead of 12 per cent which it now had—a very important alteration, and one upon which more accurate information ought to be obtained. It appeared from the Returns before the House that there were—

In South Essex of houses of rateable value, between £10 and £50	7,362
Deduct, according to Home Secretary's calculation, 65 per cent	4,778
There would then be of new electors by present Bill	2,584
Add present electors	6,701
New constituency	9,285

Now, he had ascertained that there were in Stratford alone 4,790 houses, at rents between £10 and £50—houses which, therefore, might give qualifications under the present Bill;—but, supposing only one-fourth of these were taken, that would give of new electors in Stratford 1,197, and adding to these 700 present electors, we should have 1,897 total electors in Stratford, out of a constituency of 9,285, or about 20 per cent, instead of 12 per cent, as at present.

The fact was, he believed, that no satisfactory calculations of numbers of electors, whose qualification is rent, could be obtained from Returns taken from the "gross estimated rental" column of our rate books. And why? First, because the

term, "gross estimated rental" was differently understood by different people; and secondly, because, as that column was of little practical importance in our rate-books, and did not govern the rate, it was often very carelessly filled up by valuers and parochial officers. According to the view taken by the Poor Law Auditors, it meant the rent received by the landlord, the tenant and landlord each paying respectively his own proper charges and expenses; but he found it laid down in Mr. Lumley's book that the "gross estimated rental" signified the rent which the landlord would receive, suppose he were to pay the tenant's rates and taxes and his own. Now, there was a vast difference between those two opinions, and, it being impossible to arrive at any satisfactory conclusion from the Returns which had been furnished, he, for one, thought it was long ago expedient that the Bill should be postponed until further and more reliable information had been obtained. Then as regards the care with which this column in some parts of the country is filled up. In the Returns of 1856 he found that there were no fewer than 69 parishes in Cheshire, where the "gross estimated rental" was the same as the "rateable value," and 24 parishes in which no "gross estimated rental" was entered at all; whilst in Northumberland there were no less than 306 parishes where the "gross estimated rental" was the same as "the rateable value." How could calculations be made upon such uncertain *data* as these? The hon. Gentleman the Member for Birmingham told those indeed who sat upon that side of the House that the course they ought to follow was very plain and simple. He told them that it was their duty to accept this Bill of the noble Lord's as it were upon trust. The noble Lord said the hon. Gentleman knows much more of the subject than you do—he has given much more attention to the matter than you have done—he is not a statesman from whom you need dread any injury to the Constitution of the country—therefore, says the hon. Gentleman, it is your duty, aye, more, your obvious and pressing interest, to accept the measure which he has introduced. Now, he (Mr. Perry Watlington), differed entirely from the hon. Gentleman in his view of the fitness of the noble Lord for a leader of the Conservative party. As an humble Member of that party he could at any rate feel no confidence in the noble Lord. He could not forget that only last year the noble Lord, when occupying a seat upon the Opposition side of the House, told them that he could see no reason why a Reform Bill should not be introduced and carried during the autumn of that year; but, as soon as the noble Lord changed the side of the House upon which he sat, and took his place upon the Treasury Bench, he quickly found a reason why this should not be the case, though that reason was never satisfactorily explained to the House. Again, the noble Lord, in July last, repudiated altogether the idea of entering into a negotiation for a Commercial Treaty with France; and in this he was warmly supported by the noble Lord at the head of Her Majesty's Government. Hon. Gentlemen went down, in consequence, to the country at the close of the Session, fully impressed with the belief that the policy of the Government was directly opposed to such a proceeding. They returned to find that the negotiations for a Treaty were not only commenced, but fully completed, and the Treaty itself signed. Again, he (Mr. Perry Watlington) could not but remember that in 1852 the noble Lord introduced a measure for Parliamentary Reform; in 1854, he also introduced a measure for the same purpose. But the principles of those measures differed, and they both differed from that of 1860; and he believed that, if a longer tenure of office was granted to the noble Lord, he would, in 1861, introduce another measure differing in principle from all three, and, perhaps, one that would be more in accordance than his present Bill is with the wants and wishes of the people of this country. For such reasons as these he felt no confidence in the noble Lord as a political leader, and he differed most completely from the hon. Gentleman the Member for Birmingham in the view which he took of his duty and his obvious and pressing interest. He confessed when he first heard the hon. Gentleman the Member for Birmingham declaiming with that warmth and energy by which his addresses were characterized; when he heard him with so much earnestness and apparent sincerity explaining to him his duty, he felt almost inclined to say, surely the hon. Gentleman must be right, and I have mistaken the course I ought to follow with regard to this Bill; but when he further considered the matter, when he calmly reflected upon the advice that had been given, he asked himself this simple question—Why should he follow the advice which the hon. Gen-

tleman gave to him as one of his audience in that place, rather than the advice which he would have given to him had he been one of his audience elsewhere? So he turned to an account of the meeting which had been held at Bradford last year, and he found that had he been fortunate enough to have been one of the hon. Gentleman's audience at that place, he should have been recommended to "repudiate without mercy any Bill of any Government, whatever its franchise, whatever its seeming concession, if it did not allot the seats obtained from the extinction of the small boroughs mainly among the great city and town population of the kingdom. This question of distribution is the very soul of the question of Reform." Surely in this there was an indication of the absolute necessity of an extensive re-distribution of seats. How, then, could the hon. Gentleman recommend him now to accept the Bill of the noble Lord? Again, upon the same occasion the hon. Gentleman said: "Well, shall we do the work, or shall we only nibble at it? If we are not to do it satisfactorily, we had better not attempt it at all. Unless we are ready to have a good Bill, let us have no Bill at all. A bad Bill is a revolutionary Bill; a little Bill, though it may not be revolutionary, is of no good, and is very perilous." And, in order to discover what, in the hon. Gentleman's opinion, a good Bill was, he had looked a little further, when he found that the following resolution had been carried at the meeting unanimously:—

"That the public opinion of the country is ripe for a large and comprehensive measure of Reform that will include the admission of £10 occupiers to the county franchise, the establishment of household suffrage in boroughs, vote by ballot, and a more equitable distribution of representatives to population; and pledges itself to use all constitutional means to procure the passing of a measure through Parliament in the ensuing Session that shall embrace these points."

With such views, how could the hon. Gentleman give him the advice that he did to accept the measure now introduced by the noble Lord? He had certainly heard since he had had the honour of a seat in that House many different views expressed as to the duties of a representative of the people, varying from the idea of a mere delegate to that of one possessed of complete independence; but the view which the hon. Gentleman the Member for Birmingham had put forth was a most extraordinary one indeed. According to that, they had not come there to represent the opinions of their constituents—they had not come their to express their own individual views; but they were there to follow the leading of a noble Lord, a Member of the hated and much-abused aristocracy, and he, too, one whose principles they had always most strongly repudiated upon the hustings. In such a view of his duty he could not concur; he could not follow the advice of the hon. Gentleman to accept the noble Lord as his leader; he must take the liberty to act in accordance with the dictates of his own conscience, and his views of what was right, which led him earnestly to express a hope that the noble Lord would withdraw his Bill until further and more exact information could be obtained to enable the House to legislate in a manner more satisfactory to the country and conducive to the public interests than their present information permitted.

MR. ALCOCK said, he was not disposed to deny that there existed an apparent apathy of the people upon this question, but he attributed it, not to diminished interest in Reform, but rather to the superabundant confidence they felt in the pledges of the Government, and their power to carry the measure through Parliament. Let Ministers turn their backs on the Bill, or let the House of Commons unwisely interpose to prevent its being carried, and they would arouse a feeling of disappointment and an amount of just indignation of which they could form no adequate conception. In the two counties with which he was connected—East Surrey, which he had the honour to represent, and North Lincolnshire, where he had property — the £10 franchise would double the constituency, and raise the number of the electors to about 20,000 in each of those two divisions. To refuse such a boon to the counties, after it had been assented to by the previous Government, would be a grievous injustice. With respect to the £6 franchise, he thought Earls Derby and Grey had done the working classes great injustice, attributing to them at once bad motives and dangerous objects, and had spoken of them in a very disparaging manner. The working classes were assuredly not actuated by base and personal motives; but they were too heavily taxed, and it was earnestly to be hoped that the time was coming when they would be able to exercise political power, and so to use it as to obtain their rights. Until lately they paid as much on each of the articles tea, sugar, malt, and tobacco, as was

raised by the income tax on the whole property of the country. The income tax for one year up to Michaelmas last did not amount to £5,700,000; whilst the average amount of duty on tea, sugar, malt, and tobacco, was at that time as much, so that the revenue raised from these four necessaries of life altogether was four times the amount of that derived from the income and property tax. He recollected having read a report in *The Times* of a public meeting in favour of Reform held by working men in Smithfield, in November, 1858, in which one of the speakers, after referring to the taxes on tea and sugar, two articles in which a working man spent about one-eighth of his earnings, asked, "Would this be suffered to exist for one moment if we had the power to elect representatives?" In all fairness, propriety, and justice, the working men of London were entitled to the franchise, and it was for the House to dare to throw out the Bill. He was most anxious to see the Reform Bill passed this Session. He was perfectly satisfied with it; and he hoped the noble Lord and his colleagues would either insist on its passing or dissolve Parliament.

Mr. CUMMING BRUCE said, he was disposed to think, if the English Reform Bill were postponed, the fact would in any degree create that indignation which had been referred to by the hon. Gentleman who had just addressed the House, nor did he think that his fellow-countrymen would go into mourning on hearing of the withdrawal of the Scotch Reform Bill; but of this he was very sure, as a Bill to amend the representation of the people of Scotland was inevitable sooner or later—as it had been promised, and so many were anxious to enjoy the franchise, it would be the grossest injustice if the Bill for England were proceeded with while the Scotch Bill was postponed, thus excluding all chance of claiming that due increase to the number of the representatives of Scotland to which she was fully entitled. The people of Scotland would be very grateful to the hon. Baronet for having brought forward this matter. He was glad to see present the hon. Member for Montrose (Mr. Baxter) who had long turned his attention to the claims of Scotland to an increase in the number of its representatives. If the Bill for England were proceeded with they would be excluded from anything more than the paltry addition of two Members. Was it not most unjust that Aberdeen, with a population of 100,000, and Inverness with a population of 90,000, should be only allowed a single Member each, whilst many smaller places in England enjoyed a double representation? The noble Lord received the support of two-thirds of the Scotch Members, and it was therefore rather ungrateful of him to disregard the claims of Scotland, more especially as the Members for that country had never been returned by means of bribery or corruption. The noble Lord was a very able leader of the House, and he had been selected to drive the unicorn team which pulled the chariot of Reform. The first thing he did, however, was not only to discard the unicorn, but to reduce his team to a single old gray horse, which he expected would pull that heavy machine up hill. The people of Scotland were not disposed to accept an inferior position; and, without laying too much stress upon the whole contests between the lion and unicorn, he thought that they were entitled to demand that legislation for them upon this subject should proceed *pari passu* with that for England.

Mr. BAXTER said, that having addressed the House on the question of the Second Reading of the Bill he should not have again risen but for the pointed reference which had been made to him during this debate, by hon. Gentlemen who had spoken from the opposite side of the House. He wished therefore to say a few words in explanation of the course which he had thought it his duty to take last year, and the course which he intended to take that evening, in regard to the question of reform. He would remind the House that the circumstances under which the House was now asked to go on with this Bill were very different from those under which he last year proposed his Resolution that the House would deal with the representative system of the United Kingdom not by three separate Bills, but by a single measure. At that time Her Majesty's then Government had given notice of their intention of introducing a Bill for amendment of the representation of the people to be confined to England alone, and had given no promise that they would bring in a Bill to amend the representation in Scotland. His impression was then, as now, that such a Bill never had an existence, and he thought it his duty to call the attention of the House at that time to the injustice of proceeding in that manner. He felt very strongly that it would have

been far better to have considered the whole subject in one Bill than in three different measures. However, his proposition did not meet with the general acceptance of the House, and, in deference to many appeals which had been made to him, he withdrew the Motion. But now the circumstances were different. They had arrived at the month of June, and believing that the people of Scotland were extremely anxious for a reform of her own representative system, he had to ask himself what was the best and most likely mode by which that object might be attained as speedily as possible? He could not shut his eyes to the fact that at the time of the year it was altogether out of the question that the House should pass Reform Bills for all the three kingdoms, and therefore, as a friend of reform, he felt it his duty to do his utmost to secure the passing of this measure with the certainty that in that case the Bills for Ireland and Scotland would follow as a matter of course early in the next Session of Parliament. Therefore he could not support the proposition of the Member for Ayrshire (Sir James Fergusson), nor could he separate that Motion from the policy which had of late characterized the whole proceedings of the Opposition in reference to this question, namely, a policy of delay and of obstructing the public business, which he scarcely expected from the great Conservative party in that House. By speaking against time, by prolonging the discussion in the most unnecessary manner, and by frequent attempts to count out the House, even during the consideration of the Army Estimates, they had endeavoured to prevent this Reform Bill, which they had not the manliness openly to oppose, from passing into a law during the present Session. He believed that the Motion of his hon. Friend, (Sir James Fergusson) was only a part of that policy, and he should think himself wanting in his duty to Scotland, as well as wanting in his duty to the cause of reform generally, did he for one moment entertain the idea of giving to that Motion his support. At the same time, he hoped that if no progress was to be made this Session, that eventually there would be legislation on this subject in the way which his hon. Friend had pointed out. He certainly adhered to the opinion that this question ought to be dealt with, not by three separate Bills, but by one general measure, under which plan alone could Ireland and Scotland fairly raise the question of their claims to a redistribution of Members, and he only regretted that his hon. Friend had not last year supported his Resolution, which had for its object the attainment of that result. An hon. Gentleman opposite had referred to the claims of Ireland to additional Members; but he reminded the hon. Gentleman that the Returns supplied to the House a year or two ago showed that upon the basis of population and taxation Scotland was entitled to nineteen additional representatives, while Ireland had now one too many. For the reason he had given, he could not support the Motion of his hon. Friend.

MR. GEORGE said, that notwithstanding the hon. Member for Montrose had accused every one who stood up on the Conservative side of the House of being actuated by obstructive motives, he should endeavour to express his views on the question before the House. He was not one of those who thought that an Irishman was to be precluded from expressing his opinion on matters affecting the United Kingdom. He considered that the whole subject should be dealt with in an united Bill; and when the Bill for Ireland was indefinitely postponed, he thought, as an Irishman, he had good reason to complain. It was impossible to alter the franchise in England without indirectly affecting the representation of Ireland. If the franchise was reduced in England to £10 for counties and £6 for boroughs, it would be impossible even for a single Session to maintain the franchise in Ireland at £12 for counties and £8 for boroughs. He was of opinion that those franchises ought to be maintained in Ireland, and therefore he was much interested in any question of an alteration in the suffrage in England. The original franchise in Ireland—almost from the time of Henry VIII.—was the old 40*s.* freehold franchise. That went on increasing to an inordinate degree; so that there was scarcely a rood of land without its voter. Even every garden and every tree qualified a voter. In 1792 or 1793 the electoral franchise was most properly and rightly conferred on the Roman Catholics in Ireland; but afterwards it was found that the constituencies had become so unwieldy that an election sometimes lasted for twenty-one days. Accordingly in 1829, when the question of Roman Catholic emancipation came to be considered, it was found necessary to extirpate the 40*s.* franchise and to substitute in its stead a £50 freehold and a £20 leasehold franchise,

with some £5 and other franchises which were not worth mentioning. It was, however, found in 1849 that owing to famine, and emigration, and other causes, the number of electors had been lamentably and fearfully reduced from the figure at which it stood immediately after the Act of 1829. In 1849 and 1850 the population of Ireland was about 6,000,000, while the entire number of electors was only about 34,000. In the county which he had the honour to represent, out of a population of 180,000 there were not more than 1,000 electors, and in the year 1849 and in the year 1850 the number of voters had decreased to 815. A Bill was that year passed creating an entirely new franchise in Ireland—an occupation franchise of £12 for counties and £8 for boroughs. That franchise was on the rating and not on the rental. A general valuation of the country had been made, and all parties were agreed as to it. The basis of rating was therefore one that gave satisfaction, and he should recommend its adoption in England instead of a basis of rental. It ought to be borne in mind that there was reform legislation for Ireland so late as 1850, and many reasons might exist for altering the franchise of a country in which there had been no such legislation since 1832, which might not apply to one the franchise of which had been remodelled at so comparatively a recent period as 1850. So great had been the alteration made in the number of voters in Ireland by the Bill of 1850, that the electoral body had been raised from 34,000 to 173,000. It was impossible to argue, then, that it was necessary to increase the numbers of the constituencies on the ground that they were too small, either in Ireland at large, or in the particular counties to which he had referred ; and he contended that the question of English representation could not possibly be disposed of with fairness to Ireland, and the same might be said as to Scotland, without bearing in mind the circumstances and necessities of these two parts of the kingdom. A £12 rating franchise in the counties of Ireland, and an £8 rating franchise in the boroughs, constituted a fair representation, and speaking of one large constituency in that country he could take upon himself to say, without reference to politics or religion, that he did not know one out of that 6,400 electors that he would willingly see deprived of the franchise at this moment ; but he was equally certain if the proposed Reform Bill for Ireland were carried, and 1,191 new votes were added to that particular constituency, that, so far from improving, it would greatly detract from the respectability of that constituency. What applied to one county was applicable to all. He would not enter into the question whether the representation of Ireland might not be amended in other respects. But with regard to a distribution of seats that was a question which required the subject to be postponed till it was before them as a whole. He did not believe it possible to legislate for England by itself without indirectly affecting the representation of Ireland, and he was inclined to think that it would be better to give England a franchise of £12 and £8, as it existed in Ireland, than to give to Ireland a £10 and a £6 franchise, as would be the case if they dealt with the state of the English franchise alone. Upon these grounds he could not be a party to advancing further with the measure relating to England.

Mr. PEASE said, he believed that the country was anxious for the time when deeds should give place to words, and he would not, therefore, detain the House at any length. For thirty years he had been connected with the working classes, and it appeared that the observations which had been made in reference to them had been made from the want of practical information upon the subject. Hon. Members seemed to have formed their opinion of the working classes from what they had seen of them at the hustings, when even children were in the habit of making a noise ; but from what he (Mr. Pease) had seen of them—having been intimately associated with them in business, in commerce, and in the various institutions established for their benefit, he was prepared to say that, whatever the number proposed to be enfranchised by the Government Bill might be, whether 300,000 or more, inspired him with no alarm. The right hon. Member for Hertfordshire (Sir E. B. Lytton) had imagined a conversation between a candidate and an elector on the elector being asked for his vote, and he apprehended that many of them would know nothing about China. Now, in the course of his (Mr. Pease's) canvass he was rather closely catechised by a working man as to the conduct of England in reference to the opium trade, and also, as to what was to be done about the revenue of the church by a miner in his working dress ; but he told him that as he did not think they would be dealt with by the Parliament of his time, he had not given

the matter his consideration. He could, however, assert that the working classes took an intelligent interest in what was done by that House. They drew upon the working classes to enable them to carry on their wars, and a heavy burden of taxation had been imposed upon them, which they bore with a magnanimity greatly to their credit. The numbers of those classes greatly increased, and why should they not have a greater share in returning representatives to Parliament? The subject had been recommended to them by Her Majesty in her Speech from the Throne, and two Governments in succession had said that a reform of the representation was necessary, and it would be greatly to be deprecated if it should go forth throughout the land that that House had spent weeks in idle talk, as being afraid of infusing too democratic an element into their councils. The language sometimes used in speaking of the working classes was, he thought, greatly to be deprecated, for, with very few exceptions, they looked up to persons of station in society as their representatives. He trusted that the House would not endanger its reputation or shake the confidence now reposed in it by postponing the consideration of this Bill in Committee.

MR. STIRLING said, he did not think the remarks of the hon. Gentleman who had just sat down were relevant to the question then under discussion. That question indeed was most important, and had been too long neglected; and he therefore felt grateful to his hon. Friend the Member for Ayrshire, and was glad that the matter had been brought forward in so able a manner by a Scotch Member even at so late a moment. He could not think, however, that either that side of the House or his hon. Friend was responsible for the delay. He was tempted to rise on that occasion by the remarks which had fallen from the hon. Member for Montrose (Mr. Baxter). That hon. Member had accused hon. Gentlemen sitting on the Opposition benches especially, with endeavouring to obstruct and delay the passing of this Bill; but looking at the history of these debates he believed he was entitled to say that obstruction had come quite as much from one side as the other. The present Motion, it was true, had been made at a late period, but that was mainly owing to the hon. Member for Montrose himself, who placed a notice upon the paper several weeks ago for the discussion of the very point which was now under consideration, the hon. Gentleman being of opinion that Scotland was entitled to a larger share in the representation than the Scottish Reform Bill conferred upon it. That notice appeared on the paper about the middle of May, and until last Monday he (Mr. Stirling) had not the least idea that it had been withdrawn. He thought, therefore, that some hon. Member for Scotland or Ireland was bound to bring the question before the House. So far were the Scotch Members from doing anything to delay the Bill that, up to that moment, very few of them had taken part in the discussions. Indeed, with the exception of his hon. Friend the Member for Edinburgh (Mr. Black), who made an able and damaging speech against the Bill, he could not then call to mind the name of a single Scotch Member who had spoken since the discussion on the introduction of the measure. On that occasion he himself ventured to remark that great disappointment would be felt in Scotland at the circumstance that it was not proposed to increase the number of Members for several important places. He was of opinion that five counties justly deserved such an increased representation — he alluded to Lanark, Ayr, Fife, Perth, which he had the honour to represent, and Aberdeen— counties which possessed a population varying from 150,000 to 200,000, who bore their full share of the burden and impost of taxation. That day he had received from the University Court of the University of Glasgow a memorial addressed by them to the noble Lord at the head of the Government, and to that memorial he begged to call the attention of the Lord Advocate, not only because the right hon. Gentleman was the representative of the Government in this House for Scotch affairs, and the introducer of the Scotch Reform Bill, but because he held an office of dignity and trust in the University of Glasgow, which he (Mr. Stirling) had once the honour to fill. In their memorial the University Court said—

"In the Bill now before the House of Commons it is proposed to give to the four Scottish Universities only one representative—a concession which is totally inadequate to satisfy their just demands, and would be attended in its working with much practical inconvenience."

He had lately been in correspondence with several persons in Scotland, who were acquainted with its Universities, and he would undertake to prove at the proper time that the number of persons who would be represented under the Bill by this single

Member, was much more considerable than the learned Lord seemed to think, and that if the Universities in England had five representatives in this House, the Universities of Scotland might fairly claim two. Now, supposing the English Reform Bill to pass and the House to assent to the proposition that it would be an injustice to refuse additional Members to the places he had named, how, he asked, would they then be able to repair that injustice? Why, it would be utterly out of their power. There was another point to which he would advert for a moment. He was never more surprised in his life than when he heard the noble Lord the Foreign Secretary inform the House the other evening that he saw no difficulty in passing a Reform Bill for England in the present Session and leaving until next Session the duty of passing similar measures for Scotland and Ireland. To adopt such a course would, as it was well put by the right hon. Member for Bucks, have the effect of disqualifying for one or more Sessions all the English Members of the House. The right hon. Gentleman would no longer represent the constituency of Buckinghamshire. The noble Viscount at the head of the Government would not represent the constituency of Tiverton; and the noble Lord the Foreign Secretary would not represent the constituency of London. He had the greatest respect for the Scotch and Irish representatives, but he had no desire that they should be promoted into a sort of Rump Parliament, and become the only Members of the House who were strictly qualified to legislate for the nation. Next Session they would have to meet the great deficit which the Budget for this year had so marvellously provided, and, it was not beyond the range of possibility, that provision would at the same time have to be made for the expense of a European war. Surely, therefore, they ought to take care that no disqualification should be attached to any portion of the Parliament which would be called upon to dispose of these great and important questions. Under these circumstances he thought that the statement of the noble Lord might well create astonishment through the length and breadth of the land. As a test of the opinion of the House upon the reasonableness of the noble Lord's views, he hoped his noble Friend would divide the House upon his Motion.

THE LORD ADVOCATE said, it was his intention in the few observations he was about to make, not to allude to the general features of the Reform Bill, but to confine himself to the observations which had fallen from hon. Gentlemen on the other side respecting the Irish and Scotch Bills. He had listened to the hon. Member for Ayrshire (Sir James Fergusson) with that pleasure which he always experienced in hearing a well-composed, well-expressed, and well-delivered speech, but he wished that the hon. Gentleman had had a more consistent topic and a more consistent Motion. The professed object of his hon. Friend, was to point out the importance of considering the Reform Bills affecting the three countries at the same time. But his Motion had not the slightest connection with that subject, and could not even have the smallest bearing upon it. The House was about to enter on an adjourned debate upon a Motion declaring it inexpedient to proceed with the Reform Bill until the result of the Census had been obtained. By a singular caprice, which had not, however, been very unusual in that debate, the details of the measure had been discussed on the Motion for the second reading, and they were now, on going into Committee, met with a Motion to postpone or destroy the Bill altogether. But not content with that, his hon. Friend the Member for Ayrshire moved that the debate upon that very question be adjourned. What result he expected to arrive at from such a Motion it was not easy to understand. His object was that the English Reform Bill should be withdrawn, inasmuch as the Irish and Scotch Bills were not brought forward at the same time. But if the Motion on which the debate was adjourned were carried the Bill would be substantially withdrawn, and therefore the present Motion would not bring him one step nearer to his object. It was not easy to follow out the logic of his hon. Friend's speech, or to reach his conclusions; but the substance of his argument appeared to be that it was wrong to split the question of Reform into three separate Bills for England, Scotland, and Ireland—that it ought all to be embraced in one measure—and that, as it was not so, none of the Bills ought to be proceeded with. He went on to argue that the Bills could not be proceeded with this Session, because they could not be properly considered at morning sittings, when the House was wearied of the subject. Having thus cut off the possibility of legislating this Session, he then proceeded to cut off the possibility of legislating for next Session also. He argued

that they must not count upon legislating next Session, because they might be then in troublous times. He also argued that a moribund Parliament, as he called it—a Parliament which was doomed—ought not to take cognizance of great public questions. But if that argument were carried out to its legitimate result, no Parliament could ever pass a Reform Bill. For, according to his reasoning, a Parliament which passed a Reform Bill was doomed and moribund by that very act. But he (the Lord Advocate) entirely demurred to the constitutional view of the question which he had heard from very great authorities in the House upon that subject. He denied altogether that because a Reform Bill had been passed the House which passed it ceased to represent the constituencies of the country. There was no foundation whatever for such a doctrine. Many measures might be passed affecting the representation of the people, either general measures in regard to the whole country and the whole franchise, or measures to affect only a part of the franchise and of the constituency. Take the case of a Registration Bill, to alter the registration of voters, which might very materially affect the constituencies of the country. But would any man tell him that, until a subsequent dissolution, the House of Commons were not the representatives of the people? It was quite clear that if the English Bill were passed this Session there could be no registration in order to have a dissolution in less than a year and a half, and if the hon. Member really desired that the Scotch and Irish Bills should be considered, there was a very simple and easy mode which might have suggested itself to his ingenious mind. The hon. Gentleman might have gone to his friends and said, "Do not let us in the month of June waste the precious moments before going into Committee on the English Bill. Let us go into Committee upon it, and possibly the Government will relinquish the notion of giving up the other two Bills; but, at all events, if we pass the English Bill we can come, not in a weary autumn Session, but fresh in February, to consider the Scotch and Irish Bills, to pass them before Easter, and to have a general election under the three Acts at the same time." There was nothing to prevent that simple plan being adopted, and all those bugbears which the hon. Gentleman had reared up to show the evil and danger of passing one Bill were really pure delusions of his own. He wanted to know what hon. Gentlemen on the Opposition bench were going to say to this Motion. Did they hold that it was unconstitutional to pass a Reform Bill for England, and to postpone the Bills for Scotland and Ireland? If they did, why had they not given expression to their views before? The Bills were introduced separately. They were observed upon the night of their introduction. The second reading of the English Bill had passed without a division, and not a word had been heard from any one to argue that the three Bills ought to have been passed together. His hon. Friend the Member for Ayrshire spoke on the introduction of the Scotch Bill. If he held his present views then, why did he not express them? Since 1832 the question whether it was more convenient to deal with the whole representation of the United Kingdom in one or in three Bills, had been considered over and over again, and the conclusion always had been that it was better to take the three kingdoms separately. They were taken separately in 1832, in 1852, in 1855, and they were now separate in 1860, and it was only when they were going into Committee on the English Bill, after the second reading had passed without a division, and when the question was raised whether or not they should adjourn the consideration of the measure till after the Census of 1861, that Gentlemen opposite had discovered that the question should not be dealt with in separate Bills. The real inference was plain enough. He should not stop to point it out. He had heard the right hon. Gentleman opposite (Mr. Disraeli) say, "The question is not of putting them into one Bill, but of withdrawing the two Bills." But that was not what the hon. Member for Ayrshire said. He said, "Do not let us go wearied and fagged into the consideration of the Scotch Bill in August." He said they ought to go on with the three Bills *pari passu*. But they could not go into Committee with the three Bills *pari passu*. They must consider them clause by clause, and one after another. Why talk of withdrawing the Irish and Scotch Bills? Did hon. Gentlemen opposite affect to doubt that if they would only help the Government to go into Committee—if they would only do what he thought they ought to do—and consider the details of the English Bill that the Government might even this Session proceed with the Scotch and Irish Bills? If those Bills were withdrawn it would be because

it was plain that there was no time to pass them. But why was there no time to pass them? He would not stop to answer the question. [*Ironical cheers.*] He was not going to be betrayed into an argument upon the general character of the Bills; but there were a few observations he desired to make. It was said, in the first place, that the people were indifferent to the Bill—that they were not enthusiastic about it. That statement was true to a large extent if it was meant to compare the present state of feeling with what took place in 1832; but if there was less enthusiasm than in 1832 there were plain and manifest reasons for it. The gross abuses in the system of Government which had been long growing up in the State, and which had culminated in 1832, had since been entirely swept away. It should be remembered that a nation never did stir itself as this nation did in 1832 unless there was good and real ground for it. He should be sorry to see the nation stirred as it was in 1832, for it was manifest that a period of public excitement was not the best for the correction of public abuses. He was glad to say that in this country we could discuss measures for giving a larger portion of power to a lower class than now possessed it, without such excitement as prevailed in 1832, and there was nothing that gave him more hope as to the future prospects of this country than that fact. The question of the representation was now a simple matter of legislation that might take place just as any ordinary legislation; and happily they were in such circumstances of peace and tranquillity that they might do so with effect. Hon. Gentlemen opposite had been looking to the future, and saying that other times might not be so quiet as the present. Why, then, did they not help the Government to legislate on this question now? But it was said that the working classes admitted by the Bill would overwhelm the present constituency. He had no distrust of the working classes. He believed that the accession which they would draw from the working classes by the Bill would add fresh, new, and vigorous blood to the constituencies. Under what was categorically called the working classes was embraced a great variety of interests and a great portion of ability, industry, honesty, and intelligence. He believed the upper portion of the working classes would bring to the exercise of the franchise an intelligence and an interest in political affairs which perhaps they would not find among many of those embraced in the present constituency. Hon. Gentlemen talked as if the measure would overwhelm and swamp the old constituencies, but it was a vain imagination to suppose that the working men would band themselves together for one candidate, or for the promotion of certain peculiar ideas. They would often go with the classes above them, and they would be split into parties by differences of opinion, just as the constituencies were at the present moment. The traditions of this country led people to look to the upper ranks, and it was a mere chimera to suppose that by this Bill they were opening the floodgates of democracy and undermining the foundations of the Constitution. They were told of trades unions and strikes, but would the fancy franchises of the Bill of the right hon. Gentleman opposite have saved them from the trades unions? They embraced the very men who were in the trades unions; for it was not the reckless portion of the working classes, but the intelligent among them, who were members of these associations. The trades unions might show that they were not good political economists, especially when they thought they could keep up by combination the price of their labour, but he would not say on that account that they were not fit to vote for Members of Parliament. If that argument were carried to its legitimate result it would affect the franchise of more than the working classes. The question before the House was whether the Amendment on the order for resuming the adjourned Debate should be sanctioned by the House and the Bill virtually defeated. Believing that this was a measure which would go deep into the foundations of the constitution, and which would produce very large results for the benefit of the country, he trusted the House would not confirm the Motion of his hon. Friend.

MR. WHITESIDE: It appears to me that the learned Lord has affected to misunderstand the main question before us. The immediate question, no doubt, is whether this debate shall or shall not be adjourned; but I did not understand from the hon. Baronet the Member for Ayrshire that this was the form in which he wished to bring his views before the House. He only did so because he had been informed by the highest authority in the House that he would not be in order in bringing forward the precise Motion of which he had given notice. The proposal now before us is a consequence of the extraordinary course

The Lord Advocate

taken by the noble Lord who has had charge of all the Reform Bills that have been introduced during the last thirty years; the real question is, whether Government, having proposed to Parliament a measure consisting of three Bills, and having stated that these included the entire subject of Parliamentary Reform, were entitled, after having permitted the question to be in that position for several months, to make two of the Bills disappear, in order that they may appear hereafter to cause fresh discussion in this House, and fresh agitation throughout the country. I remember that some months ago the hon. Member for Montrose (Mr. Baxter) acting in the interests of Scotland, and, like a true Scot, having her interest ever at heart, called upon the noble Lord to say whether he meant to submit a measure of Reform for Scotland at the same time that he brought forward his Reform Bill for England. The noble Lord undertook to do so, and assured the hon. Members for Scotland and Ireland that all those blessings were to be inflicted on them that he has always so ready at command under the name of Reform. I assure the noble Lord that I am speaking quite sincerely when I say that he took the right course in answering that he meant to do so—that the Scotch Bill should be introduced in due course, and that the Scotch Members should have an opportunity of discussing it before the question of Reform was entirely disposed of, as it virtually would be, for all purposes of representation, by the Bill for England. The noble Lord was as good as his word. He has done precisely what was done in 1832, when after the Bill for England came the Bills for Scotland and Ireland. They proceeded *pari passu*, and they were disposed of before the end of the Session, and at the end of the year there was that dissolution which naturally follows the passing of Reform Bills. The noble Lord, being eminently versed in constitutional learning, naturally desired, as he said himself, "to walk in the paths of the Constitution," and to act on the precedent which he had laid down, and the three Bills, therefore, were brought in this year at the same time. The hon. Member for Lanarkshire (Sir E. Colebroke) to-night used an argument which was not as clear and logical as those which he generally uses. He said he wished to serve Scotland—and he was of opinion that his county—and a very important county it is—ought to have more Members. [Sir E. COLEBROKE: Certainly.] That is his opinion; but if the English Bill is passed as it stands, and that for Scotland is postponed, it will be quite impossible for him to get any more Members for Lanarkshire. Where are they to come from? It will be of no use then for the hon. Member and the other Scotch Members to exert their eloquence—of which nobody is more sensible than I am—or the noble Lord the Member for London and the noble Viscount at the head of the Government—the most enthusiastic Reformer of the age, because they will say "You have spoken too late, you should have prevented the English Bill passing; why didn't you support the Motion of the hon. and gallant Member for Ayrshire; if that Motion had been carried, the question of additional Scotch Members might have been argued—it was arguable; but you have waited too long, and now poor Scotland must be content with the amount of representation which she possesses." I must appeal, therefore, to the hon. Member to reconsider his argument—or rather to listen to the force of his argument—and to vote for the Motion, as I contend he is imperatively bound to do. As to Ireland, I do not mean to say that I am much struck with the Bill which has been introduced, though upon this, as upon many other Irish questions, I have also been disappointed. I was most anxious to hear what the right hon. Gentleman the Chief Secretary to the Lord Lieutenant had to say. I wished to hear him explain on the second reading what is the meaning of this Reform Bill, because having conversed with hon. Members from Ireland, of all politics, I have not found any one of them able to explain what the right hon. Gentleman exactly meant to accomplish. I believe he intended in one or two particulars to upset the Act of Union. I am certainly surprised that a Statesman of his eminence should deal with the Act of Union as if it were a measure of no importance, a trifling matter like a Turnpike Bill or a Beer Bill, as if it were a settlement to be unsettled as a matter of course. It was described by the great Minister whom you profess to follow as one of the most important compacts ever entered into between two nations. There is a clause in this Irish Bill relating to the Irish peers. They are Gentlemen who have not much to do, and it was intended to give us in Ireland the advantage of having them to represent our towns and counties. But so long as Marylebone continues I do not see any particular necessity for infringing on

the Act of Union in this particular. Nobody respects the Peerage more than I do; but if I have the opportunity, which the Chief Secretary to the Lord Lieutenancy seems determined not to give us, I shall certainly give my reasons why I think the Act of Union should be permitted to remain on the firm basis on which Mr. Pitt imagined he had placed it. I for one do not think it ought to be looked on as a matter of course—though the argument would come, perhaps, with more force from an English Member—that, a Minister of the Crown should alter the Act of Union at his pleasure. This is a matter which has been very much overlooked. If you deal with the Act of Union as a mere trifling measure, whatever there is in that Act favourable to Ireland may be laid aside at any moment, though I have always understood that it was a great national compact not to be disturbed. What is the position in which we stand at the present moment? I have provided myself with the three Bills—the Bill for England, the Bill for Scotland, and the Bill for Ireland. I observe with some astonishment that the Bill for Scotland is thicker than either of the other two. I intended to ask the learned Lord Advocate how it was that he had contrived to lengthen out to such a prodigious extent the small matter which he had to work upon in reference to Scotland; but I perceived that the learned Lord has shown his usual good sense, and that he has done for this Bill what was desired for the English Bill, incorporated in it a system of registration. That is a practical reform, and of course it would be instantly rejected by English statesmen. "A system of registration," says the learned Lord, "is a good thing;" so he puts one into the Scotch Bill; but the noble Lord the Member for London just sketches out two or three lines in this thin and feeble affair of his, and throws it down, leaving the practical question of registration to take care of itself, perhaps to be drawn upon as fresh matter for agitation in another Session, or to be of use when he wants to carry an abstract Resolution against the good sense of Parliament and the best interests of the country. I will take the liberty of asking the noble Lord why these three Bills were brought before us? I have asked myself that question, and I have answered it, I believe, to my own satisfaction. The noble Lord, being an eminent authority on the Constitution, would be asked what was to be done by the Cabinet, who of course defer to him in all questions of altering, amending, or spoiling the Constitution, and he would reply, "As we hav'n't three Constitutions, three Parliaments, or three separate kingdoms, but one Constitution, one Parliament, and one United Kingdom; and as whatever is done in reference to Scotland and Ireland will act upon England, therefore we must deal with the whole question of Parliamentary Reform at the same time." I presume that was the reason why the noble Lord introduced these three Bills together. And he was quite right in doing so; but, if he was quite right, so he must be quite wrong in withdrawing two of them. The ingenuity of the noble Lord is great, but I should like to ask him how it was that he persuaded the noble Viscount at the head of the Government—contrary to the good sense which he has usually shown in this matter—to introduce three Reform Bills when one was too many, and how, having introduced three with a view of settling the whole question, he justifies himself in the withdrawal of one and proceeding with the other two? I listened with great attention to the speech of my hon. Friend the Member for Mallow (Mr. Longfield) on behalf of the county of Cork. That county he tells us is 100 miles long—I was not aware of it before—and I do not know how many miles broad; that is perfectly true; and has a population as large as the Duchy of Modena, with perhaps that of the Romagna into the bargain. I know what was impending over the Chief Secretary for Ireland if the debate had come on. Hon. Gentlemen would have said, the size of this county, and of that county, their riches, their population entitle them to additional Members, and, if you had given an additional Member to Cork, you would have had Donegal and Antrim, which are nearly as large and populous, and more wealthy and important in a commercial point of view, putting in a claim also for additional Members. You would have had a very interesting debate, but I do not think the Chief Secretary was at all desirous that that debate should come on. He has brought in a Bill which gives an additional Member to Cork county; but I ask the right hon. Gentleman, if he had been convinced by fair arguments on the part of the Irish Members that he ought to give additional representation equally to the North and the South of Ireland, where were the Members to come from if the English Reform Bill were passed?

Mr. Whiteside

The discussion would have been an absurdity, and nothing is more repugnant to the House of Commons than a discussion without any point. [*Loud cheers from the Ministerial benches, and counter cheers.*] I feel that that cheer explains satisfactorily the course taken by the Government, because it is quite clear that every hon. Gentleman who cheered means that if the Reform Bill for England were settled and the numerical representation decided as to England, any discussion concerning the number of representatives for Scotland and Ireland would be a ridiculous waste of time. If that is not the reason of hon. Gentlemen opposite, I trust one of them will give his reasons in a manner perhaps less audible but more tangible. After you have decided the numbers to be given to England there would be nothing left to give to Ireland or Scotland. The Lord Advocate, like the right hon. Member for Morpeth (Sir George Grey) in his speech to-night, never answered a word of what had been said by his opponents. That is a very convenient way of conducting a discussion, no doubt, and of the two the Lord Advocate did it in the most judicious way. "What do you mean," he says to us, "to maintain that it is impossible to have a reform of Parliament without a dissolution immediately following—do you mean to impugn the validity of an Act of Parliament agreed to by both Houses?" No, we do not mean anything of the sort, and therefore the learned Lord has been triumphant on that part of the question. But that is not the question. The question is not whether this Reform Bill should be followed by a dissolution, as we were told to-night would not be necessary, but whether by the mere passing of the Bill the House of Commons would not lose character, and sustain a diminution of weight and influence in the country. That is the true question. You first condemn the House of Commons, you declare that a certain number of boroughs shall not return Members to Parliament; you declare that certain others shall lose one Member—and then, according to the Lord Advocate, you may proceed to legislate as if nothing had taken place. I admit that the measure of the House of Commons would have the same effect in point of law as they had before;—but suppose the right hon. Gentleman the Member for Hertford (Mr. Cowper) happened to be promoted,—than which there is nothing more likely—in what manner will you act? You will already have taken away one Member from Hertford. You have condemned that borough, and declared that from the time of the passing of that Act of Parliament it shall give up one of its representatives; will you, then, as a matter of course, issue the writ and fill up the vacancy, having just declared by the voice of Parliament that it shall not be filled? Is that a constitutional course? Why, I venture to say, that it is not for a moment maintainable in argument. The noble Lord the Member for the City of London might have said manfully—I have laid on the table three Bills composing one measure; I abide by it, and if you were to sit from now to November that measure shall be carried. I could understand the noble Lord being persuaded, I will not say by his colleagues, but by his own good sense, to withdraw the whole measure until a more convenient opportunity arose to resume the question of Parliamentary Reform; and, to do him justice, he is always ready to resume it whenever a fair opportunity arises; he is prepared either to oppose Parliamentary Reform by an abstract Resolution, to carry Reform after his own fashion, or not to carry it at all, as the case may turn out. I could understand his saying—"The circumstances of Europe are grave—I have not received much encouragement—the state of the question is not very favourable to legislation, and I will postpone the measure to some future time." All or any of these courses I could understand; but I should like to hear from the noble Lord a reason for the course which he has adopted, for that I cannot understand. I can assure him, if he cares to hear it, that he surprised us all very much the other night, when we thought we were in full career towards a great settlement of Parliamentary Reform, by the sudden announcement that he intended to withdraw the Scotch and Irish Bills. Is this his intention—to withdraw the Scotch and Irish Bills, to proceed a certain length with the English measure, and then to drop it likewise; and at another time first to take up England, then to take up Scotland, and next to deal with Ireland, and so to keep the question of Parliamentary Reform for ever hanging over our heads like the sword of Damocles? I have the greatest pleasure in listening to the noble Lord on every subject except Parliamentary Reform, but to hear him perpetually on that theme, either in relation to England, Ireland, or Scotland, is a thing, I frankly confess, that would be very painful to my feelings. And, therefore, I

carnestly regret that the noble Lord departed from the course he originally intended. I fancy he must have come to the conclusion in his calmer moments that the good sense of the nation was as much opposed to the principle of his Bill as it is to that other great delusion which was introduced to us with such triumphant eloquence by the Chancellor of the Exchequer. I have no doubt the noble Lord is perfectly sincere in the course which he has taken; but, after the question has been critically examined in "another place" which I dare not name—after the hon. and learned Member for Marylebone (Mr. Edwin James) and many other gentlemen of extreme Liberal opinions have impugned the returns on which the Bill was recommended—after Whig gentlemen of high position and eminent talents and learning have likewise impugned them—that the noble Lord should deliberately abandon two parts of the Bill and endeavour to squeeze through the third in the month of June, announcing in effect to Irish and Scotch Members that it is no use for them to speak, as there will be nothing for them to do after it is carried but to assent to whatever is proposed—is a measure that I certainly should not have expected from the good sense which usually characterizes the noble Lord. I should have thought the noble Lord had enough on his hands without wasting his time on Parliamentary Reform. Has he not enough in the affairsof Europe to occupy even so large and liberal an understanding? Why, he has Russia to quiet, Belgium to counsel, Prussia to inspire, France to conciliate or confront, as the case may be, and Switzerland to lament with! I confess I cannot understand why he should not reserve his talents—and no one has a higher respect for him personally than I entertain—for a subject worthy of those talents, and leave the poor old Constitution of this country where he found it. The Lord Advocate and another hon. Gentleman who spoke tonight said they could not see why separate Bills might not be carried for Scotland and Ireland as well as for England, remembering that a separate Bill was carried for Ireland some few years ago. That is a plausible argument, but it has no foundation in fact. It is a Registry Bill which the Lord Advocate has worked up into this formidable precedent. But it did not add to the representation of Ireland or take away from that of England. If the question to be discussed were not limited, as at present, it might be very useful for you to consider whether our system, founded on a valuation which was extended all over Ireland by that very Bill to which the right hon. Gentleman referred, might not prove a good measure for you to imitate before carrying out any new Reform Bill for this country. I must do the right hon. Gentleman the Member for Canterbury (Sir W. Somerville) the justice to admit that the measure in question was a real reform—and that is an important distinction to make; it has been attended with great advantages, and I speak of it with respect. If we were now discussing the case of Ireland, I might suggest that it would, perhaps, be advisable to postpone your measure even for a few months, to try the effect of a general valuation in England, such as you have given us in Ireland. But you have no confidence in your own measures, nor yet in your own principles. Having given us that Bill not more than five or six years ago, will you not abide by it—will you not let us enjoy its effects? In introducing the three Bills simultaneously, I think the noble Lord was right in every point of view. It was the course he recommended in 1832—it was the course taken by Mr. Stanley, when Chief Secretary to the Lord Lieutenant, and it is the course taken by the right hon. Gentleman on the present occasion. I should like to hear him explain why the Act of Union is to be subverted in two or three particulars; he has, unfortunately, not had that opportunity, and the object of this Motion is to afford it to him. If it be carried, the right hon. Gentleman the Chief Secretary for Ireland will be able to state why Irish Peers are to represent Irish boroughs, and why, if a man gets a place, he is not to be called on to face his constituents. I cannot comprehend why a Minister should have taken the course which is now proposed. I am induced to suppose that he resolved to do so as a last expedient; and that as it was impossible to carry the measure in its entirety, as it was physically impossible to expect that Parliament could discharge the work which had been laid upon it, the noble Lord the Member for London said, "I will carry the Bill for England, and leave Scotland and Ireland to take chance on future occasions." And it is very possible he may have added, that when the time came to fulfil that Resolution, he trusted to the good sense of the House of Commons to reject the proposal.

MR. BRIGHT: Sir, I do not know that I am wiser than anybody else with regard

to the end of this discussion, but with regard to its object I think there can be very little difference of opinion. We have before us one Amendment attempting to defeat and apparently succeeding in tripping up another Amendment. The first Amendment was moved on this side of the House, and at the outset was rather a tempting bait to the hon. Gentlemen opposite, but after examining it a little further, they came to the conclusion that to base the rejection of the Bill on the reasons stated in that Amendment would be false, and, more than that, would be ridiculous. Therefore they found that they could not as a party support the Amendment, and to get rid of it this second Motion is proposed to-night. [*Cries of* "No" *from the Opposition and cheers from the Ministerial benches.*] Perwe shall discover the truth if we come after the division to-night to decide on the Amendment of the hon. Member for Rye. I shall not say anything about that Amendment after what has been said by so many previous speakers, and I am quite sure that hon. Gentlemen on both sides of the House must have made up their minds on it. I will make only one observation on the speech of the hon. Gentleman who has addressed us. It was of that inconsistent character which I have observed in the speeches of Gentlemen on both sides of this House who opposed the Bill. He told us, in a manner the most confident, that the working classes did not care in the least for reform, and read a letter which he had received from some person with whom he is brought into connection at a Committee on which he is sitting, who said that the working classes did not care for this Bill, because it did not admit them in sufficient numbers to the franchise. And then, towards the latter part of his speech, he held out to us, in most portentous shape, Mr. Potter, the Secretary to the Builder's Union, and pointed out that an army of no less than 600,000 men, every one of whom would obey the behest of Mr. Potter, would be admitted to the franchise, if this Bill became law. The question before the House is really not whether we shall wait for the Census returns, or whether this Bill shall be postponed until the Irish and Scotch Bills have made their reappearance; but the question is this, is the House willing during the present Session, or as long as its present Members remain in office, to grant any measure of reform? That is the question which the House is bound to answer. If I held the opinion that reform was not necessary, and that it was better not to grant it, I should belie the course that I have always taken in this House and out of it, if I had not the manliness to make that declaration to the House and to the country. I will not quarrel with hon. Gentlemen opposite, but I will put it to them whether the position they are taking up this Session is fair and honourable with regard to this question. I know how much, for I have seen it here, men's reasons may be impaired and disturbed by party spirit; but still for all that I think there are facts with regard to this question which might make many men upon that side of the House, and some upon this, doubt the wisdom of the course they have recently adopted. Last year the right hon. Gentleman, the Member for Buckinghamshire (Mr. Disraeli) proposed a Bill on this question. He thought it important—or else he played false to the House and the country—he thought it so important that he proposed to add 500,000 new electors to the present electoral body in the United Kingdom. I am merely stating what he stated over and over again in the speeches he delivered. I know that he says now, and that his friends say, that they did not take those 500,000 in a gross lump, like the noble Lord is said to propose to do in this Bill. He has informed the House, and his friends have repeated it, that his plan was to select all the good men everywhere, and from those good, respectable, and I presume, conservative, and reverential citizens, to add 500,000 to the electoral body. I ask where do these 500,000 pattern citizens live? They do not live in houses of the value of £10 and upwards, at least in boroughs, or they would be already enfranchised. Hon. Gentlemen opposite say they do not live in houses between £10 and £6, because it is clear that not half of 500,000 would be included in any scheme which did not lower the franchise to £6. I do not know where they are. I suppose these intelligent men live somewhere in tents, but they certainly are not citizens, nor heads of families, nor householders, and are not included in the number which the noble Lord intends to include by this Bill. They are to be found somewhere else, and some ingenious mode of discovery is to be adopted by means of "fancy franchises" to bring them out. But the right hon. Gentleman was not content with that offer, and I ask his followers just to attend to the case I will submit to them. He said afterwards that he would go further than that Bill proposed; and

he would reduce the franchise in boroughs, and more than that, he admitted the claim of the working classes to enfranchisement, and said he would admit them with generosity and sincerity. ["Hear, hear!"] I am glad to hear hon. Gentlemen on that side admit that they are animated by the same feelings as myself. But more than that. The right hon. Gentleman is understood to have given a distinct pledge to certain Members of this House, not that he would do just that in this particular shape, but that if he was enabled to bring forward a Bill again—that is, if we were not able after the general election, to dislodge him from the Government, he would bring in a Bill which would give a franchise of £10 in counties and a £6 franchise in boroughs.

MR. DISRAELI: I am sorry to interrupt the hon. Gentleman, and would rather myself take a proper time in the course of this debate, but when the hon. Gentleman's argument is founded upon statements which are entirely fallacious I feel bound to correct him. What the hon. Gentleman has said about anything I have stated in this House is correct enough, and any hon. Member may judge from the records of the House, and I do not dispute or impugn his statement about it, but anything the hon. Gentleman has heard from hearsay I beg to state is perfectly unfounded. I never made any representation, directly or indirectly, to any person at all inconsistent with that which I have stated publicly in this House.

MR. BRIGHT: If what I have advanced be correct, I shall not hold it to be inconsistent with the statements the right hon. Gentleman has made in the House. I have my information from speeches which hon. Members of this House must have read as well as myself; speeches delivered by Members of this House in various parts of the country after the last Session. I shall not charge—I shall not hold, the right hon. Gentleman to that statement—because I must say that I could not, after what the right hon. Gentleman has said, repeat it. But at the same time the House will admit that when Members of this House have stated elsewhere——. [*Cries of* "Name," and "Read!" *from the Opposition.*] It is very easy to read. I can read extracts from those speeches; and if hon. Gentlemen would like to hear I will read. I do not wish to do so, because I do not wish to bring Members of the House into collision upon matters of this kind. I was willing to take the statements of the right hon. Gentleman that there was some misunderstanding. But hon. Gentlemen must be aware that a speech was made by the hon. Member for Sunderland in August last year, in which he stated that one of the conditions on which he offered his support to Lord Derby was, that the late Government in regard to reform should declare they were prepared to bring in a Bill, and to use all their power to pass it, providing that the borough franchise should be a £6 franchise, and that for the counties a £10 rental franchise, and that at least thirty of the smaller boroughs should be disfranchised. That was one of the conditions he had made before he promised his support to the late Administration; these were the conditions he enforced when he gave his consent to the opposition to that party move, which was headed by the noble Lord the Member for London.

CAPTAIN JERVIS: I rise to order, Sir. That statement was contradicted at the time. The correspondence was published containing the contradiction.

MR. BRIGHT: Why, Sir, coming on to this Session, the right hon. Gentleman has been himself up to a certain point not inconsistent with this statement. For if the House will remember the tone and the manner of a speech which he has delivered upon this question, they will find that his intelligent judgment led him to the conclusion that it might not be undesirable to endeavour to settle this question during this Session upon the basis proposed by Her Majesty's present Government. Did not the right hon. Gentleman tell us he would move no Amendment upon the second reading? And further, he went so far as to say he doubted extremely—I speak of the impression which I think his words must have produced on every Member of the House—whether he should think it necessary or desirable to offer Amendments in Committee. All this was fair to the House, and it was all along eminently satisfactory, because it showed that the man of the greatest eminence upon your side of the House, the man most competent to form an opinion, the man the most foreseeing with regard to the views and wants of the country, did not materially differ from Her Majesty's Government upon this great question. I grieve now to find he has taken another course—a course not into which he has led his party, but into which he has been driven by the more violent Members by whom he is surrounded. And when I have looked at the eminent

position the right hon. Gentleman holds; when I know how clearly he must see what ought to be done with regard to a grave subject like this; I have lamented to see he was not able to persuade his followers to a course so enlightened and so sensible as that he was prepared to take himself. I have lamented to see that, like a character of old, he was "bound to grind in brazen fetters with that heaven-gifted strength." I believe if hon. Gentlemen opposite would now, not so much drive, as follow, the right hon. Gentleman, they would find that upon many of these great questions Parliament would act more in unison with the wishes and the true interests of the people. But I will turn to another point:—hon. Gentlemen opposite assume to be particularly loyal. They sometimes say that some of us are not so. But five times has the Queen of England told the Parliament of England that she wishes this question to be considered and settled. Five different Cabinets have expressed an unanimous opinion in favour of this question being undertaken and adjusted. There have been several Resolutions of this House and speeches—almost volumes of *Hansard*—of eminent men upon both sides of the House, admitting this not only to be a great question, but one that pressed for a Parliamentary settlement. But still you are unwilling; you still oppose a measure so moderate as this, which you say, because of its moderation, the working classes, whom you dread, do not wish to see passed into law. The hon. Gentleman the Member for Rye (Mr. Mackinnon) gave us to understand that the House—I forget the exact words, but it was an unpleasant observation—was a mass of hypocrisy on this question. ["Hear, hear!" *from an hon. Member on the Opposition side.*] The hon. Gentleman opposite is not a hypocrite. Nobody charged him with that vice. But the hon. Member for Rye told us what some Members had told him on the stairs—that they were going to vote for the Bill, but they disliked it, and he led the House and the country to believe from what he said that a great number of those who support this Bill wish for no Bill at all, and hope there never may be one. It is a very perilous vice in a Parliament is hypocrisy. I believe the people of England will have infinitely more respect for any man who honestly believes, as a honest man may honestly believe, that it is better to keep the franchise restricted, and to keep the Government of the country in the hands of the rich. They will have more respect for such a man who avows his honest convictions than for those men who deal with such a question as this in one Session in one light, and in another light in another Session, just as it may suit their party objects and party purposes. We may be coming, and we shall come upon troublous times, if the House of Lords becomes omniponent and the House of Commons becomes contemptible. There are some things upon this question which are agreed to, and some that are merely asserted and figure as matters of dispute. Now, I should like to ask the attention of the House to two points. Without going to the Census of 1861, we all know what the population will be when the next Census is taken. The population of the United Kingdom will be about 30,000,000. We know that if there be 30,000,000 of people in the United Kingdom, there will be 7,500,000 of men of twenty-one years of age and upwards. We know that at present not more than 1,000,000 of men can come up to vote; and we know, therefore, that even allowing for those who are in the army and the navy, or who may be incapacitated from pauperism or crime, or other causes, there are 6,000,000 adult males to whom Parliament has not yet conceded the right of the suffrage. The Bill of the noble Lord proposes to make a slight advance. It proposes to open the door to a number—it may be 300,000, and a very extreme calculation might make it 400,000 fresh voters. I believe it may be 300,000, and I doubt if it can be 400,000 throughout the whole of the United Kingdom. If it be 300,000, it is only opening the door so far that only one man in twenty of those now excluded will be allowed to come in. Can anybody believe that the terrors you have expressed or that your alarm at this proposal is well founded? It is utterly impossible. I do not believe any man in this House or out of it, if he were told that only one in twenty of the adult males now excluded were to be admitted by this Bill, could honestly say he believed it a measure perilous to the country or to the constitution in any sense whatever. I think I may take that to be almost agreed upon. But there are some things merely asserted; and I wish to allude to one or two of them. It has been asserted during these discussions—I will not quote particular speeches, but I trust to the House for confirming what I say—it has been asserted over and over again, that the admission

of this number, and therefore I may almost say of any number, of men to the franchise above the 1,000,000 is to give up the representation of the country and the power of Parliament to classes altogether unworthy of it. I may refer to the language of the right hon. Gentleman the Member for Hertfordshire (Sir E. Lytton), in one of the most eloquent and elaborate speeches ever made in this House, a speech every word of which had been considered over and over again, and which therefore was not delivered in the heat of debate—I say upon referring to that speech it is there asserted that to open the door to one out of twenty men now excluded, that is to 300,000 or 350,000 of our countrymen, is to hand over Parliament and the Government to what he designated as poverty and passion. I cannot very well permit myself, especially with the great and unfeigned respect that I have for much in the character of the right hon. Gentleman, to speak of that phrase in the language which necessarily arises to my lips when I think of it. But the noble Lord, the Member for the City, quoted the other night from an article in a periodical which is supposed to represent hon. Gentlemen opposite. I confess I was rather surprised that the right hon. Gentleman the Member for Buckinghamshire appeared to take some offence at it, because I thought the noble Lord intended to say what was friendly of him and complimentary to the right hon. Gentleman. [*A laugh.*] Well, so it struck me, and I think the right hon. Gentleman will not deny that that was the tenor of the observations. That article did not spare a good many people besides the right hon. Gentleman. It is said, I do not know on what authority, to have been written by a noble Lord I see opposite me (Lord Robert Cecil). I believe the authorship was first indicated by the supposed hostility which exists in the mind of the noble Lord to the general policy of the right hon. Gentleman. Well, I understood the author of the article to say that the course of policy we were now pursuing, and the result of such a measure as this would be to leave us for the Government of the country to a "blessed choice" between "debauchery and crime." He referred to publichouses as furnishing the debauchery; but he might have known that if in any particular borough the public-house interest amounts to 10 per cent of the electoral body, inasmuch as no more will be admitted under the Bill, the influence of that interest will be diminished in proportion as you increase the numbers and the influence of the general body of electors. Now, I want to ask the House to consider these three statements—one made by the right hon. Baronet, the other assumed to be made by the noble Lord (Lord R. Cecil), and the statement of the right hon. Gentleman (Mr. Disraeli) that there was a danger lest everybody admitted to the franchise would combine to conspire against all the institutions of the country. To what does this argument lead us? According to the right hon. Baronet six-sevenths of your population — that is, 6,000,000 out of 7,000,000 grown men in the United Kingdom—are suffering and passionate. The argument of the *Quarterly Review* is that they are sunk in debauchery and crime. That they are ready to combine against all the existing institutions of the country and against all classes above them is the prime and the sole argument of the right hon. Gentleman's long speech. Now, if I thought this were true I confess I should despair of the future of my country. But I will undertake to show that this testimony is not worthy of the slightest credit. I will undertake to say that I know a great deal more of the working classes of this country, and especially of those in the north of England, to whom this Bill especially refers, than either the right hon. Baronet, the right hon. Gentleman, or the author of the article in the *Quarterly Review*. Excepting the Sessions which I have had, it may be the honour, but certainly the ill-fortune to spend in this House and in London, I have been for thirty years, at least, in daily communication with these classes. I have lived among them; many of them were playmates of mine when I was a boy; I have superintended their labour; I have paid their wages; and have had as great an opportunity as any man in this House of knowing what are their opinions and their wishes with regard to those great political questions which we have to discuss. Now, I shall ask the attention of the House to a statement respecting the working men of Rochdale. After the accusations which have been made, which were not necessary for your argument, and which I grieve were ever made at all, I feel bound in defence of the working classes to make this statement to the House; and, if hon. Gentlemen on the other side are really interested in those classes, they will thank me for the facts I am about to lay before them. They refer to certain associations in the borough of Rochdale, whereby

working men exclusively have created large mercantile concerns, and have managed them for many years past with the greatest possible success. A co-operative society was established at Rochdale in 1844. It began with twenty-eight members, who subscribed £1 a-piece, so that they started with a capital of £28. At the end of 1859, fifteen years afterwards, it had no fewer than 2,703 members, and a capital of £27,060. It had done business during the year to the amount of £104,000, and had divided among its members, in proportion to the amount of their purchases from its various shops and establishments, the sum of £10,739. During the first quarter of the present year, ending on the 20th of March last, the business transacted was £34,000, or at the rate of £136,000 per annum, leaving to be divided among the members a profit for the quarter amounting to £3,375. Its establishments consist of a large grocer's shop, one for the sale of clothing, a butcher's shop, and another I think where shoes are sold. Hon. Gentlemen who suppose that these working men are not aware of what is being said and done in this House will attach some importance to the facts I am now about to adduce. The society has a library and reading-room, open free to all its members, who now number 2,900. Two-and-a-half per cent, amounting during the past year to £300, is deducted from the profits of the business to purchase books and newspapers for the use of the literary institution. The library contains between 3,000 and 4,000 volumes, and is increasing rapidly every quarter. The news room is well supplied with daily and weekly papers and monthly and quarterly periodicals; and doubtless, some of the members have read the article in the *Quarterly* of which we have been speaking. Maps, globes, telescopes, microscopes, and other scientific apparatus of the most recent construction, are provided for the use of the members, and a Sabbath school is attached to the institution. The Society has at various times subscribed to the Dispensary, the Deaf and Dumb Asylum, the Blind Asylum and the Manchester Royal Infirmary, and it has recently presented to the Corporation of Rochdale, at a cost of £100, a beautiful drinking fountain in bronze, which has been put up in a central position in the town for the benefit of the public. It has also established—and I am sorry Mr. Urquhart, once a Member of this House, is not present to hear this, great credit being due to him for having taught the use of such places—it has established, at a cost of £200, a Turkish bath, which is already remunerative, and the advantages of which are appreciated by many of the middle as well as of the working classes. As a proof of the wise system upon which the society is conducted, I may mention that no credit is given even for a single day. Frugal and provident habits are inculcated. To save something, it is pointed out, is the first step to independence. Pauperism has been diminished; and education, intelligence, and morality have been greatly promoted. Now for another remarkable fact. Arbitrators have long been appointed, for the purpose of adjusting any differences, which may arise between a Member and the Committee, and yet in the fifteen years during which the institution has been established those arbitrators have never once been called upon to give a decision. That is not all. In this same town of Rochdale the workmen have established a corn mill, which was begun in 1850. In 1851 the capital was £2,163. In that year it suffered a loss of £421, which was made up by subsequent gains before any division of profits was made. At the end of 1859 the capital was £18,236; the business done was £85,845, leaving a profit of £6,115 for the year ending March 24, 1860, the number of Members was 550, and the state of the concern stood thus:—capital, £21,192; business done, £92,270; and profit, £8,278. There are many hon. Members in this House engaged in the cotton trade. I am one of them. Well, the Rochdale Co-operative Manufacturing Society likewise has now 1,600 members, with a capital exceeding £50,000. Its present business is not large, but it has built, and is now filling with machinery, a new mill, which will cost not less than £32,000. The mill is paid for, and the machinery will be paid for on delivery. The whole is expected to be complete in September next. Each of these societies is managed by a Committee of eleven Members. Meetings are held, in the two first mentioned, every three months, and in the last every six months. All Members can attend and vote, and no Member has more than a single vote. I have thought it desirable to place these facts before the House, because I am able to produce evidence in support of everything I have said in regard to them; for I know many of these men and the establishments. I know something of the working population among

whom I live, and I believe there is not a person in this House who will dare to stand up after I sit down and say with respect to the men who have thus conducted a large business, saved their money, and promoted all these means of spreading education, intelligence, and sobriety among the people, that it would be perilous to the institutions of this country, if those institutions are worth anything, to give such men a vote for Members of Parliament. But there is another point urged, and that is that by this Bill, if you pass it, you hand over the Government of the country not only to ignorance and to passion, but also to poverty. Now, I should like the House to listen to one or two facts which appear to me important; and I advise the House to look fairly into this question between the working-classes, who wish to be admitted to the franchise, and you, who wish to exclude them. If you are ignorant of the facts, you may possibly commit an error which you will live to deplore some day. It is generally assumed that the great body of the people are very poor and ignorant, and that they cannot use any political influence you may give them judiciously; that is, that they cannot tell whether any gentleman living in their neighbourhood is a suitable man to be intrusted with the expression of their sentiments and with the care of their interests in this House. Now, if we contrast the wealth of the represented classes with that of the unrepresented classes, the difference is not so great as hon. Gentlemen imagine, and as I imagined before I looked into the facts. By the Census of 1861 the population will be, say thirty millions—of these, seven millions and a half will be adult males. There are now about one million of voters, and there must be six millions and a half not on the list of voters. Assume that 500,000 of these do not belong to the working classes, or are engaged in the army or navy, or are paupers, or criminals, and cannot be electors, and there will remain six millions of men earning wages unenfranchised. Suppose this Bill to pass, and that it adds to the number of electors, which it will not, 500,000 from the upper end of this mass, consisting of small traders, clerks, foremen, small capitalists, and the more highly paid working-men, there will remain not less than five millions and a half unenfranchised after the passing of this Bill. Now, let us compare the yearly income of these working men with the income derived from all the real property in the United Kingdom, including lands and buildings, and adding to it the income of all the farmers as shown by the income tax returns. From a return to the House of Lords dated July 20, 1859, it appears that the total income under Schedule A in Great Britain and Ireland is £136,000,000, and under Schedule B, being the income of farmers, £52,000,000, making £188,000,000 in all. Assuming the income of each of the 500,000 persons proposed to be enfranchised under this Bill to be £80 a year, or 31*s.* weekly, the annual income of the whole would amount to £40,000,000. If you take the 5,500,000 persons still to be excluded from the franchise, and estimate their annual income at only £40 per head, or 15*s.* 6*d.* weekly, then their total income would amount to not less than £220,000,000. The annual income of these two classes taken together would amount to £260,000,000. That of itself is a strong fact, and shows that the men now excluded from the franchise have, though not in real property, lands, or buildings, an annual income arising from wages paid for honest labour nearly double the income derived from real property, lands, and buildings, together with the income of all the farmers. But, estimating the number of women who work at 2,000,000, and that they individually earn about 8*s.* a week, then we have a further sum of £40,000,000. Next include the wages of 1,000,000 of young persons of both sexes, between the ages of 14 and 21 years, and, estimating their average earnings at 5*s.* a week, you have a further sum of about £12,000,000. The whole income of these working classes I believe to be understated at £312,000,000 a year, while the whole income represented by all the income-tax schedules in April, 1857, amounted to £313,000,000. The whole of this latter income is represented more or less equally in both Houses of Parliament. The land is represented in and controls almost entirely one House, and has at least half the power in the House in which I am speaking, but the other income to which I have just drawn the attention of hon. Members, the price of labour received in the shape of wages, returns not a single Member to Parliament to defend its interests or express its wants. It does not give one single vote at the polling booth to any single Member of Parliament at this moment. I shall go into no more facts, and I think the two statements I have made will carry conviction to any impartial mind that it is not wise or just to treat lightly

the character and condition of the unenfranchised classes of this kingdom. If the charges made against them were true, what would they prove but the utter condemnation of the whole system of your Government in past times? And, if these charges are not true, then I say, you are pursuing an unwise and dangerous course in making them. What is the object of hon. Gentlemen opposite in the persistent delays with which they meet this proposition? I am told—of course hon. Gentlemen opposite will very likely contradict it—it is said you want to batter and damage the Government, so that by and by you will be able to come to this side of the House, and the right hon. Gentlemen on that bench will come and sit on this bench. I have no doubt whatever that there is considerable anxiety on that score. I have observed that when the Gentlemen who sit on this side of the House sat in Opposition, they were very anxious to get on the Ministerial side, and sometimes took means which I thought unworthy of a great party to dislodge their opponents. I am happy to say that I never co-operated in any of those attempts. ["Oh, oh."] You will recollect that when you (the Opposition) were on this side of the House, your Government was continually taunted with the charge of being kept in office by the right hon. Member for Ashton (Mr. M. Gibson), and myself, and those who acted with us. They said of you and us then what some of you have—I was going to say foolishly—said of the present Government and us now; but I can make great allowance for the feeling which actuates the Opposition to change sides, because, from the anxiety which every one shows to get on the Ministerial Bench, there is, I presume, some peculiar happiness in arriving there. I will assume that you (the Opposition) succeed in getting the noble Lord to withdraw the present Bill, which, however, is not likely, and that you so damage the Government that it cannot continue as a Government any longer, but breaks up as many other Governments have been broken up before, and that the Earl of Derby comes back to power. Well, then, is this Reform question settled? Is the right hon. Gentleman opposite prepared to carry out the statements which he made?—I do not mean private statements, but statements made in public, and which he has not yet repudiated, and probably never will. The right hon. Gentleman expresses his assent; therefore he proposes, if he comes back to power, to add 500,000 electors to the present number. Nay, more than that, because after the general election he found he must go further, and open the door to the working classes, as he said, with sincerity and generosity. Hon. Gentlemen opposite, however, do not seem to calculate on any such concession, for I understand them to think—those 6,000,000 of persons to whom I referred being now excluded from the exercise of the franchise—that if they can get rid of this Bill the door of the Constitution will be locked and barred for a long time to come—nobody knows how long; that the question of Reform will not re-appear, and that we may go on in the old humdrum fashion, regardless of the wishes of that multitude of our fellow-countrymen who during the last thirty years have asked you in the humblest and most deferential tones for some portion of influence in the State. Do you, let me ask, imagine that you can go on raising £70,000,000 per annum, or rather £71,500,000, as we are now informed by another authority, from the population of this country, and calling upon those 6,000,000 whom you exclude from all voice in Parliament to pay their full share—nay, in my opinion, much beyond their full share—of this amount? Do you propose that they should still contribute to this enormous revenue and that not one of them should even be able to speak through the lips of a Representative in this House on the subject of the imposition of taxation or of the mode in which it is laid on the shoulders of the various classes of the people? The noble Lord who sits opposite to me (Lord R. Cecil) upon a former occasion referred to this question, and expressed his apprehension that if we were to have a Reform in Parliament there would be an undue interference with what he called the incidence of taxation; but for my part I believe that there is no class of people in this country who, taken in the bulk, are more just than the working classes. There are, of course, exceptions to that rule; there are among them individuals who are ignorant, violent, and unjust, but there are as many such in your class in proportion to its numbers. Those who know the working classes best, who mix with them intimately in the north of England—in Lancashire and Yorkshire—fear them least and trust them most. If you who sit on the benches opposite were as well acquainted with them as we are you would not have exhibited that affected patriotism and that unaffected ignorance

which you have displayed in dealing with this great question. In making these observations I do not mean to threaten the House with the occurrence of any terrible or immediate disaster in case they should throw out the present Bill, and refuse to deal with this question of Reform; but I would strongly advise you to adopt the contrary course. I should wish, as you are aware, to see a much more extensive measure of reform passed into a law than the Bill provides. I may, however, remark, that hon. Gentlemen opposite, many of whom are the most inaccurate speakers on these topics I have listened to, especially when they set about quoting anything I happen to have said, have over and over again stated—and I have more than once corrected them—that I regard the present Bill merely as a measure which, if it be passed this Session, will have cleared the way for the advocates of reform to rap next Session at the door of Parliament for one of a more extensive character. Now, those hon. Members who may bear in mind anything I have said on the subject will recollect that, so far as the question of the suffrage is concerned, I never made any such statement. My honest opinion is, although I believe it would be desirable to go further than this Bill does in the extension of the suffrage, yet that if the suffrage were brought down to the rate of £6, a considerable number of persons would, as a consequence, be admitted to the exercise of the franchise, and that a point would be fixed within which a number equally great might, by the exercise of frugality and industry, hope at no distant day to be included. Such a concession, therefore, would, in my opinion, be of the greatest possible benefit to the working classes—I speak particularly of Lancashire and Yorkshire—and a line would be drawn at a point which could be reached by them if they exert the virtues which you say it is necessary that the working man should have before he is entitled to a vote. With regard, however, to the redistribution of seats, I am prepared to say now, as I have often said before, that this Bill touches merely the fringe of that question. I have over and over again stated, both in public and private, that I would as soon see the Bill a simple suffrage Bill, not dealing with the redistribution of seats at all, as in its present shape. As, however, the Government have made proposals on the subject—it may be the best they could under the circumstances—I have been willing to lend them all the support in my power in the honest conviction that it is the duty of the House of Commons to pass the Bill, and that if they do not pass it many hon. Members may live to regret the course which they shall have taken in its regard. I am sure the House will admit that I have not said a single word in a tone of menace with respect to this question. I am not in a position to menace anybody. Some hon. Members say that I do not possess the confidence of the working classes, and I can safely say that I never took any special steps to obtain that confidence. They, like all other classes, have their crotchets and their foibles, and of them I have always spoken with that sincerity—you may, if you please, call it severity—with which I hope it is my habit to express the opinions which I entertain. I have opposed them as much as I have worked with them. I have told them from public platforms what I felt to be the truth as honestly as I speak it here. The idea of making my speech palatable to lord or commoner, or working man, by taking a particular political course to meet the wishes of any one of them is one of the very last which I should think of harbouring, and I should despise myself for ever if I were turned a single hair's breadth by such influences from the path which I deemed it to be my duty to pursue. But, passing from that topic, I would implore you now to bear in mind that the greatest events in history have risen apparently from the most trifling causes. There has, however, almost invariably been a groundwork laid in those instances which it may have occupied ten or twenty years or more to construct. How that may be in the future nobody can predict. At the present moment you have an unfavourable season; weather very cold for June: rains almost incessant. If such weather should continue during the whole of this month a bad harvest may be the result. The time may come when two or three such harvests may cause a gloom throughout the land. I would also say to hon. Gentlemen opposite, who seem to me to be always trading in the apprehension of war, that it is not so much war you have to fear as insurrection and revolution on the Continent. Such events light up the fire of excitement in England, for so long as man is man and possesses human sympathies this must be the case. Even the noble Lord who generally sits on the seat below me (Lord Elcho), but who is I know not where now—I suppose with the

Rifle Volunteers—and whom I never heard give utterance to a single syllable in favour of Reform—talked—I forget his exact words—at a meeting of those gentlemen who are organized to defend us against some imaginary foe, about the lion heart of Garibaldi, who had left Italy to snap asunder the chains and bonds of the Sicilians. Now I do not object to that sort of phraseology, but when you find a man who never, so far as I am aware, used his influence to give those of his countrymen who are excluded from the franchise a vote, express all this enthusiasm for the achievements of Garibaldi and the liberation of Sicily, what, I should like to know, must be the effect of passing events on the great mass of his countrymen supposed not to be subject to the same mental control as a Member of this House? The time I say, then, may come when your rashness may give way to terror, and when the accusations you have brought against the working classes may be deemed unsuitable, and something like flattery usurp their place. I do not say that such a period will ever arrive, but when I see an attempt made to preclude the passing of a proposition so moderate as this—which, wherever a public meeting has been held throughout the country since it has been laid before Parliament to consider its provisions—and many such meetings have been held, although you may be in perfect ignorance of the fact if you read only *The Times*—has been received by the members of the working classes, who mainly composed those meetings, with a great feeling of satisfaction—I cannot help feeling strongly on the subject, and warning you against pursuing the course which you are pursuing. The demands of the working classes are most moderate and constitutional. They ask you merely to advance a little beyond the line which was laid down by eminent statesmen who presided over affairs in this House in 1832. They seek at your hands nothing unheard of, novel, or perilous, but simply call upon you to extend the boon which was then with so much subsequent advantage to the country granted, to them, somewhat further at the present day. There are among hon. Gentlemen opposite many who now listen to me who I am perfectly certain are not individually satisfied with the course which they are urging the Government to take with respect to this measure. You refuse this slight concession, and yet you do not refuse it in a manly manner. The 300,000 or 400,000 members of the community whom the Bill proposes to enfranchise, and the small number who at some future day may hope to come within its scope, cannot but imagine that you have treated them with distrust,—nay, that some of you, in speaking of them, would appear to have been animated by a feeling still more contemptible and deplorable. I recollect the right hon, Gentleman the Member for Hertfordshire published a work some years ago in which he said, "Who knows the great generosity of the people of this country?" and he did what I shall not do, exclude from the comment the nobility who constituted the Government of the State. I concur, however, with the right hon. Gentleman in the opinion which he entertains of the great generosity of the English people. I say the people are generous. On their industry are based your wealth and greatness; and, believe me, I am no less your friend than theirs when I implore you with all the power and earnestness which it is possible for me to infuse into words to pass this Bill and treat your countrymen with generosity and justice.

SIR HUGH CAIRNS: Mr. Speaker, there are few subjects which the hon. Member for Birmingham (Mr. Bright) is not capable of understanding perfectly. There is no one more capable of understanding what is the real question before the House; and when the hon. Member for Birmingham rises in his place and, complaining of delay in the progress of this measure, pronounces a speech in which he never once approaches the subject which is really at issue, there can be one reason, and only one reason, for such a course, and it is that the hon. Member prefers to speak on a different subject rather than on the subject which is before the House to-night. The hon. Member for Birmingham has made a speech which, if it be relevant to anything in particular, is a speech in favour of the third reading of this Bill; and I cannot help myself thinking that it had occurred to the hon. Member that, perhaps, an opportunity might not be given of pronouncing the speech upon the third reading, and that he determined to seize the opportunity he has rather than wait for an opportunity he never may have. Now, Sir, whether there ever will be a third reading of this Bill; if so, whether the hon. Member for Birmingham will again repeat the speech we have heard to-night; and, if so, whether any person will then answer that speech,

I do not venture to speculate, but I would desire, with permission, to address a few observations to the House on the question which I think is really before it. The right hon. Baronet the Chancellor of the Duchy of Lancaster, who first spoke in this debate on the side of the Government (Sir George Grey), complained that my hon. Friend the Member for Ayrshire (Sir James Fergusson) had changed the issue of the question before the House. The answer to that charge is short and conclusive. Those who have changed the issue before the House are Her Majesty's Government. The issue before the House for the last three months has been whether we should have in the present Session a measure for the amendment of the representation of the United Kingdom; and on Monday night, for the first time, upon the Motion that you, Sir, should leave the chair, the Government announced that their course was changed, and that, whereas the issue up till then had been a measure for the representation of the whole kingdom, the measure now was one for England only, and the Bills for Scotland and Ireland were to be withdrawn. Then, inasmuch as that announcement was not made until we were on the very eve of going into Committee, there was no opportunity of bringing before the House the grave consequences that result from such a change, except by means of the Motion which has, with such ability and effect, been made to-night by my hon. Friend. Now, on the question of order, let me add a word or two. I think the House has some reason to complain of the course taken by the Government on this matter. On Monday last we had on the paper a number of Instructions intended to be moved on going into Committee on the Bill. Two of those Instructions raised questions of great gravity and importance—questions of registration, polling places, and polling papers. The hon. Gentlemen about to move the Instructions stated to the House that they desired these questions should be discussed, not with regard to one part of the kingdom, but with reference to the United Kingdom, and, as such, to make those Instructions to the Committee about to be formed. What course was taken by the Government? The noble Lord the Foreign Secretary opposed the Instructions, and upon this ground, that they were Instructions going to the case of the United Kingdom, whereas there were other Bills for Ireland and Scotland before the House.

Sir Hugh Cairns

LORD JOHN RUSSELL: The hon. and learned Gentleman is under a misapprehension. The opposition to the Instructions arose on a point of order, and was raised from the Chair.

SIR HUGH CAIRNS: I must remind the noble Lord of what I myself heard. After you, Sir, had suggested the irregularity, when an hon. Member proposed to cure it by inserting the words "United Kingdom," the noble Lord rose, and in his place said that was a greater irregularity still; for, said the noble Lord, this Bill relates to England only, and here are Instructions which relate to the United Kingdom. Of course, Sir, we bowed to your decision on the point; but the question I ask is—was it right in the noble Lord, hearing and knowing the ground of your decision, and knowing, which we did not, that although there were Bills for Scotland and Ireland on the paper, that was a mere form, and that the Government had determined to withdraw them—was it, I ask, right in the noble Lord to take the objection he did, to hear the decision you gave, and sit in his place without rising and saying, "I cannot allow this to pass; no doubt there are Bills before the House for Ireland and Scotland, but the Government are going to withdraw them, and therefore these Instructions ought to be discussed on the Bill for England as if the other Bills were not before the House." So much for the question of order. The question raised by my hon. Friend the Member for Ayrshire is one, I think, of very great gravity and deserving well the attention of the House. I hold the opinion myself that, with regard to the question of amending the representation of the people, there are two courses that may be pursued by the Government. They may come down to the House and say, "We think there ought to be an Amendment of the representation of the people, but the only place that requires amendment is England, and there is no occasion for Bills either for Scotland or Ireland, and we do not mean to propose any." That course would be quite plain and intelligible. I can well understand, with reference to Ireland, for instance, that the Government should not consider there ought to be any further reduction in the franchise, there having been one so lately. Another course is to come down to the House and say, "We think there ought to be an amendment of the representation for all parts of the kingdom; at the same time, it is not convenient to put

the three branches of the kingdom in one Bill; we will have separate Bills, but still those Bills may be considered as one great measure for amending the representation of the people." That was the course the Government adopted; and what I contend, what I shall show conclusively, is this,—that if you adopt that course you are bound, I do not say to put the whole measure into one Bill, but I do say to pass the whole measure in one Session, or else postpone it to such a time that it may be considered in one Session. Now, although we have three Bills in name they are so intimately connected together that virtually you cannot dissever them. Take the question of the disfranchisement of boroughs. That is a very delicate question. It comes home, I am sure, as much as any question can to the feelings and prejudices of hon. Gentlemen; and it is most deeply affected by the course which the Government proposed to take. On what principle do you disfranchise boroughs? On that point there is no difference of opinion on either side of the House. The noble Lord announced his principle very much in the same terms as my right hon. Friend (Mr. Disraeli) did last year. You do not disfranchise a borough merely because it is a small borough. You first try what seats you want to obtain for enlarged or newly-created constituencies, and when you sum up all the seats which you require you cast about to see how you can procure the means of gaining those seats by disfranchisement. The course the Government took is this—they told us "We desire twenty-five seats for England; we desire two for Scotland and two for Ireland. That makes twenty-nine seats in the whole." Now, what are the materials out of which the Government are to obtain these seats? They start with four from the disfranchised boroughs —Sudbury and St. Albans. They then take 25 boroughs of England, from each of which they take one Member, and that at once makes the whole 29 seats. As long as you proceed with all your measures together it is a complete plan—enfranchisement and disfranchisement going side by side; but what do you propose to do now? You say we put off the Irish and Scotch Bills; what is the consequence? Who knows when they will be brought in again, or if they ever will be passed? In the meantime you do not want 29 seats, but only 25 seats. As the Government has four seats already at command, they only want 21; but the present Bill is to disfranchise 25 English boroughs to supply 21 seats. What is the consequence? You have got, in point of disfranchisement, four seats too many. No doubt, the Government may say, "We will set that right in the Bill; we will disfranchise four seats the less." But what 21 boroughs out of the 25 will you take? Your principle is to take all the boroughs under 7,000 population, and which return two Members,—these are 25 in number; that rule cannot be applied to produce you only 21 seats. Now, although you have got separate English, Irish, and Scotch Bills, you have linked the whole three together by your scheme of enfranchisement and disfranchisement; and I appeal to the House whether it will consent actually to disfranchise four seats before being satisfied that there are four places to which those seats may be assigned. I will take now another question, which has been already touched upon—a very delicate and tender one—that of a dissolution of Parliament. But I must first set right the right hon. Gentleman the Chancellor for the Duchy, who, with rather scant courtesy, and no small energy of manner, corrected, as he thought, my hon. Friend the Member for Ayrshire upon this point. I do not think it is quite the way, in this House where arguments have been adduced with such temper and ability as were evinced by my hon. Friend, to say that an hon. Member, when he talks of a dissolution of Parliament and a new constituency, shows he knows nothing about the Bill of which he is talking. I will not say of the Chancellor of the Duchy that he knows nothing of what he is talking about. But take this Bill. I open the Bill at the 20th clause, and I find the proposal of the Government is, that the new constituencies are to be entitled to vote after any dissolution that takes place after the last day of November in the present year [Sir GEORGE GREY: "Read to the end."] I will read to the end, "and subject to the conditions affecting his right to be registered in any year shall be entitled to be registered in any register of voters to be formed for such county, riding, or division, or for such city or borough, in or after the year 1860. [Sir GEORGE GREY: He must comply with the conditions.] The right hon. Gentleman is exceedingly rapid in his conclusions, and I am following him as fast as I can. Thus the register of voters is to be formed not only after the year 1860, but in it.

[*Second Night.*

The right hon. Baronet says the conditions must be complied with. Well, what are they? That before a certain day notice must be given of the claim to be placed on the register for the present year. That day is six weeks off. We do not know if the Bill is to be proceeded with; but if so, it may possibly receive the Royal Assent within six weeks, and every person qualified by it may give the legal notice. But if not, what is to prevent the insertion of words enlarging this 20th clause—it is a mere form—and giving time for the notice? The result would be the same as that produced in 1832, when at a later period of the Session than this the Reform Bill received the Royal Assent, and many weeks after the Bills for Scotland and Ireland were passed, and yet there was a registration, a dissolution, and an election, the time having been enlarged for giving the necessary notice. Having cleared the ground so far, I hope the right hon. Gentleman is satisfied that we can have a dissolution and an election. The next point is a delicate one; of course we cannot ask the Government what advice it will tender to the Crown with regard to a dissolution; and if we did we should not get a reply, and the refusal would be a very proper one. But there is one proposition on the subject that is very safe; and I think I may hazard it without any dispute, even from the Chancellor of the Duchy of Lancaster. If the English Reform Bill is passed, I presume the Government will either advise the Crown to dissolve Parliament, or it will not. That is a safe and logical division of the subject; and I am quite indifferent as to the alternative the Government may select, because the only difficulty is to know which of the two will be the more absurd. I will take the first supposition, and assume that the Government does advise the Crown to dissolve Parliament. Then, if the election is taken on the new registry, the consequence will be that we shall have a Parliament in which the Members for English boroughs and counties will be elected by a constituency wholly different from that which returns the Irish and Scotch Members. I will not go into figures, but you will have the English Members elected by a constituency, say, double the number of that which returns the Irish and Scotch Members. And that is not all. As soon as this Parliament is brought together, what will it have to do? The first thing it will have to consider will be the Reform Bills for Scotland and Ireland. In the meantime the Irish and Scotch Members will sit as criminals brought up for judgment till such time as these Bills receive the Royal Assent. And who will be their Judges? We have heard a petition quoted this evening which designated the present measure as an "instalment" only, and only as such was accepted. The meaning of that I take to be that the new Parliament is considered likely to go much further than the present House is prepared to do. Thus, the English Members elected by the new constituency will be the judges of the measure of Reform to be applied to Ireland and Scotland. Is it fair that this should be done by a Parliament that is neither the present one, nor elected by a constituency like the present? Nor is this all. If the Government advises the Crown to dissolve Parliament after the passing of the English Reform Bill, will it next year, also advise the Crown to dissolve it after passing the Irish and Scotch Bills? If so, the very pleasant and convenient consequence will be, that this winter we shall have a dissolution after passing the English Bill, and in the next winter another dissolution following the Scotch and Irish Bills. That is one branch of the alternative; now let me take the other. I will assume that the Government does not advise the Crown to dissolve. What will then happen? Having a new constituency double the number of the present, you will have this House sitting next spring, taxing the people and legislating for the people; at the same time there will exist in the country a constituency wholly different from that which elected the present House. And perhaps the House may be acting entirely against the wishes of that constituency, while it is taxing and legislating for the whole of the country. Talk of a division between representation and taxation! Was there ever a division between them like this? Was there ever such a case known in this country as the existence of a new constituency, having the right to elect the Members of Parliament, yet not permitted to exercise that right, and being taxed and legislated for by Members they did not select, and which, if they had had the opportunity, they would not have returned to serve in Parliament at all? We have heard some observations by the Chancellor of the Exchequer on this matter well worthy of remark. There were many points in his Budget; but one not less surprising than the others was this—he told

us that the great object in producing the Budget of the present year was to leave everything beyond it—the income tax, tea duties, and sugar duties, as totally open questions for the Parliament in the next year. And not only that; the right hon. Gentleman used these remarkable words; he spoke of the masses—[The CHANCELLOR of the EXCHEQUER expressed dissent]. The right hon. Gentleman shakes his head, but if accurately reported his words were these:—

> "If masses of our fellow-countrymen . . . are to be admitted to the franchise . . . . do not let us presume to lay the foundations of jealousy—perhaps of disloyalty and disorder—by promulgating the doctrine that in proportion to the larger number of the people responsible for the election and conduct of Parliament the powers of that Parliament are to be limited."

This was said in answer to a remonstrance against the course of the right hon. Gentleman in not making permanent some of the taxation for years in advance. The right hon. Gentleman put his refusal to do so simply on this ground, that if you were going to admit the "masses" of the country to the franchise, you ought not to fetter the hands of the new Parliament with regard to the financial arrangements for future years. But if you do admit these masses to be registered as the electors of the country, and if they find next year, by some Budget equally remarkable as the present, a system of taxation imposed which, to judge by past experience, will probably be as opposite as possible to the present, do you not think some of these masses may say, "The Chancellor of the Exchequer prepared us last year for showing jealousy, disloyalty, and disorder," and that that jealousy, disloyalty, and disorder, they will be much more entitled to show, if, having given them the franchise and placed them on the roll of electors, they find the House of Commons continue to impose taxation of which they disapprove, and on which they have had no opportunity of expressing an opinion? I take the question of a dissolution, therefore, on either alternative the Government pleases. I have shown what will follow if the Crown is advised to dissolve Parliament; and what will be the results if it is not so advised. The proposition of the Government is that the House should go into Committee on the English Bill, and that the Irish and Scotch Bills shall be abandoned. If the English Bill is to be pressed on in this urgent manner, and disconnected from the two Bills that have always been associated with it, I think it is desirable, at all events, that we should be quite sure we have got full and proper materials for the consideration of the English Bill. That is more necessary for this reason—the noble Lord admitted distinctly that the Government first tried an £8 franchise, but, finding it would not bring in a great number of new electors, it was not thought worth while to disturb the country for that. It then tried a £7 franchise, which brought in a somewhat greater number, but not enough. Then it tried the £6 franchise, and that brought in something like 200,000 voters. This the noble Lord thought was not so many as to endanger the constituency of the country, yet enough to justify the introduction of the Reform Bill. Now, that argument depends entirely on the correctness of the noble Lord's *data* as to his figures. Let us now see how matters stand with regard to the materials. Upwards of three months have elapsed since the Bill was introduced. I want to know what the Government have done in the meantime. From various sides questions have been raised with respect to the accuracy of the Returns upon which the Government proceed. Yet, so far as I am aware, no step has been taken by the Government either to satisfy the House that its fears are groundless and that the alleged errors do not exist in reality, or, on the other hand, to correct those errors and supply us with better materials. We have been told, indeed, that in "another place" about which we know nothing, the Government have assented to an inquiry; but even with respect to that inquiry we have, I think, some right to complain. If there were no grounds for inquiry, if the Government were satisfied that the materials already in their hands were perfectly correct, why were our minds disturbed by finding them evince so much weakness as to their own case that they assented to the appointment of a Committee in "another place?" But if the Government have a doubt as to the correctness of their Returns, why should we not have a similar inquiry here, in which we might ascertain for ourselves the truth of those rumours which are spread abroad, and which no individual Member has the means of testing? I shall not attempt, at so late an hour of the night, to deal in any large manner with the Returns of the Government; but I may be permitted to state, in the briefest way, three particular points on which I charge those Returns with being

delusive, as to which I have never yet heard an answer, and as to which I do not believe an answer can be given. The first ground of inaccuracy is this. We have been shown the direction given with regard to the making out of these Returns, and in those directions there were the most careful, and I must say the most ingeniously framed, orders to the Poor Law authorities to remove all duplicate names from the list of persons entitled to be put upon the new constituency. But the Government entirely overlooked what is an equally important point, the fact, namely, that there is not a large borough in England with a considerable number of electors upon the roll, in which, among those electors there is not upon the present roll, a great number of duplicates. Take the case of Bristol. The Government Returns inform us that in Bristol there are 12,929 electors. But among those electors there are 3,082 duplicates. It may be supposed that, as there are freemen in Bristol, those duplicates may be attributed to them; but such is not the case to any great extent, for I am told that only about 800 duplicates are attributable to the circumstance of some freemen being electors by virtue of occupation. From the way in which the tables of the Government are framed, the 3,082 duplicates are reckoned a second time in the column showing the excess of the new electors over the old, and the consequence is that, whereas the Returns show that the excess in Bristol would be 3,487 as compared with 12,929, the real excess is 6,569 as compared with 9,847. It is vain to talk of legislation upon *data* of that kind. I cannot give any other case, but I have no reason to suppose that Bristol is an exception; on the contrary, I believe it will be found that the same circumstances exist in every other large borough in the kingdom. The second head upon which I impeach the accuracy of the Returns may be equally briefly stated. The tables give you the names of the occupiers of tenements rated to the poor, but they wholly overlook what is well-known to every one acquainted with the language of the revising barristers—namely, that there is hardly a tenement in any populous town inhabited by the working classes in which there are not what the revising barrister calls separate houses. In the language of the revising barristers, a single room may be a house. The question whether it is so or not depends upon a nice and interesting inquiry as to whether there is a common staircase, whether there is a door which all the lodgers can open, and whether the landlord resides in the building. Anybody living in a large manufacturing town will tell you that he knows scores of houses containing four, five, and even six separate dwellings, each of which, the rent being at least 2*s.* 6*d.* a week, would give the occupier the right to be put upon the registry as the tenant of a house of the yearly value of £6. The Government have entirely overlooked that circumstance, which I have no hesitation in saying will multiply the number of electors in many populous towns four and five-fold. I shall trouble the House with only one other instance of inaccuracy. We have already been informed of errors in the tables showing the gross estimated value. I shall state a single case—that of Leeds. In the Government Returns the gross estimated rental of the borough of Leeds is given at £548,198; but the Property Tax value, representing exactly the same property, is £688,000, making a difference of about £140,000.

MR. BAINES: The hon. and learned Gentleman excludes the land.

SIR HUGH CAIRNS: The land may make a small difference, but certainly not much.

MR. BAINES: I can assure the hon. and learned Gentleman that the land is very valuable indeed, for Leeds is one of the most extensive boroughs in the kingdom.

SIR HUGH CAIRNS: Does the hon. Member mean to say that the estimated value of the land in the borough of Leeds is £140,000. If he does, he makes the most surprising statement I ever heard in my life. Leeds is divided into a number of townships. The assessment is made in each township for itself. It is a matter of indifference to the township whether the rate is high or low, provided it is even and equal; but over the whole town there is a borough rate which covers all the townships, and the overseers vie with one another in keeping their assessments as low as they can, in order that the incidence of the borough rate may be as light as possible. The result is what I have stated, that there is a difference of £140,000 between the gross estimated rental and the property tax value, and the consequence will be that there will be a much larger addition to the existing constituency than is shown by the Returns of the Govern-

ment. The present number of electors is 5,945; the Government tables represent the addition as 5,000, but it will be as much again, for the circumstance I have stated will bring in occupiers between £5 and £6, who are upwards of 5,000 in number. I have now stated the three points upon which I impeach the accuracy of the Government Returns, and I think I have shown reason enough for an individual Member why we should not be driven into rash and precipitate legislation upon a subject where the ground for legislation is the correctness of those *data*. I shall now call the attention of the House to another matter. The noble Lord asks us to go into Committee upon the English Bill, admitting that the state of business is such that he cannot hope to press on the Irish and Scotch Bills. I would ask the House for a moment to take a view of the business of the Session. The Chancellor of the Exchequer, in the peroration of a speech which I shall long remember, told us that he expected that this Session would be memorable because it would be fruitful of blessings. Well, we are four months advanced into the Session of Parliament, and I think it is nearly time that we should, as merchants say, "take stock" of our blessings. I do not think that even the exuberant fancy of the Chancellor of the Exchequer ever led him to suppose that the Bill which is now under consideration was one of the blessings which, to use an expression of my right hon. Friend the Member for the University of Dublin, was to be inflicted on the people of this country. Therefore I put it out of consideration; but I will look at the other blessings to which I think that the right hon. Gentleman was referring. First there was the Budget. Well, various opinions have been entertained with regard to the Budget, but I am rather disposed to think that even its most sanguine admirers are beginning to consider that they are something like the people in the Eastern tale who were credulous enough to take a present of fairy gold at night, and who woke up in the morning and found that their gold had turned into dried leaves. Then we have the French treaty. Of course, it is not now the time to discuss any point with regard to that treaty, but only two days ago I happened to see a statement upon the subject in a very great and authoritative commercial organ, generally one of the strongest supporters of Her Majesty's Government; and what did it say? It said this:—

"The dissatisfaction among various English manufacturers at the consequences of the hasty manner in which the French treaty has been framed is manifesting itself, not merely in the silk districts, where the immediate consequences to the operatives have been especially disastrous, but also at Huddersfield, Leeds, Manchester, Leicester, and other important towns."

Then it gave a number of details as to matters affecting these different towns, and concluded thus:—

"It is disagreeable to have to make these statements, but they are on the lips of all mercantile people, and remarks respecting them may have the effect of drawing forth contradictions if they are incorrect, or, in the opposite case, encouraging assurances that there is a prospect of amelioration. It is but fair, likewise, to explain that those who expressed gratification at the treaty when it was first announced may now, without inconsistency, avow misgivings, since they naturally assumed that it had been well considered, and that they might take for granted it would meet all the reasonable wishes of the manufacturing classes, in whose interests it had been specially arranged."

Now, that is a very candid statement with regard to our blessing No. 2. We will go a little further. I suppose I may take the speech from the Throne as a programme of what our blessings were to be, and what do I find announced in that speech? A very attractive programme with regard to law reform. We were to have a fusion of law and equity, we were to have a measure for the amendment of the law of bankruptcy, we were to have a consolidation of the law as to public companies, we were to have a measure for the consolidation of the statutes, and we were to have a measure for simplifying titles to land. All these were mentioned in the Speech from the Throne. I do not see my hon. and learned Friend the Attorney General in his place, and, as he is not present, I will say this with regard to him, that I do not believe there is in this House, I do not believe there ever sat in this House, a man more sincere, and certainly there never was a man more capable of carrying into effect any measure of legal reform. Therefore, in the observations I am about to make, I attach no blame to him; I am describing the state of the business of the Session. What has happened with regard to those measures of law reform? We have heard something about the fusion of law and equity. We have seen no measure having that object, but we have heard a story about what has happened elsewhere. We have heard that such a measure was produced in "another place," but that the moment it saw the light it was sat upon

and hustled and trampled, and ultimately, after a life of a very few days, it has retired into that limbo in which all Bills of that kind find refuge, and from which it is not likely to emerge. The Bill for the Amendment of the law of Bankruptcy has been brought into this House, and I will say that whatever difference of opinion there may be as to its details, it is a great and worthy measure of law reform. But let us see how the business of the House stands with regard to it. It has been discussed for one night. It consists of 500 clauses and upwards, and in one night we got through, I believe, twenty-five. At that rate it would take nineteen more nights in Committee; and I want to know what prospect there is of the Government being able to give half of that number of nights or days for its discussion. The next measure which was promised was a Bill for the amendment and consolidation of the laws with regard to public companies—a measure which is loudly cried out for by the country, and is a practical measure about the advantage of which there can be no dispute. Well, that Bill has come down to this House, and it lies on your table. It consists of some 400 or 500 clauses, and not a clause has been read in Committee up to the present moment, and there does not seem much chance therefore of making much progress with it during the present Session. The next measure was that for the consolidation of the statutes. I do not know whether the hon. Member for East Surrey (Mr. L. King) is in his place, but I am speaking upon a subject to which he has devoted no small attention, and I can fancy his disappointment at contrasting the present state of affairs with the promise in the Speech from the Throne. Where is the measure for the consolidation of the statutes? Why, we have had brought down from the House of Lords the old crop of hardy annuals which come down to us every year—the Bills for the consolidation of the law as to offences, beginning, I believe, with offences against rabbits and ending with high treason. We have them every year, and they have come back this year; but as to the measure for the consolidation of the statute law, I have neither seen nor heard anything about it in this House. I come now to the last measure of law Reform. That is a Bill about which there really is unanimity in the country; there is a great demand, great necessity for it, and great delight when it makes its appearance. I mean the measure for simplifying titles to land. What is the history of that Bill? We have had upon the paper ever since Parliament met a notice of Motion by the hon. and learned Attorney General that on such a night he would move for leave to bring in a Bill to simplify the titles to land. That notice is on the paper still. It has been there week after week, but the Motion has never been made, the Bill has never been seen, and to talk of passing such a measure this Session is out of the question. I do not know what more blessings there are coming to us, but at all events we have secured very few of these. I want to know why these measures to which I have referred are not gone on with. They are postponed from day to day and from week to week in order to make way for this unfortunate production of the noble Lord's, which since the day of its unhappy birth has never heard a kindly word and never received a friendly smile from any Gentleman on either side of the House. The hon. Member for Birmingham has to-night given us a valuable piece of information. He said, "If you only would not take *The Times*, but would take another paper, and would read the accounts of the meetings which are being held in the country about this Bill, you would no longer say that the country is not anxious for it." He did not mention the name of the other paper that we were to take. [*Cries of "The Star."*] I hope that in private he will communicate the information to some of us, because I should like to see something of the meetings. In the absence of that paper, however, we have a document in this House which gives us some information. We have the Report of the Committee on Petitions. The hon. Member for Birmingham says that there are 6,000,000 of unrepresented adults in the country, who are extremely anxious for representation. I must say they keep the secret very much to themselves, because I find that up to the present time the petitions from these 6,000,000 adults do not include 10,000 names. Well, Sir, the aspect of this question with regard to this Bill, which has changed from week to week, which changed in consequence of the announcement of the noble Lord as to the Bills for Ireland and Scotland, has changed also in another respect, in consequence of another announcement which he made that night. I mean the announcement by which he invited us to go into Committee, and promised us changes

Sir Hugh Cairns

which might be made in the Bill. Now, I certainly was surprised at that announcement from the noble Lord, and I will tell the House why. I remember what happened last year. I remember that my right hon. Friend the Member for Hertfordshire (Sir E. B. Lytton) made a speech upon the Reform Bill which few who heard it will ever forget, in which, in answer to the Resolution proposed by the noble Lord, he said, "You object to certain things in this Bill, you object to the franchise and to other matters; well, state your objections in Committee, prove them, and they will be considered." That was the statement of my right hon. Friend, and what happened after that? Why, Sir, one after another, the right hon. Gentleman the Secretary for War—whom I do not see in his place—and other Members of the present Government rose in their places and used language of this kind. They said, "Was there ever anything like this? Here is a Government which proposes a Reform Bill. Of course, it has some principle; and yet the Government, after proposing it, as soon as a Motion impugning certain parts of it is proposed, come down to the House and say, 'If you will only go into Committee and prove a case we shall be quite willing to consider it, and we may perhaps come to some agreement upon the points in dispute.'" I thought that after that a very different course would be pursued by the Government this year. But what is the statement of the noble Lord? Speaking of the borough franchise, he said:—

"I have since heard many objections to that franchise. I have heard it said that it would quite overwhelm property and intelligence. That again is a question for Committee. And this I will say, that if you will propose any of the measures that have been mentioned this evening, either for raising the franchise by making it a rating instead of a rental franchise, or by increasing the amount of the rental, or in another way that has been pointed out, by admitting a great number of voters who are distinguished by property, or by a high degree of knowledge from those belonging to the working classes, any proposition of the kind shall be fairly considered by us in Committee. We certainly shall not declare ourselves so completely wedded to the franchise which we have put forward that we will not submit to treat on the subject. If, in Committee, such a proposal as I have alluded to be made, and if the House should prefer it to that which we have originated, it will be our duty to see whether the Bill with such an alteration would be a valuable measure, whether it would extend the franchise in a manner that would strengthen the institutions of the country; and, in that case, though we might not think it a change for the better, we should be ready to adopt that alteration." [3 *Hansard*, clviii., p. 1992.]

Well, Sir, there is a thing called retributive justice, and if ever there was an instance of retributive justice in a short space of time it is to find the noble Lord, whose Resolution was then supported by his present Colleagues, rising in his place and using with regard to this Bill language to which that held by my right hon. Friend was almost as nothing. The proposal of the noble Lord itself requires a word or two. If the noble Lord, in the month of February last, had said on behalf of the Government, "Here is our Reform Bill; here are our statistics with reference to it; we think the franchises we have proposed are the best. If, however, you distrust our *data*, we are willing to have an inquiry into its accuracy. If you go into Committee it shall be an open question, whether you should adopt our franchises, or whether reason may be shown for altering them." If the noble Lord, speaking in relation to the Bills for the reform of the representation of the entire United Kingdom, had said this last February, I think it would have been a reasonable proposition, and one which I am satisfied would have been gladly accepted by this side of the House. But when four months of the Session have expired, and there hardly remains sufficient time for us to pass the Estimates and dispose of our other ordinary routine business, for the noble Lord to tell us, "We abandon our Irish and Scotch Reform Bills; we maintain our English Bill; let us throw it loose upon the Committee, leaving you to scramble there for clause after clause as best you may," is, I say, unworthy treatment towards this House, and a mode of proceeding to which we cannot creditably assent. Suppose, however, we go into Committee. What is the first clause of the Bill? Why, it prescribes what shall constitute your county franchise. But the noble Lord has admitted again and again that the principle on which the Government is acting is to fix the borough franchise first and then to keep the county franchise not identical with but higher than that for the boroughs. But if he says, "You may fight about the borough franchise; you may turn it into a rating franchise, or raise the rental if you prefer that course; we shall be satisfied to accept that proposal, although we do not think it the best," how, I ask, are you to pass the county franchise, the subject of the very first clause, until you know what is to be the borough franchise which the House will approve and the Government

adopt? The Committee would, therefore, be entirely useless and illusory, as we should find the moment we came to the first clause. I say it is not intended to go into Committee to do what the hon. Member for Birmingham stated was recommended in the Speech from the Throne in five separate years. We are not asked to go into Committee now for the purpose of settling the whole question of Parliamentary Reform for the United Kingdom. More than that, I say, we are not going into Committee actually to settle or with the time and the materials for settling the question of Reform even for England alone. We shall be asked, as hon. Members who usually support the Government have told us, to dispute about abstract questions that will bear no fruit and lead to no result except, perhaps, as being a rehearsal for some future effort of the noble Lord. But I appeal to the House to rescue themselves, and also the Government, from so undignified a position. Let me ask you these three questions, the answers to which are most important—first, are there the materials on which we can depend for the discussion of the details of this Bill? Secondly, are there, consistent with the other business of the Session, time and opportunity for sifting those materials? And, thirdly, is it a wise or a constitutional proceeding to deal with the subject of an alteration in the law for the representation of the people as to different parts of the United Kingdom piecemeal? If, as I confidently believe, the answer of the House to each of these questions will be in the negative, then, I say, the right, the politic, and even the necessary course for us to pursue is this—the Bills for Scotland and Ireland now being withdrawn, let the Bill for England also follow their example.

Viscount PALMERSTON: Mr. Speaker, the hon. and learned Gentleman who has just sat down commenced his speech by rebuking the hon. Member for Birmingham for having departed from the subject-matter of the debate, and for having made, on the question whether the House should adjourn, a speech which he said belonged to the third reading of the Bill; and the explanation he was good enough to give for that proceeding of the hon. Member for Birmingham was, that, being satisfied that the Bill would never come to a third reading, he was anxious to deliver a speech which he felt he should not have an opportunity of delivering on the proper occasion. But the hon. and learned Gentleman, with the most marvellous inconsistency, has fallen himself into that very error which he, unjustly and improperly, imputed to the hon. Member for Birmingham. He has made to-night a speech upon the Motion for going into Committee on the Bill which properly belongs to the discussion in Committee; but he has given on this occasion a far better reason than he ascribed to the hon. Member for Birmingham, for whereas the hon. Member for Birmingham assuming, as he says, that other people would not allow the Bill to go to a third reading, has anticipated the third reading by that speech to-night; the hon. and learned Gentleman having determined for himself and his friends that the House should not go into Committee founded upon his own decision, which he flatters himself he shall be able to carry into effect, has anticipated by a speech adapted to the Committee that stage of the Bill which he and his friends have determined the Bill shall never reach. But the hon. and learned Gentleman was not only inconsistent, but, if I may be allowed to say so, he was guilty of an act of gross insubordination. It belonged to the right hon. Gentleman the Member for Buckinghamshire at the close of the Session to perform that operation which is usually called "a review of the Session;" but the hon. and learned Gentleman in the month of June—the beginning of June—by entering into a review of the Session, has not only assumed the duties of the leader on that side of the House, but has actually infringed on our duties, for he likewise performed the operation of the "massacre of the innocents." The hon. and learned Gentleman not only diverged from the proper subject of debate by discussing the details of the Bill—a discussion which ought to be reserved for the Committee, but he went into a still wider range of digression, and began to discuss all the measures which have been proposed in the course of the Session, some of which have been, and some of which have not been submitted to the House. And, Sir, the hon. and learned Gentleman enumerated the blessings which he said were to have been showered, or have been showered down on the country in the course of the Session. But there was one blessing he forgot to enumerate, the "gift of tongue." The amplitude and the excess with which that blessing has been bestowed upon the other side of the House has been the main cause why we have been deprived of the

full enjoyment of all those other good things to which he alluded. Why, Sir, if we have come now to the beginning of June without even having got into Committee on a Bill, which the hon. and learned Gentleman accuses us of having hurried through the House—if that is the state of the matter, what has been the cause of it? Why, the cause has been that we have been incessantly interrupted by delays—by the delays which have been purposely interposed by the other side to obstruct the progress of the Bill, and which those who wish to obstruct have not dared openly to attack. I really wish, Sir, to call the attention of the House to the condition in which we are. The hon. and learned Gentleman called on the House to rescue itself from the undignified position in which it was placed. I concur with the hon. and learned Gentleman. I do ask the House to rescue itself from what I do think a most undignified position. Does the House mean to pass the Reform Bill, or does it not? The hon. and learned Gentleman ended by asking a string of questions. I also wish to ask a question. I ask the House whether they are of opinion that a reform in the representation of the people is proper and right, or whether they are determined that there shall be no reform? Why, Sir, the course which has been adopted during this Session since the introduction of the Bill, would lead any reasoning man to say that it was the resolve of the House that there should be no Reform Bill—no Bill at all events, this Session; and the arguments we now hear adduced might equally apply to any subsequent Session in which a similar Bill might be proposed. Now, Sir, let me entreat the House to consider the position in which public men are placed in regard to this question of Reform. As long as the proposal for Reform originated on one side of the House, with one section of the House, and was resisted on principle by the other—so long as it might be doubtful what might be the influence of argument, or what the effect of a dissolution and re-election upon the strength of those two opposing parties, so long it was justifiable for those who opposed Reform to oppose it on principle, to object at every stage to every Bill that might be proposed to Parliament in order to carry out an arrangement to which they on principle steadfastly and determinedly objected. But is that the condition in which this question is now placed? We have had, as has been stated by the hon. Member for Birmingham, not only many repeated announcements from the Throne recommending this question to the consideration of the House, but now there is no longer any distinction in principle between the two parties who might aspire to the Government of the country. The moment that the Earl of Derby's Administration proposed a Reform Bill, and that Bill was supported by the whole Conservative party, from that moment it was impossible that the House of Commons could consistently and permanently refuse to pass a Bill for reforming the representation of the country. Therefore, those hon. Gentlemen who sit on the other side of the House are precluded from taking a course inconsistent with the line of argument they have pursued, with the conduct of their leaders, with their own conduct in support of those leaders, and with that which happened last year; and I say that it is not a straightforward or manly course to endeavour by delays to postpone the consideration of a measure, to the principle of which they are as much pledged as those who sit on this side of the House. Well, then, Sir, what is it that those Gentlemen object to? The Bill that we have proposed has been acknowledged to be very simple in its provisions. [*Ironical cheers.*] Yes, Sir, no man can deny that. It contains three leading enactments; a reduction of the borough franchise, a reduction of the county franchise, and a transfer of seats. But if hon. Gentlemen entertained those objections which they have so strongly expressed in the course of these discussions, why did they not oppose the second reading of the Bill? Every argument which they have used went to resist the second reading. They have objected on principle to the provisions of the Bill, and I say they ought to have objected to the second reading. They did not object to the second reading. They admitted, therefore, the principle upon which the Bill is founded, the principle—namely, of lowering those respective franchises, and a certain amount of transfer of seats; and their arguments entirely turned upon the details, and upon the degree to which those different arrangements should be carried into effect. Their arguments, therefore, necessarily drove them into Committee, if they were consistent in the line of argument which they adopted. If they were prepared on principle to admit and support and vote for a Bill which reduced the borough franchise and the county franchise, and provided for a transfer of seats, and their objections were only to the

extent to which any or all of these different arrangements were carried out, I say, that, having agreed to the Bill on principle by not opposing it and voting for its second reading, they were bound in consistency to go into Committee, and there endeavour to establish the objections in degree and not in principle which they felt to the different portions of the Bill. But then the hon. and learned Gentleman finds fault with my noble Friend for having stated on a former evening that, if, when we get into Committee, the House should be of opinion that some modification was proper to be made in those three different arrangements, the Government were not so wedded to their own plan but that they would fairly consider any proposal that might be made in Committee. The hon. and learned Gentleman says that my noble Friend is inconsistent in that; because, when the late Government proposed their Bill, he, instead of going into Committee, moved a Resolution establishing certain principles, applicable to the Bill which they had introduced. But, Sir, the cases are totally different. What was the Bill of the late Government? Why, when they brought in their Bill they stated that the one fundamental principle on which that Bill was founded was the identity of the town and county franchises, and that another principle equally essential to the Bill was that the county voters resident in represented towns should be deprived of their county votes. Consequently to have gone into Committee on that Bill with the intention of proposing any alteration in these fundamental principles would have been childish and absurd. My noble Friend, therefore, took the only course which was open to him, and asked the House to resolve before the Bill went into Committee that those principles were not the principles on which the Bill ought to be founded. Hon. Gentlemen opposite gave up their Bill consistently with the ground they had taken, because the Resolution of my noble Friend went to the fundamental principles of the Bill; but the objections now taken by the other side do not go to the fundamental principles of the Bill. They only go to the detail and to the degree in which those fundamental principles are to be carried out. As matters stood there might have been some consistency in the opposition which hon. Gentlemen opposite have made to a Bill which is founded upon principles different from those which constitued the essence of their own measure; but after that period the right hon. Gentleman the Member for Buckinghamshire stated that his Government were prepared to depart from those principles, and to make a reduction of the borough franchise. Therefore, all difference of opinion between those who sit on that side of the House and those who sit on this in regard to the fundamental elements of the Bill has ceased, and it is now come simply to the question of the degree in which the principles of our Bill are to be carried out. That being the case, the hon. and learned Gentleman says, "Here we have been upwards of three weeks discussing this Bill, and have not yet got into Committee." Well, whose fault is that? I think it is a little too much for those who inflict an injury, to make that injury a cause of complaint against the party injured. But he says that our *data* are not satisfactory; that an inquiry has been instituted in "another place;" and why, he asks, has no such inquiry been instituted here? Has anybody asked for that inquiry? Did any hon. Gentleman, who felt a doubt about the accuracy of these returns, move for an inquiry? And have we resisted that Motion? Why, if that inquiry has not yet been made, it is incumbent upon those who thought it necessary to have proposed it, and they are not entitled to complain of its not having been made until they have brought forward the proposal themselves, and that proposal has been negatived. We have, indeed, heard one hon. Member after another, stating from his place that his knowledge of this or that borough led him to think that there was some difference, not in many cases very important, between the results of the returns which we had obtained and laid upon the table, and the results of his own personal and local inquiries. But these were precisely the points which ought to be urged in Committee, which are applicable to the Committee, and not to the second reading, or to the question of you, Sir, leaving the chair to go into Committee. Therefore I say that the whole of the discussions that have taken place, from the time that this Bill was introduced, down to the present evening, have been discussions, not embodying the opinions entertained as to the particular stage of the Bill under discussion at the time, but a series of objections, evidently urged for the purpose of creating delay, and obstructing a Bill, which either they did not venture, or did not, according to their own principles, feel themselves at liberty to oppose entirely upon the general grounds of the matter

and tendency of the Bill. And to-night we have really come to the climax of these proceedings. Hitherto, when a debate has been spun out by a great number of speeches, and twelve o'clock has arrived, we have been told that it is too late to go on, and a Motion of adjournment has been moved; and at that hour of the night it has been impossible for the Government with any decency to refuse their acquiescence in the Motion, when they were told that shoals of orators were ready with speeches unspoken, but ready prepared, upon the subject of debate. But this evening we have had a novelty; and the Motion for the adjournment of the debate, usually made at twelve o'clock at night, has been made at half-past four in the day. An anticipated lassitude, a foretold incapacity of sitting out the debate, has come upon hon. Gentlemen opposite; and at half-past four they declare that it is impossible for them to find strength of body or of mind to go on with the debate; and they have begged and entreated to be allowed to go home and prepare fresh speeches on the subject! That may be a very fair reason, why Gentlemen, who have been for the last few days attending other amusements, have not been able to devote that time and attention which is necessary to prepare themselves for the occasion; but I do not think it is a decorous Motion to make in the House of Commons upon a question of great national importance. It is founded upon something which my noble Friend stated a few nights ago, in regard to the respective Bills for England, Scotland, and Ireland. My noble Friend stated that the prolongation of these discussions, the pressure of other business, and the period of the Session, rendered it unlikely that we should be able during the present Session to dispose, not only of the English, but of the Scotch and Irish Bills also; and that being the case, Her Majesty's Government thought that no public inconvenience could arise from postponing, until next Session, the discussion of the Scotch and the Irish Bills. The hon. and learned Gentleman has talked of abandoning the Scotch and Irish Bills, as though it were supposed that we were going to give up both those Bills; but my noble Friend stated no such thing. What he stated had simply reference to the order of proceeding, and to the fact that, if we were able to pass the English Bill this Session, it would be too late to take up the Scotch and Irish Bills; which would, therefore, render it necessary to propose them again in another Session. But the hon. and learned Gentleman says he has placed us on the horns of a dilemma; because either we shall or shall not have to advise the Crown to dissolve Parliament the moment the English Bill has passed; and he points out what in his opinion will be an absurdity and an incompatibility in either of those courses. Undoubtedly, it would be a most unusual and preposterous course of proceeding, if the moment the English Bill has passed, Government were thereupon to advise the Crown to dissolve Parliament, in order that a new Parliament might be assembled, and take up the Irish and Scotch Bills. Suppose, for instance, that had happened when Parliament met—which, without any great exaggeration, might have been expected—that when the English Reform Bill was proposed, all parties had given their minds fairly to consider the Bill, and earnestly to assist in passing such a Bill as they might think safe and proper, the English Bill would have passed at an early period of the Session, but would any man suppose that immediately after Easter, because the English Bill had passed, Parliament was to be dissolved in order that there might be another Parliament to consider the Irish and Scotch Bills? And yet the argument used by hon. Gentlemen opposite in regard to the postponement of the Irish and Scotch Bills to next Session would lead to that. They say, "If you pass the English Bill this Session, and therefore prospectively alter the English constituencies, then the Parliament elected by the old constituencies will not be entitled to come together next Session for the purpose of considering the other two measures." What difference in principle is there between a Parliament whose constituency has been prospectively altered going on in the same Session to deal with the Irish and Scotch Bills, to impose taxes, to pass important laws affecting all the great interests of the country—what difference, I ask, is there between such a Parliament doing that and the same Parliament performing precisely the same operation when called together after a recess? I am at a loss to see the distinction. Therefore it by no means follows that because Parliament should in one year complete the English Reform Bill, this House would therefore be incompetent to sit again next year to dispose of the Irish and Scotch Bills. It would certainly not be till these three Bills had been passed that, on that account, there would be any necessity for

dissolving Parliament and appealing to the new constituency. Moreover, the new Reform Bill bestows on certain classes new rights which must be recorded by the registrar, and therefore until the new register has been made, even if all the three Bills were passed, it is clear a dissolution could not on that account take place. But I have stronger grounds. I am astonished that the hon. and learned Gentleman should have forgotten what passed in his own country in 1850. A great enlargement of the Irish constituency took place at that time. I forget the exact numbers, they were however rather above 100,000 than below it—but there was no dissolution at that time. No dissolution took place till the Earl of Derby's Government came into office in 1852. So that for nearly two years Parliament went on after that prospective change had been made in the constituency of Ireland. Therefore it is absurd to contend that the course which my noble Friend shadowed forth was one which could not be adopted consistently with constitutional principles and practice. It would be perfectly possible, and would involve no impropriety whatever, for the House to pass the English Reform Bill this year, and to sit again next January or February, or at any other time that the Crown might be advised to call it together, for the purpose of going on with the Irish and Scotch Bills; the dissolution being postponed not only until these Bills had been passed, but until arrangements had been made for the registration of the newly-endowed voters. I say, therefore, that the ground on which this proposal is made will not hold water. But still more extraordinary is the inversion, which could not, in point of order, be proposed directly, but which the Motion for Adjournment is intended indirectly to effect—the inversion, in my opinion, of putting the cart before the horse; that is, putting the Irish and Scotch Bills before the English one. [*Cries of* "No, no!" *from the Opposition.*] Allow me to say that was the object of the Motion which was announced. I presume the hon. Member who made this Motion will not get up and declare that his object in proposing to adjourn the debate *sine die* was to get rid of the Bill altogether. The fact is, that this Motion for the Adjournment of the debate was substituted for the Motion of which notice was given, that the English Bill should be postponed till after the Irish and Scotch Bills had been advanced a stage. The hon. and learned Gentleman undesignedly pointed out forcible reasons why such a course would be impossible. He said the disfranchisement is in the English Bill, and is to form the foundation of the enfranchisement in the Irish and Scotch Bills. Consequently, you must pass the English Bill before you can get the materials with which to endow Ireland and Scotland. The course, therefore, that the hon. and learned Gentleman would show by some twisted argument to be the right one, his own reasoning proves to be palpably improper and absurd, and the course we propose is the only one we can with propriety pursue. I say again, I do trust the House will seriously consider the position which this question now occupies, and the attitude which parties on both sides of the House have assumed in regard to it. Is the House prepared to affirm that there shall be no reform in the representation of the people? I do not ask hon. Gentlemen on this side of the House—I know that they will answer "No,"—but I ask hon. Gentlemen opposite whether, after all that passed when their leaders were in office, they will venture to affirm that there shall be no reform in the representation of the people? It is impossible. If, then, it be impossible, on what ground is it that they refuse to allow the House to go into the consideration of the Bill which we have proposed? I say, every argument they have used, every fact that stands recorded as to their conduct when their leaders were in office, compels them in consistency to go into Committee. It is only in Committee that they can establish those objections which have been so strongly urged by every one who has spoken on the opposite side of the House to the details of the Bill. We have told them we are ready to consider the details, and if the House agrees to any modification of these details, consistent with the principles on which this Bill is founded, we do not say that we shall not be prepared to submit to the decision of the House. But there are certain fundamental principles in the Bill which we could not consent to have infringed, because that would destroy the measure altogether. One main principle of the Bill is the reduction of the borough franchise. If hon. Gentlemen opposite are prepared to move that there should be no reduction of the borough franchise, they can do so. If they choose to say we refuse to go into Committee and discuss the details of the Bill when we object to its principles —we adhere to the principle of the Earl

of Derby's Bill, that there should be no change in the rental qualification for the borough franchise; if hon. Gentlemen opposite would say that plainly and distinctly, then they would be pursuing a fair, manly, and intelligible course of proceeding. But they do not, they cannot take that course, because their leader and others who stand high in the estimation of the party have pledged themselves to a reduction of the franchise. Two distinguished Members of the late Government quitted their colleagues, because, I believe, they were in favour of a reduction of the borough franchise, while the rest were against it. Well, then, if hon. Gentlemen are not prepared to throw the Bill out altogether on its merits and on the principles which it embodies, I say they are acting a part utterly unworthy of a great political party when they endeavour by delay to prevent the House from going into the consideration of a Bill the importance of which they themselves when in office have admitted, the expediency of which when in office they have acknowledged and acted upon, the principle of which they no longer contest, and the details of which form the only ground of their objection. I say that upon every principle which ought to guide statesmen, upon every principle which ought to guide the conduct of a political party, they are bound to go into the consideration of this Bill in Committee, and there urge those objections to the details of the measure which, no doubt, they consistently and sincerely entertain. Is the time of year such as to make this impossible? It is later, no doubt, than it might have been. If they had acted on those fair and manly principles which ought to guide a great political party, there might have been more time to spare. Is this the conduct proper for a party which claims to divide the country into two camps, to represent the great portion of the property and intelligence of the country—that portion of the community which is most attached to the Constitution? I say that the fair, the proper, and the manly course for such a party to have followed was either to have said at once—"Your Bill is one to the principle of which we can never agree, and therefore we object to the second reading;" or, if they did not entertain that opinion to have said—"The principle of your Bill is one to which we cannot object, but to the details we do object; the franchise is too low; it will introduce too large a proportion of the democratic element into the constituencies, but as that is a question to be considered in Committee, we will go at once into Committee and endeavour to enforce our objections and establish our opinion." But such a party should not, under the shadow of a pretence of discussing without dividing, obstruct the whole of the great business of the country and prevent those measures being carried which the hon. and learned Gentleman says are so important, and some of which, in spite of all these delays, I hope we shall be able to carry before the Session is concluded. That is the course which such a party, having a due respect to its position, and a due regard to the interests of the country, should have followed. A Motion is brought forward at four o'clock in the afternoon to prevent discussion, which those who moved the adjournment seem, nevertheless, prepared to bring on, and, I hope, that the House, by rejecting that Motion will affirm that this Bill ought to proceed—that they are prepared to go into Committee, that they are prepared in Committee to hear, to discuss, and to consider all objections which can be fairly and *bonâ fide* made to the details of the Bill, and that this House will not, under the ill-founded apprehension of two dissolutions, which is entertained on the other side, or under the apprehension of a premature dissolution, be diverted from the straight path of public duty, but before the House separates, come to a Vote which will show, one way or the other, what is the opinion of the House with regard to the measure before it.

MR. DISRAELI: Sir, I congratulate the noble Lord on his first speech on the Reform Bill, and I am not at all surprised that he should have fallen into some remarkable errors when speaking upon the subject, because hitherto he has taken less interest than might have been anticipated from a Minister so peculiarly responsible for the introduction of this measure. It is only because the noble Lord has not until this night taken a part in our debates, that I can at all account for that total misconception of what has been going on in the House with respect to this measure for the last three months which has characterized every statement the noble Lord has made this evening. What is the complaint of the noble Lord? The noble Lord does not deny that the business of the House with regard to this measure has been carried on in a most unsatisfactory manner. The noble Lord

does not deny that here we are advanced in the month of June, and have not yet arrived at Committee on this Bill. The noble Lord is astonished at the position in which his Government is placed with this measure, and then the noble Lord with some rashness, as I think I shall show, falls to scolding the House, and says the delay which he has experienced has been unreasonable, unconstitutional, and irrational. Not being sufficiently acquainted with the conduct of this measure, which has been left to others, the noble Lord thinks of course that the delay has been occasioned entirely by the Opposition. Why, it was only on Monday last that the Government proposed to go into Committee. Here we are discussing the question upon Thursday, and the noble Lord accounts for the little progress which the measure has made by the vexatious delays experienced, when it is on the records of this House that the Government themselves, having the management of the business of the House, having generally all the days which are usually devoted to private Members entirely at its disposal, only last Monday proposed to go into Committee. But before the appointment of last Monday let us see what was the conduct of this House. What was the conduct of this factious Opposition seeking every delay and opposing to this constitutional proposition of the Minister all the devices which the forms of the House will permit, to prevent the progress of a measure, of which the noble Lord is so enamoured? Does the noble Lord complain that the second reading was not opposed? Is that a sign of faction? Is that a means of delay? Does the noble Lord complain that upon so important a measure—admitting, as he says we do, the principle of this Bill, the House—not the Opposition merely—should have taken that constitutional and solemn occasion to discuss what may be the consequences of the application of that principle in its various details, as they occurred to them in the course of that discussion? Was a debate of five days' length so unreasonable? Was that a space of time so unusual for a discussion upon such a subject that the noble Lord is justified in turning round upon the House and accusing it of delay? [Several hon. MEMBERS: Six days.] Whether five or six days, who are responsible for the length of that discussion? Is it the Opposition? I think it was stated, and correctly stated, that in numbers, and, I believe, also in length, the majority of speeches were made by the supporters of the noble Lord. The noble Lord turns round to us and says, that there is only one question to ask, "Are you in favour of a Reform Bill or not?" I say that if the noble Lord wants information upon that subject, I recommend him to apply to the hon. Member for the City of Edinburgh (Mr. Black). Let the noble Lord ask him whether he is in favour of a Reform Bill. He sits in his immediate vicinity and is in close political contiguity and sympathy with the noble Lord. For aught I know he is sitting now behind the noble Lord, and he can ask the question in a whisper. If the noble Lord is not satisfied with the opinion of the representative of that enlightened capital, the modern Athens, let him ask the hon. Member for Bristol (Mr. H. Berkeley) what is his opinion, and whether he is in favour of the Government Reform Bill. And if the hon. Member for Bristol in private conversation indulges in that invective and sarcasm for which he is publicly distinguished, I would recommend the noble Lord to address his inquiry to a graver mind—to the hon, Gentleman who must share his confidence. because he owes to his patronage his eminent post—the Member for Salford (Mr. Massey). Let him ask the hon. Member for Salford whether he is in favour of Parliamentary Reform. Sir, the noble Lord may address this question to a great number of Gentlemen on his side of the House. Here, perhaps, we have taken refuge in more general views. We have stated some large constitutional objections to the course adopted by the noble Lord and his colleagues. But, for minute criticism—for vigilant captiousness, for a devotion to details which appears to be prompted by a sentiment of personal panic, I should say on this measure that the great Liberal party were more distinguished than the Gentlemen who sit on the Opposition benches. Parliament met early—at an unusual period. For a whole fortnight nothing was done. Why was not the Reform Bill introduced? I have shown the House that when the second reading took place the duration of the debate was not unusual, and was, indeed, only becoming such a theme. I have shown that the greater portion of that debate, and the portion most adverse to the merits of the Bill, came from the Ministerial benches and from the habitual supporters of the Government. I have shown that when weeks ago that debate was closed the Govern-

ment did not propose to go into Committee until last Monday, the 4th of June, and now I ask the House and the country whether, under these circumstance, and in this state of affairs, the Minister is justified in the assertions which he has made this evening, and the tone which he has adopted upon the subject? But is this all? Not a tithe of the case. The noble Lord says we did not oppose even the second reading of the measure, but that we took other means to protract discussion and provoke opposition. What means? I deny the charge. Look at the records of the House, and examine those who are the authors of the Amendments to the Motion that you, Sir, do leave the chair. Where do they sit? Who are the Members who have suggested Amendments by which this measure might be arrested and ultimately defeated? I need not refer again to the hon. and much respected Gentleman who gave notice of the Motion for referring the Reform Bill to a Select Committee (Mr. Massey), a Motion, the nature of which very much fluttered the noble Lord the Member for the City of London, but which lit up the countenances of many hon. Members of the party opposite with an air of relief that was sparkling and encouraging to all who beheld them. But what is the state of the House at this moment? It is true there has been an Amendment to the Motion that the Speaker do leave the chair; but who has made it? Is it a Conservative Member who is to be held responsible for all the delays that have taken place, and whose conduct is to be the excuse for the clumsy and unsatisfactory manner in which this Bill has been conducted? I do not share the confidence of the hon. Gentleman who moves this Amendment; nor is that surprising, for he always sits behind the noble Lord, and when he made this Amendment he boasted that he had supported the noble Lord in almost every division for many years. Is it to be endured, then, that in such circumstances, instead of turning round to the hon. Member for Edinburgh, the hon. Member for Bristol, and his most confidential friend the author of this Amendment, the noble Lord, in total ignorance of what has been going on in the House—as it were just awakened from those rosy slumbers into which he always falls when the subject of reform is before the House — like an Ephesian sleeper, awakes from his dream, exclaiming "God bless my soul, what's all this? It is the 7th of June and we are not in Committee on the Reform Bill. I will make a great declaration. We have been beset with vicious, factious Motions for delay!" And then the noble Lord denounces the factious and unconstitutional conduct of the party opposite to him, while all the time the noble Lord's intimate friends and supporters who, as representing great cities he ought to be proud of, are the persons of whom he should complain. The noble Lord, in ignorance of all the warnings so solemnly given, of all the predictions put forth, and in defiance of all the calculations that have been made, comes forward on this the 7th of June for the first time, and condescends to say a word, I will not say in favour of, but about the Reform Bill. But let us see what we are doing this evening? The noble Lord is clearly in error as to all that has taken place this evening. I am not surprised at it, as the noble Lord was not here, having been present, probably, in a gayer and more brilliant scene. I would recommend to the noble Lord that in future he should adhere to the salutary rule that has regulated his Parliamentary conduct throughout the Session, and not venture again to speak either about the Reform Bill or the proceedings in this House with regard to it; because he has entirely misrepresented the Motion of my hon. Friend behind me (Sir James Fergusson), who, in a speech of great spirit and intelligence, introduced the subject before us to-night, and who was led to take the particular course which he did adopt in consequence of an intimation from you, Sir, that it was not competent for him to propose another Motion of which he had given notice. The hon. Gentleman, believing that he was following the proper Parliamentary course, made the Motion which is now before us.

But let me say one word as to what the noble Lord has at some length urged about the alleged opposition and criticism of this Bill by the House. Hitherto there has been no opposition, but there ought to be no criticism, on this measure, says the noble Lord, because we are all agreed in principle, and therefore discussion, except in Committee, is not to be tolerated. What does the noble Lord mean by saying we are all agreed in principle? It is desirable to have a true and distinct conception of the use of the term. The noble Lord says that before the Government of the Earl of Derby there were two parties—one for and one against Reform, and that he says was a convenient system. No doubt, it was a

convenient system for the Liberal party. In Opposition they always constructed and organized themselves on the principle of Parliamentary Reform ; but when they got into office nothing was ever done. The question was left open in detail to any individual who was entirely irresponsible as a Minister. This game had gone on for a long time. Three Prime Ministers had recommended Her Majesty to draw the attention of Parliament in Her Speech from the Throne to the Amendment of the representation of the people, and had laid Bills on the subject before the House of Commons. The late Government were of opinion that, after all that had occurred, seeing that Session after Session questions of Parliamentary Reform had been carried in detail by majorities, though not acted upon, it was advisable to bring in a measure. I will not argue now on the merits or demerits of that measure, but I must tell the noble Lord, as he commenced the controversy, that we brought forward that measure because, in our opinion, it was a Conservative measure, and we view his measure with suspicion, because we think its tendencies are not Conservative. It is very well to talk of being agreed in principles. All depends upon the application of those principles. The noble Lord is by no means justified in saying that because we may agree in the principle of Parliamentary Reform, and in some extension of the franchise, that therefore we are not bound to take into our consideration what may be the possible consequences of the measure now in our hands. I do not think that would be a wise course to take ; on the contrary, the time that has been taken up, from accident in some degree, but in a much greater from the aversion of the noble Lord's supporters to this Bill, has tended much to enlighten the public mind, and when we are in Committee, if ever we get there, we shall be able to consider the principles which the noble Lord has laid down with much greater effect and with much more advantage to the community. These have been the principal topics of the noble Lord's speech, but he hardly addressed one syllable to the question immediately under our consideration. Absent, I suppose, from the House during the best part of the evening, he must have entered in clear ignorance of what had taken place in his absence. He must have supposed that we were continuing the Debate on the "vexatious Amendment" made by one of his principal supporters. He can hardly lay it down as a principle that when the Government have made the most important announcement that they will not proceed with the Amendment of the representation of the people as far as Scotland and Ireland are concerned, the House should not desire to consider the new position in which they are placed, and should not stop in a precipitate career to inquire what may be the constitutional consequences of such a course. The noble Lord has not referred to the dilemma in which he was placed by my hon. and learned Friend the Member for Belfast (Sir Hugh Cairns), or, if he did just refer to it, he did not in any degree extricate himself from it. There is something even beyond that dilemma on which he has not touched, or at least had said just enough about it to show that he was scared at the difficulty which was placed before him, and which he found it impossible to avoid.

The noble Lord proposes that we shall this year Reform, as is the general phrase, or rather amend, the representation of the people—that is, largely increase the constituent body of the country, and bring in a new class, and that class belonging to a much lower sphere of Society than that which now enjoys the suffrage. He tells us now very differently from what was told us by his colleagues : "When this Bill is passed we shall not have time to deal with Scotland and Ireland, and we shall not consider ourselves justified, nor do we think any Minister would consider himself justified in counselling the Sovereign to exercise Her prerogative until the Amendment of the representation of Ireland and Scotland is also accomplished." That the noble Lord has announced now for the first time in unhesitating and unqualified terms. But what is the security that next year the representation of Scotland and Ireland will be amended ? These are not times on which we can count on such results. I could dwell much on that point, but I will not at the present moment; but, admitting that next year these two great Imperial results are achieved, the noble Lord will not deny this, that, thanks to the Chancellor of the Exchequer, we shall have the whole question of the taxation of the country to consider next year, and under circumstances most difficult, most liable to misconception in the public mind, and most calculated to create disquietude and discontent among the masses who are to be enfranchised, and that these grave questions of finance are to be settled not

only by a moribund, but a condemned and dishonoured Parliament. Is that a question unworthy of the discussion of the House of Commons? What have we been discussing to-night but that question? It is not a question to be settled by the reckless raillery with which the noble Lord has treated it to-night. It is one of the greatest questions which can be brought before the House, and we should be unworthy of our position, we should, indeed, have offered an unanswerable argument for the reform and re-construction of the House, if, under such circumstances, we attempted to evade the difficulty. So much for the speech of the noble Lord, and for his unfounded charge against the Tory party of having offered to his suspicious and, perhaps perilous legislation, unnecessary delay. I think I have answered that point. So much, too, for the noble Lord's argument that because he has chosen arbitrarily to assume that we have agreed to what he conveniently styles the principle of his measure, we are to be debarred from contemplating and considering in a statesmanlike manner what must be the consequence of the application of that principle to the state of society in which we live. So far, in the third place, as to the remarks of the noble Lord with regard to the important theme which has engaged the attention of the House to-night—not, as I think, in a languid debate, but in a discussion introduced with much ability, under circumstances most justifiable, and sustained on both sides with that power which the interest of the subject must inspire. The noble Lord has made no satisfactory reply. We have been favoured with his virgin speech on Reform, but the noble Lord has not treated the subject in a way which inspires me with confidence in the manner in which the Government is going to deal with it. The noble Lord, indeed, has left a painful impression on the House that he has taken up this subject rather from party necessity than from political conviction. The noble Lord has challenged us to a division. On these grounds I meet him; and I look to the result of that division without apprehension.

LORD JOHN RUSSELL: I will not long delay the House from a division. But there were some things said by the right hon. Gentleman of which I cannot refrain from taking notice. In the first place, the right hon. Gentleman has stated, as if it were a fact, as if it formed part of history, that when out of office we had been continually engaged in bringing forward this question of Reform, and that when in office we had not carried our views into effect. Now, Sir, during the whole time from 1832 till last year I do not believe we ever brought forward the question of Reform when the party of the right hon. Gentleman were in office. Recalling to mind the periods of 1835, of 1841, of 1846, and the year 1852, I do not think we ever brought forward the question of Reform to disturb a Conservative Government; on the contrary, it was when we were in office that we always introduced the subject.

But, the question we have now to determine is—is this a real, tangible, substantial objection to proceeding with this Bill, or is it a mere pretext in order to prevent a decision? And though the hon. and gallant Gentleman the Member for Ayrshire (Sir James Fergusson) brought forward this Amendment with great ability I cannot conceive how it can be argued that it was our duty to say we would take the Irish and Scotch Reform Bills into consideration during the present Session. If we had done so—if we had stated at this period of the year that we would not proceed with the English Reform Bill until we could entertain the Irish and Scotch Bills together with it, it is quite evident that on each of those Bills the Opposition would have consumed the time of the House; they would have taken the course which they did upon the second reading of the English Bill; they would not have opposed the second reading, but they would have wasted the time, and then they would have said—"It is now too late to proceed with the English Bill." The only practical course we could pursue was to take up the English Bill now, and to leave those for Ireland and Scotland to another Session. And what is the reason which has been given by the hon. and gallant Gentleman who moved the adjournment against going into Committee? What was the argument employed by the hon. and learned Member for Belfast (Sir Hugh Carins)—what was the reason given by the right hon. Gentleman? It was that Parliament would then be condemned, and would be unable and unfit to discuss this question of Reform. But we have never said that Parliament would not be perfectly capable of legislation. We have not said, as we did in 1831, that there are 150 Members of the House who do not represent the people. After that Act was passed, I admit the House of Commons stood con-

demned ; but what has been said with regard to the present measure amounts to this—that it would increase the value of the representation, that it would add to its force with the people, and that it would strengthen the institutions of the country, if a considerable number were added to the electors at present on the roll. But that does not imply any condemnation of the House of Commons — that is no reason whatever why the House of Commons should not continue to discharge its functions for another Session, and why, having entered on the consideration of the English Bill in the present Session, it should not take up the Scotch and Irish Bills at a future period.

The hon. and learned Member for Belfast said, I proposed the borough franchise first, because I wished to keep the county franchise higher ; and that I only fixed upon the borough franchise with a view to secure the addition of a certain number to the constituencies. He misrepresented me in both these particulars. I never advocated a change in the county franchise upon any other ground than that the House had repeatedly averred that a particular rate would be a proper franchise for counties ; and with regard to the £6 borough franchise, I always expressed my belief that men living in houses for which they paid a £6 rental were in many cases artisans who, by their intelligence and integrity, were well deserving of a vote. Well, then, why not discuss these questions in Committee ? Why not take one side or the other ? As my noble Friend has said, and as it has been repeatedly put to the House, if you consider this a revolutionary measure, that will destroy the institutions of the country, oppose it manfully. But if you do not say that ; if you refuse to say that you will not admit the working classes in great numbers, then your only course is to go into Committee, and determine what the franchise should be. The party opposite, however, prefer taking neither of these courses ; they will not make any fair and open declaration of their views, but they seek by delay and obstruction to prevent a discussion of the measure in Committee.

Question put—

The House *divided* :—Ayes 248 ; Noes 269: Majority 21.

List of the AYES.

Adderley, rt. hon. C. B.
Annesley, hon. Capt. H.
Archdall, Capt. M.
Astell, J. H.
Bailey, C.
Ball, E.
Baring, H. B.
Baring, T.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Beaumont, W. B.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Benyon, R.
Bernard, hon. Col.
Bernard, T. T.
Blackburn, P.
Blake, J.
Bond, J. W. M'G.
Booth, Sir R. G.
Botfield, B.
Bovill, W.
Bowyer, G.
Boyd, J.
Brady, J.
Bridges, Sir B. W.
Brooks, R.
Bruce, Lord E.
Bruce, Major C.
Bruen, H.
Bunbury, Capt. W. B. M'Clintock
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir H. M'C.
Calcutt, F. M'N.
Cartwright, Col.
Cave, S.
Cecil, Lord R.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.
Cole, hon. J. L.
Collins, T.
Cross, R. A.
Cubitt, Mr. Ald.
Cubitt, G.
Curzon, Visct.
Dawson, R. P.
Deedes, W.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E. D.
Du Cane, C.
Dunn, J.
Du Pre, C. G.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. W.
Elmley, Visct.
Elphinstone, Sir J. D.
Emlyn, Viscount
Esmonde, J.
Estcourt, rt. hon. T. H. S.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
FitzGerald, W. R. S.
Forester, rt. hon. Col.
Forster, Sir G.
Galway, Viscount
Gard, R. S.
George, J.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Gordon, C. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Greene, J.
Greville, Col. F.
Gray, Capt.
Griffith, C. D.
Grogan, Sir E.
Hamilton, Lord C.
Hamilton, J. H.
Hamilton, Major
Hardy, G.
Hartopp, E. B.
Hassard, M.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Herbert, Col. P.
Heygate, Sir F. W.
Hill, Lord E.
Hill, hon. R. C.
Holford, R. S.
Holmesdale, Visct.
Hope, G. W.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Howes, E.
Hubbard, J. G.
Hume, W. W. F.
Hunt, G. W.
Jermyn, Earl
Jervis, Capt.
Johnstone, hon. H. B.
Jolliffe, rt. hon. Sir W. G. H.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. Major S.
Lacon, Sir E.
Lanigan, J.
Lefroy, A.
Legh, W. J.
Leighton, Sir B.
Lennox, Lord G. C. G.
Lennox, Lord H. G.
Leslie, C. P.
Lever, J. O.
Levinge, Sir R.
Liddell, hon. H. G.
Lindsay, hon. Col.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Lytton, rt. hon. Sir G. E. L. B.

Lord John Russell

Macaulay, K.
M'Cormick, W.
MacEvoy, E.
M'Mahon, P.
Maguire, J. F.
Mainwaring, T.
Malins, R.
Manners, rt. hn. Lord J.
March, Earl of
Maxwell, hon. Col.
Miller, T. J.
Mitford, W. T.
Montagu, Lord R.
Montgomery, Sir G.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Naas, Lord
Newark, Viscount
Newport, Viscount
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
O'Donoghue, The
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Papillon, P. O.
Parker, Major W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. Gen.
Pennant, hon. Col.
Pevensey, Visct.
Potts, G.
Powys, P. L.
Pugh, D. (Carmarthen)
Pugh, D. (Montgomery)
Redmond, J. E.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Rowley, hon. R. T.
Salt, Thomas
Sclater-Booth, G.
Selwyn, C. J.
Shirley, E. P.
Sibthorp, Major
Smith, Augustus
Smith, Montague
Smith, Abel
Smith, S. G.
Smollett, P. B.
Somerset, Col.
Spooner, R.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Steuart, A.
Stuart, Major W.
Sturt, N.
Stracey, Sir H.
Sullivan, M.
Talbot, hon. W. C.
Taylor, Col.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Tottenham, C.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Viscount
Vance, J.
Vandeleur, Col.
Vansittart, W.
Walcott, Admiral
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Way, A. E.
Welby, W. E.
Whiteside, rt. hon. J.
Whitmore, H.
Williams, Col.
Willoughby, Sir H.
Woodd, B. T.
Wyndham, Sir H.
Wyndham, hon. H.
Wynn, Col.
Wynn, Sir W. W.
Wynne, C. G.
Wynne, W. W. E.
Yorke, Hon. E. T.

TELLERS.

Fergusson, Sir J.
Dickson, Col.

List of the NOES.

Acton, Sir J. D.
Adam, W. P.
Agar-Ellis, hon. L. G. F.
Alcock, T.
Antrobus, E.
Arnott, Sir J.
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Baines, E.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Baxter, W. E.
Bazley, T.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blencowe, J. G.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bright, J.
Bristow, A. R.
Brocklehurst, J.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Buller, Sir A. W.
Butler, C. S.
Butt, I.
Caird, J.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, Lord G.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clinton, Lord R.
Clive, G.
Cobbett, J. M.
Coke, hon. Col.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Cowper, rt. hon. W. F.
Copeland, Mr. Ald.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Deasy, rt. hon. R.
Denman, hon. G.
Dent, J. D.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Dundas, F.
Dunlop, A. M.
Egerton, E. C.
Ellice, rt. hon. E.
Ennis, J.
Euston, Earl of
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Fermoy, Lord
Finlay, A. S.
Fitzwilliam, hn. C. W. W.
Foley, J. H.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
French, Col.
Gallwey, Sir W. P.
Garnett, W. J.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greenall, G.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Hartington, Marquess of
Hayter, rt. hn. Sir W. G.
Headlam, rt. hon. T. E.
Henley, Lord
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Howard, Lord E.
Humberston, P. S.
Hutt, rt. hon. W.
Ingham, R.
Ingram, H.
Jackson, W.
James, E.
Jervoise, Sir J. C.
Johnstone, J. J. H.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Laing, S.
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lee, W.
Legh, Major C.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Locke, Joseph
Locke, John
Lowe, rt. hon. R.
Lysley, W. J.
Mackie, J.
Mackinnon, W. A.
Marjoribanks, D. C.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Milnes, R. M.
Mitchell, T. A.
Moncrieff, rt. hon. J.
Monson, hon. W. J.
Morris, D.
Mostyn, hn. T. E. M. L.
Napier, Sir C.
Noble, J. W.

Second Night.

Norris, J. T.	Shelley, Sir J. V.
North, F.	Sheridan, H. B.
O'Brien, P.	Slaney, R. A.
O'Connell, Capt. D.	Smith, J. B.
Ogilvy, Sir J.	Smyth, Col.
Onslow, G.	Somerville, rt. hon. Sir W. M.
Packe, G. H.	Stacpoole, W.
Padmore, R.	Stafford, Marquess of
Paget, C.	Staniland, M.
Paget, Lord A.	Stanley, hon. W. O.
Paget, Lord C.	Stansfeld, J.
Palmerston, Viscount	Steel, J.
Paxton, Sir J.	Stuart, Col.
Pease, H.	Sykes, Col. W. H.
Peel, Sir R.	Thompson, H. S.
Peel, rt. hon. F.	Tollemache, hon. F. J.
Peto, Sir S. M.	Trail, G.
Pigott, F.	Trelawny, Sir J. S.
Pilkington, J.	Turner, J. A.
Pinney, Col.	Tynte, Col. K.
Pritchard, J.	Vane, Lord H.
Puller, C. W. G.	Villiers, rt. hon. C. P.
Raynham, Visct.	Vivian, H. H.
Ricardo, J. L.	Walter, J.
Ricardo, O.	Warner, E.
Rich, H.	Watkins, Col. L.
Ridley, G.	Wemyss, J. H. E.
Robertson, D.	Western, S.
Roebuck, J. A.	Westhead, J. P. B.
Rothschild, Baron L. de	Whalley, G. H.
Roupell, W.	Whitbread, S.
Russell, Lord J.	White, Col.
Russell, H.	Wickham, H. W.
Russell, A.	Willcox, B. M'G.
Russell, F. W.	Williams, W.
Russell, Sir W.	Winnington, Sir T. E.
St. Aubyn, J.	Wood, rt. hon. Sir C.
Salomons, Mr. Ald.	Woods, H.
Salt, Titus	Wrightson, W. B.
Scholefield, W.	Wyld, J.
Scott, Sir W.	Wyvill, M.
Scrope, G. P.	
Seymour, Sir M.	
Seymour, H. D.	TELLERS.
Seymour, W. D.	Knatchbull-Hugessen, E
Shafto, R. D.	Brand, hon. H. B. W.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. BAILLIE COCHRANE moved the adjournment of the House.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 222; Noes 267: Majority 45.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. DARBY GRIFFITH moved the adjournment of the debate.

Viscount PALMERSTON said, it was not his intention to ask the House to go on further with the subject on that occasion. He was quite satisfied with the division which had taken place; and as the sense of the House had been sufficiently expressed he should concur in the Motion for adjournment, and propose that the debate be adjourned till the Monday following.

Mr. STIRLING said, he would beg leave to ask what was to be done with the Scotch and Irish Reform Bills?

Debate adjourned till *Monday* next.

REPRESENTATION OF THE PEOPLE (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

Mr. CARDWELL moved, that the Order of the Day for the second reading of the Irish Reform Bill should be discharged.

Motion made, and Question proposed, "That the Order be discharged."

Mr. HENNESSY said, he objected to the withdrawal of the measure.

Colonel FRENCH said, he wished to enter his protest against the provisions of the Bill, and to express a hope that next year a very different measure would be introduced.

The O'DONOGHUE moved the adjournment of the debate.

Mr. SOTHERON ESTCOURT said, he did not see what good the hon. Member could do by persisting in forcing another division. He, therefore, hoped that the Motion would be withdrawn.

Question, "That the Debate be now adjourned," put and *negatived*.

Main Question put, and *agreed to*.

Order *discharged*.

Bill *withdrawn*.

REPRESENTATION OF THE PEOPLE (SCOTLAND) BILL.

SECOND READING.

Order for Second Reading read.

The LORD ADVOCATE moved, that the Order for the second reading of this Bill be discharged.

Mr. CUMMING BRUCE said, he rose with the greatest pleasure to second the Motion.

Motion *agreed to*; Order *discharged*; Bill *withdrawn*.

WAKEFIELD ELECTION.—PROSECUTIONS FOR BRIBERY.

RESOLUTION.

Captain JERVIS moved a Resolution to the following effect:—

"That whereas by the Act 17 & 18 *Vict.* c. 102, s. 14, it is expressly enacted that no person should be liable to be prosecuted for any offence committed against the said Act unless such pro-

secution shall commence within one year from the date of the said offence, this House is of opinion, with reference to certain prosecutions commenced at Common Law against divers persons at Wakefield for offences committed at the late General Election against that Act, but which prosecutions have not been commenced within the time prescribed by that Act, that such prosecutions should be abandoned."

VISCOUNT PALMERSTON said, it was impossible at that late hour of the evening (half after two o'clock) to proceed with the discussion of the Resolution, which involved considerations of great importance. He should therefore move the adjournment of the debate.

MAJOR EDWARDS: Sir, I have had great pleasure in seconding the Motion of the gallant Officer, and I do now entreat the Attorney General to withdraw these prosecution of witnesses under the Wakefield and Gloucester Commissions. The witnesses were induced under an Act of Indemnity to make the fullest disclosures without reserving any circumstances criminating themselves. After this, surely, it would be an act of positive injustice to institute prosecutions that would cancel the promised indemnity in the faith of which the witnesses were induced to make such disclosures. It is in vain to pretend that those disclosures would not be used as evidence against them. The facts are generally known, and could not fail to influence a jury. Under the circumstances the prosecutions would bear harshly on the parties, especially on Messrs. Leatham and Charlesworth, who had made the fullest and most unreserved disclosures of the errors into which they may have been led in a warmly contested election, and have already suffered a sufficient punishment for those errors in the long suspension of these prosecutions over their heads. From what transpired in the debate on Friday last, I believe the general feeling in the House on the subject, including the Attorney General himself, to be in unison with my own, and I therefore trust the learned Attorney General will no longer hesitate to abandon those prosecutions.

THE ATTORNEY GENERAL said, the House of Commons was called upon by the Resolution to perform functions which did not belong to it—namely, to interfere with the administration of justice. He might add that he did not think it would be satisfactory to the country that a decision on the question should be taken in so thin a House—[An hon. MEMBER: There are 100 Members present]—there being very few present but those who were there for the particular purpose of supporting the Motion. He could only say that, whatever the decision of the House under such circumstances might be, the prosecutions should be proceeded with under the statute, notwithstanding that he should bow to that decision when duly recorded.

MR. MALINS said, he rose to express a hope that his hon. and gallant Friend would, after the statement of the hon. and learned Attorney General, postpone his Motion to a more fitting opportunity.

MR. WHITESIDE said, he could not understand what use there would be in proceeding with the Motion at all if the hon. and learned Gentleman the Attorney General, upon whose immovable nature it was not easy to produce an impression, might set the decision of the House at defiance.

CAPTAIN JERVIS said, he would not object to the adjournment of the debate if the Attorney General would pledge himself to stay proceedings in the meantime.

THE ATTORNEY GENERAL: I will not stay proceedings for a single moment.

Debate *adjourned* till *To-morrow*.

House adjourned at a Quarter after Three o'clock.

HOUSE OF LORDS,

Friday, June 8, 1860.

MINUTES.] PUBLIC BILLS.—2ª Malicious Injuries to Property Act Amendment.
3ª Sale of Gas Act Amendment.

SICILY—BOMBARDMENT OF PALERMO. QUESTION.

LORD BROUGHAM said, he had a question to ask of his noble Friend the President of the Council, which he trusted his noble Friend would be able to answer in the negative. It was, Whether there was any foundation—he hoped there was none—for the accounts that had been spread in this and neighbouring countries of the bombardment of the town of Palermo? For the honour of human nature he hoped there was no foundation for the report of such an unexampled atrocity. He said unexampled, for even the most execrable tyrant of ancient times, whose name had become proverbial for tyranny—even Nero

was only charged with standing by in levity while Rome was burning; but he was never charged with the far more atrocious offence of having set fire to the city for the purpose of destroying among its hundreds of thousands of inhabitants those who were his enemies. He hoped and trusted that there was no ground for these rumours; because although the sacred principle of non-intervention ought to be scrupulously observed, whatever might happen in foreign countries between the different portions of their people—no interference was lawful, however gross the crimes committed on or by any portion of its people, still that sacred principle, if it should unhappily be proved that those accounts were true, would, he should say, in such an event, be tried to the uttermost. He hoped and trusted that it would survive the trial, and that the principle of non-intervention would still be held sacred—no interference by the Government of other countries being permitted, no interference by their diplomatic representatives, no interference by their fleets and armies. No, the principle was sacred and inviolable; but that principle did not, and could not extinguish in our bosoms the natural feelings of humanity, could not prevent us from hearing with indignation and with horror—if the question asked were not answered in the negative—of those crimes that had been committed at Palermo, and still less could it prevent us from wishing heartily for the speedy and entire liberation of the people of Sicily, even though it should be attended by the fall of all their tyrants.

Earl GRANVILLE regretted to say that official accounts had been received of the bombardment of Palermo. In giving that answer to the noble and learned Lord he must observe that it was not usual nor convenient for the Government to reply to questions upon foreign policy without previous notice.

Lord BROUGHAM admitted that, according to the usual practice, he ought to have given notice of the question, but he had purposely abstained from doing so in order not by any possibility to commit his noble Friend (Earl Granville) and his Colleagues upon this subject.

COURT OF ROME.—DIPLOMATIC RELATIONS.

MOTION FOR PAPER.

Earl STANHOPE, in moving for a copy or extract of the Despatch from the Secretary of State for Foreign Affairs, to regulate the diplomatic relations with the Court of Rome since the cessation of the legation at Florence, said that at a time when Central Italy was in a state of extreme agitation, and when alarm—and perhaps something more than alarm—existed there their Lordships could not expect to be called upon to give any opinion upon the political aspect of the matter to which he called their attention, and he did not wish to invite them to do so. His object was to call attention to the great inconvenience and disadvantages which had attended our recent system of diplomatic intercourse with Rome. Those inconveniences would be acknowledged by Her Majesty's Government and by any one conversant with the subject. Whether this was the exact time at which some better system should be adopted Her Majesty's Government would be the best judge; all that he intended to do was to move for the Return of which he had given notice, and to which he believed there would be no objection on the part of the Government; and any Peer would have the opportunity of expressing his views upon the subject. In the first place he felt it right to say that he had not the smallest complaint to make against the gentleman who now carried on our diplomatic business at Rome. The appointment of Mr. Odo Russell was, he believed, a very good one, which that gentleman had fully justified by the ability he had shown in the performance of his duties. In former times it was held that any diplomatic intercourse with Rome was to be avoided, that penal consequences would attach to any attempt to establish it, and that any Minister entering upon such intercourse would be liable to the penalties of a *premunire*. At the Peace of Paris the Ministers of the day had not the smallest desire of exposing themselves to the penalties of a *premunire*, but at the same time they perceived the necessity for the due protection of British subjects, of establishing some kind of diplomatic intercourse with the ruler of a state which comprises the seaports of Civita Vecchia and Ancona, and they resolved to do that indirectly which they dared not do directly. It was determined to send to Rome an Attaché of the Legation at Florence, with the rank only of an Attaché, to carry on our diplomatic business in that city. Great inconvenience was

found to result from that arrangement, and about twelve years since the Government and Parliament decided upon applying a remedy. In 1848 the Act the 11 & 12 *Vict.*, cap. 108, was passed, enabling Her Majesty to establish and maintain diplomatic relations with the Sovereign of the Roman States. In the Bill originally there were only two clauses; but a third clause was introduced in that House upon the Motion of the Earl of Eglintoun, to the effect that it shall not be lawful for Her Majesty to receive

> "Any person who shall be in holy orders of the Church of Rome, or a Jesuit, or member of any other religious order of the Church of Rome."

He thought that restriction was a reasonable one, and he did not seek to disturb it; because it did seem to him that in the present religious condition of Ireland it would be most undesirable to receive any person bearing the rank of Nuncio, or Legate, as Ambassador from Rome. He was not, therefore, in any way seeking to disturb that provision; he only wished to show how consistently with it we might establish a more direct diplomatic intercourse with the Court of Rome. At that time the Ministers of the Court of Rome took offence at this clause. They probably overlooked the precedents established in the cases of the Courts of Berlin and St. Petersburg, and declared that since an attempt was made to shackle their free discretion in the choice of their agents they would receive no Minister on the part of England. Up to this moment, therefore, the Act had remained a dead letter. He could not but think, however, that a favourable moment had now arrived for reviewing this question. Hitherto we had carried on diplomatic intercourse with Rome by means of an Attaché to the Legation at Florence. As their Lordships were aware, however, in consequence of recent and well-known events, that Legation had just ceased to exist, so that in any case there must be some modification of our mode of conducting our relations with the Roman Court. The analogous course would be to send to Rome an Attaché connected with the Legation at Turin or Naples. But there were plain objections to either of those courses. An Attaché sent from Turin to Rome would be at a very considerable distance from his proper post; and it must be remembered that between the Court of Turin and the Court of Rome at present no very cordial relations existed. If, on the other hand, our agent in Rome were attached to the Legation at Naples, he would be placed in this very inconvenient position, that he would either have to communicate direct with the Secretary in England without receiving communications from the head-quarters of his mission; or that he would have to receive or send his communications through a city which was further removed from England by a twenty-six hours' journey than the distance which separated us from Rome, either of which courses would be productive of inconvenience. Under these circumstances, though the Government might be able to adduce valid reasons to the contrary, he could not but think that on general grounds it was desirable to establish direct diplomatic intercourse with Rome. Another reason why present circumstances afforded a favourable opportunity for reviewing the subject was, that no difficulty need now be raised about the question of expense. The Legation at Florence had just ceased to exist, and the sum which it had cost would be exactly sufficient to meet the expenses of a Mission at Rome. It would also perhaps be found a fortunate circumstance that the present Ministers of the Pope were not the men who had dissuaded the Pope from availing himself of the Act of 1848. We were not asking the Court of Rome to do us an act of favour; from whichever side it was made the overture was one which both parties might accept without loss of dignity. He believed he could appeal to very authoritative testimony for the purpose of showing the inconveniences and the disadvantages which had followed from the mode in which our relations with the Court of Rome had hitherto been conducted. He might appeal upon that point to a gentleman who had for many years been at the head of our Legation at Florence, and who had filled with great distinction other diplomatic posts—he meant Sir Hamilton Seymour; and he might further appeal to the noble Marquess near him (the Marquess of Normanby), who had also held the office of our Minister at Florence, and whose courtesy and hospitality in that post would not easily be forgotten by any person who had ever been brought within their influence. But what were the special disadvantages of our present position? In the first place, it deprived our representative at Rome of his due weight and dignity. It was impossible that a young man, who held no higher office than that of an Attaché, and who

perhaps lived, as Attachés usually did, up some three or four flights of stairs, could compete upon equal terms with the accredited Ministers of France and Austria and of other Powers. And if any noble Lord denied the proposition his argument might perhaps carry him further than he desired, for, if an Attaché with a slender salary was all that was required at Rome, it would be difficult to say why a more expensive diplomatic establishment was maintained at Paris or Vienna. Notwithstanding, therefore, the personal merits of the gentleman who now filled the post, there was a want of weight and dignity in our communications with the Court of Rome. The whole system, as it now existed, was neither more nor less than a system of make-believe. In law we pretended not to send a Minister to Rome; but in fact, we did send one. Now, in public as well as in private life, a system of make-believes was never so effectual as an open and a manly policy. This further disadvantage attended our present diplomatic relations with Rome. It was perfectly optional with the Pope or his Foreign Minister whether he would or would not receive our Attaché. An Ambassador had a right to demand an audience with the Sovereign of the country to which he was accredited. A Minister Plenipotentiary might ask for an interview with the Foreign Minister, but neither of those privileges pertained to an Attaché belonging to a different Mission. There had been times when the gentlemen so employed at Rome had experienced great difficulty in obtaining any interview either with the Pope or the Foreign Minister. He believed that Mr. Russell had perfect facilities in this way; but this was owing solely to the alarms of the times in Italy, and to the anxious feelings of the Ministers of the Holy See, and it was just the evil of the system that this privilege fluctuated according to times and circumstances. Admitting the ability both of Mr. Russell and his predecessor in office, and that they had discharged their duties in a most unexceptionable manner, still he said the Government had no right to expect, as a general rule, that they could attract the highest ability to such a post if it continued to be placed in the lowest diplomatic rank, and the smallest diplomatic stipend. It was manifest that questions might at any time arise between the two courts, such as the enlistments in Ireland for the service of the Pope which required to be dealt with by a very firm and prudent man; and it was important that we should have in Rome not an able man by accident, but an able man as a natural consequence of our diplomatic system. Look at what occurred with the Courts of Berlin and St. Petersburg. The Courts of Berlin and St. Petersburg were neither in communion with Rome, but each maintained a Minister there. An intimation proceeded some time back from St. Petersburg, and likewise from Berlin, to the effect that it would not be agreeable to receive an ecclesiastic as Envoy in those cities; but, as the Court of Rome desired to employ none but ecclesiastical agents, the result was that no Minister from Rome ever permanently resided at St. Petersburg or Berlin. The course adopted in the case of those two countries might also be adopted in the case of this country; and if it were not agreeable for the Court of Rome to employ any but ecclesiastical agents, then, as this country was by law prevented from receiving them, the natural course of proceeding seemed to be that this country, though it might not receive an ecclesiastical Minister from Rome in London, might entrust its diplomatic business in Rome to a regularly accredited Minister. Their Lordships would recollect that one of the Ministers of Prussia who had resided at Rome was that distinguished man the Chevalier Bunsen, and their Lordships all knew the great advantages of which his residence at Rome had been productive in the cause of literature and art. The mention of art reminded him that there was another point which he wished to impress on their Lordships' attention, and that was that the presence of an English mission at Rome would tend greatly to promote the interests of art in this country. Their Lordships were all aware of the very large number of students in painting, sculpture, and architecture, who resided at Rome. It was within his own recollection that the English students there were more numerous than the students from any other country, except France. It must be borne in mind that a period of one or two years passed in Rome was almost indispensable for the full development of artistic genius. A remarkable testimony on this point had been furnished by Sir Joshua Reynolds, who in one of his lectures stated that though many of his friends had assured him even before his journey to Rome that he had obtained a full

Earl Stanhope

knowledge of his profession, yet that—as Newton declared he felt before the endless ocean of science—he felt but as "a little child" in art when he stood in the presence of master-pieces of the great painters of Italy. He believed no person would deny the advantage to artists of a period of study at Rome; and an English mission there would supply a central point of union for English students. Their Lordships would, perhaps, be surprised when he stated that England was almost the only nation in the world that did nothing for its students at Rome. The Royal Academy did, indeed, send on the average one student in the year; but the English Government did nothing at all in this respect, and contrasted unfavourably with other Governments in this matter. Mr. John Gibson, that eminent English sculptor resident at Rome, whose genius in art did so much honour to his native country, and one of whose noblest works, a colossal statue of the Queen, adorned the apartment immediately adjoining to that House, had the goodness some time since, at his request, to draw up a paper upon this subject, in which he stated—

"Here is a list of the nations whose Governments send pensioned students to Rome to study painting, sculpture, and architecture. France has an academy, Austria, Prussia, Saxony, Tuscany, Naples has an academy; Russia, Spain, Mexico, Denmark, Sweden, Belgium, France has at Rome five architects, five painters, five sculptors, two landscape painters, two engravers, two medal or die engravers. Each student is sent here for five years. As to Russia, each student is sent here for six years, with a pension of £160 a year each; for his journey £40, and for his return £40. The French academy and the Naples academy have professors to overlook the students. All other students are watched by their Ministers. In the year 1844 I visited England, after an absence of twenty-seven years. The late Sir Robert Peel sent for me. I waited upon him, and he said that the Government had some idea of sending students to Rome, and he wished me to give him what information I could upon such a subject from my long experience of the practice of foreign nations. With reference to his question as to the propriety of sending English students to Rome, I said that I was entirely ignorant of the state of sculpture in England, but since my arrival I had been examining the public monuments, and that I could see the defects of style which prevailed in them, likewise the absence of the grand principles of severe simplicity with that perfect execution imbibed at Rome. The English Government spend large sums to erect public monuments, but contribute nothing towards the training of their students. I had seen some who had natural powers, but wanted the advantages given to young sculptors of the Continent—that is, a Roman education for six years. I have visited England a few times since, and the above are still my sentiments. If the English Government were to follow the example of other nations, they would in the course of time have public monuments that would be an honour to the nation."

He would not weaken the force of that testimony, by adding one word of his own by way of comment; but he might mention that the Prince Consort, whose enlightened zeal in the cause of art was so well known, addressed a public letter to the late Earl of Ellesmere on the subject of the intended Art Exhibition at Manchester. In that letter, which bore date, July 3, 1856, were these words:—

"No country invests a larger amount of capital in works of art of all kinds than England, and in none almost is so little done for art education."

It might be objected, as it had been objected on similar subjects in another place, that, after all, questions of art were not matters of national importance. He did not anticipate that such an objection would proceed from the noble Earl the President of the Council, who, on all occasions, had shown himself not only conversant with but zealous for the interests of Art, or from the noble Earl near him (the Earl of Derby), whose attachment to art was well known, and who had not many weeks since presented two pictures of considerable value to the National Portrait Gallery. But if any such objection should be raised in any quarter, he believed he could meet the objection by showing that the cultivation of art by study might give to our manufacturers—the only thing wanted to them—that taste and elegance in design in which alone they were surpassed by the manufacturers of some other nations. It might be said that his argument applied rather to the foundation of an Academy at Rome than to the establishment of a mission, and as to the former he had sometimes thought of submitting to the House a Motion which should merely go the length of calling upon the Government through their diplomatic agents to collect some preliminary information on the subject. Both a Mission and an Academy were much needed; but, if England was so much poorer than Denmark or Mexico, or so much more unwilling to assist the arts, that she could not, or would not, provide for any paid studentships at Rome, than he said a Mission would be a most valuable substitute as far as it went. It would supply a central point, and be accepted as a very considerable boon by the English artists resident in Rome—a numerous, devoted, and able body of men, men to whom in future

years they would have to look for their fame in sculpture, architecture, and painting. He could conceive that in former years, under a different state of things, there might have been a prejudice against such a mission founded upon religious considerations; but he submitted that the Act of 1848 had settled that question, deciding as it did that upon certain conditions we were willing to enter into diplomatic intercourse with Rome. The desirableness of such an intercourse was no longer open to question. Such, then, were the considerations which had led him to mention this subject to their Lordships. He hoped he might receive an assurance that the Government were favourable to the ultimate object. The question was one of time and opportunity, and upon that point there might fairly be some difference of opinion. He was sure, at least, that he had not brought forward this subject in any party spirit, and that he had endeavoured to urge it in such a manner as should not give any ground of offence on party or on religious grounds to any of their Lordships. Glad indeed should he be if the Government, either now or hereafter, should find themselves enabled by one and the same Act to place our diplomatic relations with Rome on a sounder and better footing, and to confer a boon—a boon which would be warmly felt and acknowledged—on the cause of British art. The noble Earl concluded by moving—

"That an humble Address be presented to Her Majesty for Copy or Extract of the Despatch from the Secretary of State for Foreign Affairs to regulate the Diplomatic Relations with the Court of Rome since the Cessation of Her Majesty's Legation at Florence."

Lord WODEHOUSE hoped his noble Friend would not think him indifferent to the cause of art, either here or abroad, if in replying to his observations he confined himself entirely to the diplomatic view of the subject. His noble Friend had correctly stated that the question was entirely one of time and opportunity, and he thought he could show their Lordships that the present was not a convenient time or opportunity for taking any step to produce the change which his noble Friend desired. He wished, however, at the outset to explain very shortly what was the exact condition of our relations at the present moment with the Court of Rome; for, although his noble Friend had correctly described our position in that respect, he had made one or two statements to which he (Lord Wodehouse) must take exception. His noble Friend had accurately stated the circumstances which led to the passing of the Act of 1848 and the nature of that Act, including the most important clause of all, generally known as the Eglinton clause. After the Act of 1848 was passed communications were at different times exchanged with the Court of Rome on the subject of diplomatic relations between this country and the Pope; but he begged to inform his noble Friend that, so far from the Court of Rome regarding the position taken up by this country as the same as that which had been assumed by Prussia and Russia, they considered that there was an important distinction. The Court of Rome thought that the intimation which he believed had been given by the Prussian and Russian Governments that they should not wish to receive an ecclesiastic as Minister from Rome was very different from an intimation contained in an Act of Parliament, by which the prerogative of the Sovereign was limited as regarded diplomatic relations with one country in the world, and only one. They considered that it would not be consistent with the dignity of the Pope to receive a minister from this country while that limitation upon the prerogative of the Sovereign existed. He was not, of course, going to discuss the policy of the Eglinton clause, which nobody proposed at present to repeal; but, the circumstances being as he had stated, our relations had been carried on with Rome in the same manner as for a considerable time prior to the passing of the Act of 1848. His noble Friend had paid a just tribute to the ability of Mr. Odo Russell, who now occupied the position of Attaché at Rome, carrying on the diplomatic business of his Government there. Undoubtedly his noble Friend had some grounds for stating that the position of an Attaché never could be the same as that of a Minister or an Ambassador; but it was equally true that Mr. Russell, like his predecessors—for the Government had obtained the services of very able men in that capacity—had conducted our business in Rome very much to the satisfaction of the Government, and had placed our relations with that Court upon a satisfactory footing. Under these circumstances the Government had to consider whether the present would be a convenient opportunity for making some representation to the Court of Rome—for that was what his noble

Friend desired—with the view of inducing it to receive a Minister from this country without one being sent from Rome to England. He ought to mention here that the Court of Rome had expressed its willingness to receive, whenever necessary, a special mission; but he was afraid that if we were to express our desire to send a permanent representative to Rome, we should expose ourselves to a refusal and put the Court of Rome in an inconvenient and disagreeable position. It seemed to his noble Friend at the head of the Foreign Office that the present was by no means a convenient moment for taking such a step. Their Lordships knew the distracted condition of Italy, and the peculiar position in which the Papal States at present stood. It had been very erroneously supposed, both in this country and on the Continent, that Her Majesty's Government had taken a forward part in pressing upon the Sovereign of Rome changes in his Government. Upon that matter it was important that there should be no misunderstanding. It was, of course, perfectly true that Her Majesty's Government, in common with all the Governments in this country of late years, earnestly desired that the Sovereign of Rome should make changes in the administration of his dominions, which would make that administration more consistent with justice and with the well-being of those who were placed under his rule. They desired this both in the interest of humanity and in the interest of the peace of Europe, because it was palpable that the great difficulty in Italy had been for years the condition of the Papal States; but, at the same time, while desiring this it had always been properly thought that this country, being pre-eminently a Protestant State, should not take so forward a part in urging such reforms as the Catholic States of the Continent, which had naturally greater influence at Rome. Her Majesty's Government, therefore, had confined themselves to seconding the advice which had been at various times given by those Catholic States, especially by France, to the Pope to make reforms in the administration of his dominions. These representations had been received in a friendly manner by the Roman Government, although, he regretted to say, they had not produced any practical effect. Now, being in this position, strongly disapproving as they did of the present administration of the Papal States, and the relations of the Pope with the other Powers of Italy being in a very unsatisfactory condition, and his position being so uncertain, as regarded parts of his own dominions, it was manifestly undesirable that Her Majesty's Government should at so inopportune a moment take the step of pressing the Pope to receive an English Minister at his Court. It would give to this country the air of interfering more closely and powerfully in his affairs than it had hitherto done; it would very probably be met with a refusal by the Pope, and would certainly not tend to improve our relations with the Court of Rome. He was not aware that his noble Friend had touched upon any other point. The matter was entirely one of time and opportunity. If at any time the Sovereign of Rome should express a wish that a Minister should be sent there, undoubtedly Her Majesty's Government would make no objection. Powers were given by the Act of 1848 to send a Minister, and there was no reason why we should not take advantage of such an intimation on the part of the Pope. But looking to all the circumstances Her Majesty's Government did not think that the present would be a convenient opportunity for making any change in the system which now existed. Before sitting down he must say that no inconvenience arose from Mr. Odo Russell being placed under the Legation at Naples, because, although he sent copies of his Despatches to that Mission, he corresponded directly with Her Majesty's Government in the same way that he did when he was connected with the Legation at Florence. There was no objection to the production of the document for which the noble Earl had moved.

THE EARL OF MALMESBURY thought their Lordships were much obliged to the noble Earl (Earl Stanhope) for bringing this subject before the House. He entirely agreed with the noble Earl upon the diplomatic part of the subject on which he had addressed them, and he did not distinctly see the force of saying that this was not the right time and opportunity for sending a Minister to Rome, because he thought the more serious the affairs of Italy and the Papal States the more this country required the whole weight which it could give to its diplomacy in that country. He should, however, be the very first man to declare that, whomsoever Her Majesty's Government should think proper to send, it would be impossible for him to act with greater zeal, judgment, and discretion

than Mr. Odo Russell had done since he had held this appointment. He (the Earl of Malmesbury) would say, from his own opportunities of judging, that Mr. Russell had been most successful in his intercourse not only with the Ministers of the Pope, but with the Pope himself, and this under the great disadvantage of not holding a high rank. This disadvantage was chiefly felt in contending with the Ministers of other nations. Nothing was more disadvantageous or more impolitic than for a gentleman in this position to be compelled to sit down in conference with Ministers who had much greater authority for urging their claims and advocating their cause than he had. A point of detail had been referred to with which he was not before acquainted, namely, that Mr. Odo Russell had been attached to the Court of Naples. This, of course, was a question for the noble Lord the Secretary of State for Foreign Affairs, but for his own part he was inclined to ask why this gentleman had not been attached to the Embassy at Turin? because it appeared to him that Mr. Russell's correspondence would be much more conveniently, rapidly, and safely sent from that part of Italy than from Naples, considering the great distance of the latter from London. This, however, was a point for the judgment of the noble Lord, and he only ventured to state his opinion. The noble Lord the Under Secretary for Foreign Affairs had said that in the event of our sending a Minister to Rome, the Pope might not consent to his reeeption at this moment. But he (the Earl of Malmesbury) could not understand the inconvenience of the position, because, before we sent a Minister to Rome, we should be able to ascertain whether he would be received or not. And with regard to the compliment not being returned, instances had occurred in which that had not taken place; for until very lately Switzerland had sent no Minister to this country—very much, as he thought, to her own detriment,—for, if she had, very much of what had happened might have been prevented. The noble Lord (Lord Wodehouse) also said that the sending of a Minister to Rome at the present moment might be understood as indicating an intention on our part to interfere more actively with the internal affairs of Italy. He was glad to hear that the noble Lord was influenced by a desire to avoid such an appearance, and hoped that the whole policy of the Government with regard to the Italian States would be characterized by similar caution. He could not too earnestly impress both upon the noble and learned Lord (Lord Brougham) who had called attention to the tragical events now occurring at Palermo, and other Members of their Lordships' House, how careful they ought to be as to the public expression of judgments upon Italian subjects and Italian sovereigns. When Her Majesty's Government blamed, and very naturally blamed, the slaughter and loss of life arising from the bombardment of Palermo by the Neapolitan ships, were they not precluded from any severity of comparison by history itself, and that very recent history? Those who now condemned the Neapolitan Government for bombarding Palermo should recollect that only in 1849, the King of Sardinia, Victor Emmanuel himself, bombarded Genoa, then invaded in the same manner and by the party of the self-same man, Garibaldi. God forbid that he (the Earl of Malmesbury) should justify either act. He only wished to impress upon their Lordships that when, either by our diplomacy or by rash condemnations made in that House, we interfered in the affairs of Italy, we exposed ourselves to very severe observations, and to difficulties of still greater importance than those observations.

THE MARQUESS OF NORMANBY said, he had himself had practical experience for three years and a half of the inconvenient character of the present diplomatic arrangements in respect of the Court of Rome, and he was bound to say that he had received every possible assistance from the very eminent man who then filled the position of Attaché at Rome, and afterwards, on the appointment by Lord Clarendon, to the Secretary of Legation to the Tuscan Mission still continuing to reside unofficially at Rome. Lord Lyons was at that time in daily correspondence with him, consulting him on every point connected with the affairs of the Roman States and other matters. Lord Lyons had often expressed to him not only the inconvenience he felt in his personal communications with the Court of Rome and its Ministers, but had referred to the extremely disagreeable position in which an English agent without any recognized character was placed in treating not only with the Court of Rome, but with other diplomatic agents. Considering the great interests that were involved in our communications with Rome and the Italian States, he thought it was very desirable that our relations with the

Court of Rome should be placed on a more satisfactory footing. He approved the object of the clause in the Act of 1848 which had been referred to, but he thought it was unfortunate that the attainment of that object had not been sought by means of an intimation from the Executive Government that it would not be agreeable to them that an ecclesiastic should be appointed Ambassador at this Court, instead of it being made the subject of a legislative enactment. He fully recognized the advantage which would be experienced by British artists from the presence of an English Embassy in Rome, but at the same time he felt that there was some reason for the doubt which had been expressed by the noble Lord the Under Secretary for Foreign Affairs, as to whether this was precisely the moment at which any change should be made in our relations with the Papacy — whether indeed all that had passed within the last year will not just now indispose the Court of Rome to make what would be a concession on their part if they were expected to receive a British Minister whilst the clause in the Act of Parliament regulating Diplomatic Intercourse to which they had objected remained unrepealed. In all that had been said in praise of the personal qualifications of Mr. Odo Russell he entirely concurred.

Motion *agreed to.*

ENGLISH SHIPWRIGHTS IN FRENCH DOCKYARDS.—QUESTION.

VISCOUNT DUNGANNON asked the First Lord of the Admiralty, Whether the Report that from Four Hundred to Five Hundred Workmen had been discharged from the Dockyard at Portsmouth, there being no Employment for them, and were now engaged as shipbuilders at Cherbourg and other ports of France, was correct? He anxiously hoped the answer of the noble Duke would be satisfactory, not only to himself, but to the country at large. It would seem that various persons had gone to the police magistrates, both in the Metropolis and in other parts of the country, with the view of obtaining passports to ports of France, and stating themselves to be among the number of about 400 or 500 shipwrights who had been discharged from Portsmouth dockyard, where there was no employment for them, and adding that they were anxious to follow their fellow-workmen who had obtained employment in France. It was well known that there was great activity in building ships of war at this moment in France; but whether the object was merely to put the country in a necessary state of defence, or whether there was some aggressive intention meditated, he did not presume to determine; but he could not help expressing his regret that the skill and labour of a class of workmen whose exertions might at this crisis be so usefully employed at home, should be actually devoted to the service of a Foreign Power. If, therefore, the noble Duke's answer should be that the report to which he had referred was wholly unfounded, that answer would doubtless be received by their Lordships with unfeigned satisfaction. On the other hand, if the rumour was correct, he could only hope the noble Duke would be able to hold out the assurance that every department of our navy was at present in such a state as to be capable of repelling any attempt to invade or land foreign troops on our shores. From the critical position of affairs from one end of the Continent to the other, it was impossible to predict what a few months or even weeks might bring forth. They had heard much of rendering effective the defences of the country, and they had heard much of Volunteer corps being raised in every part of the kingdom. Without throwing any disparagement upon the Volunteer movement, or the adoption of other measures of defence, he thought that unless we took care to maintain our wooden walls in a thoroughly efficient condition, all our other preparations must be comparatively futile. It was to those wooden walls that we were indebted for our safety in the most perilous period of our previous history; and if we should again have occasion to look for their protection, he trusted we might be justified in relying upon them with undiminished confidence.

THE DUKE OF SOMERSET: My Lords, in order to answer clearly the inquiry put to me by the noble Viscount, it is desirable that I should divide it into two parts. The first question is, whether 400 or 500 workmen have been discharged from the dockyard at Portsmouth; and the next whether those workmen have since been engaged as shipwrights at Cherbourg and other ports in France. To the first question my answer is that a good many men have been discharged since the commencement of the financial year, and I will state the reason. Indeed, I mentioned it in

this House on a previous occasion. When I acceded to my present office last year there was a programme of very extensive works before the Department, and when I came to examine how far we should be able to perform it I came to the opinion myself, and was also advised by those who were competent to judge of the matter, that we had not money enough or workmen enough to complete that programme within the year. We, therefore, took a Vote of another £100,000, and added largely to the number of men in the dockyards. We could not obtain the men we wanted immediately in the summer, and consequently during the few closing months of the financial year we had in the dockyards a larger force than was ever employed in them at any other period during the present century. When the works had gone on some time, I was advised that if I continued operations at the same rate, the timber would be exhausted, and that it would be impossible that the other trades could keep up with the shipwrights. It was therefore necessary that the work of the shipwrights should proceed somewhat more slowly. I determined to make no alteration till the financial year had concluded, and not to dismiss any of the men in a hurry, but to pay off only a few every week of the inferior class, and retain the better workmen. By that means the number of hands in the dockyards had been reduced from 20,000 to 17,000 some odd hundreds, a number quite sufficient for the work to be performed during the year. With regard to the next part of the question—whether the men who had been dismissed from our dockyards had found employment in France—I can only say that, to the best of my belief, there is no foundation whatever for that report. I saw the report some weeks ago in the papers, when I made inquiry, and was informed that at Cherbourg they had more than a sufficient number of French shipwrights for the works going on there, the highest rate of wages being only 4 francs, while in our dockyards 6*s.* per day are the wages earned on task and job. It is not likely therefore that men would go there for the sake of such reduced wages. But I was also informed that so far from taking on our shipwrights, that 400 shipwrights have been dismissed from the dockyard at Cherbourg from motives of economy in the last six weeks. In the first place, then, we have not largely reduced the number of labourers, artificers, and shipwrights in our dockyard; and, although they have been reduced to 17,000, that is a greater number than we had ever before working in the dockyards of the country—even in 1815—and far beyond any ordinary requirements. I therefore trust that, on the question of the number of men, the answer I have given to the question of the noble Lord will be satisfactory; and as to the men who have been dismissed from our yards being employed in the French dockyards, if at Cherbourg they have discharged some of their own workmen, and the rate of wages there is so much lower than in our dockyards, it appears very improbable that our artificers, who, I imagine, are quite able to look to their own interests, would resort to France in order to improve their condition. With regard to another point, the noble Lord has asked me whether I am satisfied with the position of the navy of this country. Of course, if I had complete satisfaction, the Government would not have proposed such large Estimates as they have done this year. It is because I wish to raise the navy to a more efficient state that we take such large Estimates, and on that ground I am actually employing the large number of men which I have stated in our dockyards.

THE EARL OF SHREWSBURY AND TALBOT wished to corroborate the statements which had been made by the noble Duke. From private information, on which he could rely, he had learned that only two English mechanics had been over at Cherbourg, and that in a very short time, being pretty nearly in a state of starvation, they applied to be sent home to this country. Five francs per day was the highest wages given to shipwrights there, not four francs, as stated by the noble Duke, and he thought it well this should be publicly stated lest any ship carpenters who happened to be discharged here should go to France endeavouring to procure employment in a country where they would find none so remunerative as at home, and thus expose themselves to great hardships and privations. He was glad the apprehensions of his noble Friend had been set at rest on the subject of these reports, and he hoped no such absurd reports would be allowed to prevail again.

VISCOUNT DUNGANNON said, he was perfectly satisfied with the information he had received, and he was sure what had fallen from the noble Duke, corroborated by the noble Earl, would afford very considerable satisfaction to the country.

REFRESHMENT HOUSES AND WINE LICENCES BILL.—COMMITTEE.

Earl GRANVILLE, in moving the Order of the Day for going into Committee on the Bill, observed that it had been opposed on very contradictory grounds, and he should reserve himself for any objections that might be urged against it. The Bill was a Supply Bill.

The Earl of SHAFTESBURY: Before going into Committee, I wish to make a few preliminary observations; though it seems from what we have just heard that no opposition we can offer is to be of any avail at all; it appears this is to be considered as a Supply Bill; and that we are altogether to be precluded from making any Amendment in it whatsoever. In reading over the Bill, however, it struck me to be quite as much a Police Bill, and for interfering with the domestic arrangements of the people, as a Bill of Supply for Her Majesty. There are a great many police regulations and clauses of importance affecting magistrates, and much that interferes with the management and conduct of the existing refreshment houses. I do not speak of the Bill in any unfriendly spirit. Comparing it with what it was at first, it has been very considerably improved indeed; but, nevertheless, there are two or three things to which I should wish to call attention, although it appears we shall be precluded from altering them. There are three points to which I should have adverted at greater length, had we been allowed to touch this very sacred measure. In the first place, I think you are pressing the principle of your licences much too far in exacting a 10*s.* 6*d.* licence from many of the smallest and poorest shopkeepers in the Metropolis. I do not know whether any of your Lordships have ever walked late at night through some of the bye-streets and deep recesses of London, where you might have seen sheep's-heads and fried fish exposed for sale; the whole contents of the shop, furniture included, would not, in many cases, be worth 10*s.* 6*d.*; yet these are refreshment houses for working men, who have there a bit of sheep's-head or cooked fish for 1*d.* or 2*d.* The imposition of a tax of 10*s.* 6*d.* on such shops will be felt as a grievous burden indeed. With respect to Clause 13, I should be very glad to ascertain to what extent the provisions of this clause are applicable. Perhaps your Lordships are not aware that a very large proportion of the houses in this town are held under covenants in their leases not to take any licence whatever for the sale of refreshments, and many houses in which refreshments are already sold are held under covenants not to take licences as a public-house or for the sale of wine. I verily believe when this Act comes into operation some thousands of houses will be found, by the terms of their covenants, unable to avail themselves of its provisions. The leases under several of the largest estates, the Hope estate, the Ward estate, the Portland estate, the Portman estate, and others, have covenants of the nature to which I have referred. Almost every house under these vast estates, with the exception of public-houses themselves, is under a condition not to accept any licence for the sale of wines, &c. The third point to which I would advert is the very extreme power given by the 18th clause to the police. I was anxious to introduce words to the effect that the police should have the power to visit even during the day such houses as are licensed to sell wine. The clause, as it now stands, makes it lawful for any constable when and so often as he may think proper, to enter all houses licensed as refreshment-houses under the authority of this Act, entering every room, from the cellar to the garret. This may be done without any notice. Many of these refreshment-houses, confectioners'-shops, and coffee-houses, are exceedingly respectable, and visited by the most respectable people; yet there is not a confectioner's shop in the whole of London which, under this clause, may not be visited at any hour by any policeman. This is a state of things which I am sure will occasion the very greatest inconvenience, arising from an extension of police power far beyond the necessity of the case. So far as regards the houses selling wine, it may be desirable perhaps that the police should have full powers; but if wine and spirits are not sold, I cannot see what advantage can be gained from giving policemen power to enter all refreshment-houses. I wish to speak very highly of the Metropolitan police. I know well how they execute their duty; but the framers of this Bill do not entertain the same opinion of the Metropolitan police that I do, for the 39th clause contains a provision which I do not believe exists in any Act of Parliament whatever, imposing a heavy penalty on any person selling wine who shall harbour

or entertain a policeman during the time he is on duty. A suspicion seems to have existed that many of the police constables, under the influence of vintners or the keepers of public-houses, may be enticed into these houses and made drunk. Such is the estimate of the character of policemen formed by the framers of this Bill. But the circumstance that a police-constable may enter at pleasure into any coffee-shop or confectioner's shop has, I have reason to know, given rise to a great deal of apprehension. I hope some alteration will be made in this respect. I know that this measure has given rise to a great deal of apprehension and alarm as to its effects upon the morals of the people. I am not going to propose any alteration myself, as I understand the Bill is to be regarded as a Supply Bill. I must say, however, that I am not prepared to surrender what I consider to be the just rights and privileges of this House. I will abstain from making any Motion, reserving, so far as I am individually concerned, the right and privilege of the House, and yielding only to the circumstances of the moment, but declaring that I believe the abandonment of our rights and privileges would be a great detriment to the interests of the public.

THE EARL OF WICKLOW said, that he understood the principle of the Bill to be that it was to induce the people of this country to substitute a more wholesome beverage for those fiery spirituous beverages to which they were now accustomed. If so he was at a loss to understand why Ireland and Scotland were not included in the Bill; for if there were any portion of the empire to which this principle was most applicable it was to those two countries, where the manufacture of ardent spirits was principally carried on, and where, consequently, there was comparatively the greatest consumption. If they were to substitute wine for spirituous liquors, surely there was no portion of the empire that stood more in need of the benefits of this Bill. These two portions of the empire were, it seemed, to be deprived of the blessings of Parliamentary Reform, but he could not understand why they were also to be deprived of the benefits of beverage Reform.

THE EARL OF DONOUGHMORE said, he understood that this was to be treated as a Supply Bill, and he was very sorry to hear it, because the greater part of the Bill related to matters with regard to which that House was in the habit of legislating. He agreed with the noble Earl (the Earl of Shaftesbury) that this was not a proper time to enter into a discussion of the privileges of the House of Lords, and, therefore, he should be very unwilling to introduce any Amendment; but there were certain clauses in the Bill to which he entertained a strong objection, and he would ask the noble Earl whether any Amendment of them would be an infringement of the privileges of the House of Commons? The whole of the licensing system under this Bill differed essentially from that under which the licensing victuallers now obtained their licences. The Bill proposed to introduce a number of other persons into the trade. Now he did not ask for the licensed victuallers any monopoly; he did not think the House would support any such monopoly; but at least they had a right to demand that the conditions under which they were placed should be the same as those under which other persons were placed who had the same privileges. Now, a licensed victualler had to apply to a magistrate, who had complete discretion as to whether he would or would not grant him a licence. He had to go to the magistrates to obtain a certificate for a licence, and then he went to the Excise, and upon that certificate the Excise granted the licence. But what was the course to be pursued under this Bill? The person who wished to obtain a licence did not go to the magistrates at all, but went at once to the Excise, and the Excise served a notice on the magistrates, and if the magistrates did not in a certain number of days enter a *caveat* the licence would be granted as a matter of course; and the magistrates, moreover, could not enter that *caveat* without stating the specific grounds on which they did so. Now, the licensed victuallers complained that this operated partially in favour of a class who would compete with them in their business. Their Lordships, at the same time that they would refuse to support the licensed victuallers' monopoly, would see the propriety of these wine-sellers being placed on the same footing with the publicans in the matter of licences; and for that purpose he would, if it were competent for him to do so, move to insert words in the 10th clause to the effect that no licence should be granted except on the production of the certificate of magistrates, in the same way as they granted licences to licensed victuallers. He should also move to insert words in the

13th clause. The noble Earl opposite (the Earl of Wicklow) asked the reason why Ireland and Scotland were not included in this Bill. He thought he could tell him. He believed that when the Bill was first introduced it was intended to include those two countries, but it met with such opposition from Members representing Ireland and Scotland that if it had not been restricted to England it would not have been carried. He thought the Bill would be a failure, and he was not sorry to see that the *experimentum in corpore vili*, instead of being on Ireland, would for the first time be tried on England.

THE EARL OF HARRINGTON said, that this was a mixed question, partly fiscal and partly otherwise. He did not object to the free-trade part of the Bill, but to the new licensing system that it proposed to enact. The sale of spirituous liquors under the existing system was one of the great causes of drunkenness, immorality, irreligion, and many other evils with which society was cursed; and he feared that one effect of this Bill would be to increase those crimes by placing wine more within the reach of the people of this country. He denied that the light wines of France were so innocent a beverage as they had been represented. According to the Bill itself, wines would be admitted into the country containing from 10 to 40 per cent of alcohol. Now, beer contained not more than 8 per cent of alcohol. Yet the operation of the Beer Act had been severely denounced and condemned by the House of Commons and by their Lordships. When that Act was introduced it was supported on grounds similar to those urged by the advocates of this measure. But successive inquiries by Committees of both Houses of Parliament had conclusively proved that intemperance and crime had largely increased in this country. If such had been the case when the liquor sold contained so small a per-centage of alcohol, what might they not expect from the operation of this Bill when it came into full operation? In 1854 Mr. Gladstone himself deprecated the idea that any financial considerations should be allowed to stand in the way of any plan for the suppression of intemperance. The very name of the "Maine Liquor Law" was unpopular, and that was not what he desired to introduce; but instead of the present system of licensing he should have preferred what was called "the permissive system," by which the option of granting a licence would be left to the decision of a majority of ratepayers. The public meetings that had been held all over the country, and the numerous petitions that had been presented to Parliament on the subject, showed that the plan was not unpopular. Complaints were now made against the number of beerhouses, and now Parliament was asked to double the number of drinking houses by licensing shops for the sale of stronger alcoholic drinks. He deeply deplored the evils which the people of this country inflicted upon themselves by their consumption of intoxicating drinks, and he deprecated and protested against any legislation which had in any way a tendency to encourage it. According to the *Edinburgh Review*, £50,000,000 might be annually saved to the people of this country if they were to give up the consumption of intoxicating drinks and tobacco, while Mr. Porter, of the Board of Trade, estimated the expenditure much higher; and if his estimate were right it followed that the working classes earning from 20*s.* to 30*s.* a week spent one-third or one-half of their wages in those drinking-houses, and left their families with scarcely enough to keep them from starvation. Two thousand medical men denounced this system in the strongest language, amongst whom it appeared that Mr. Gladstone was surprised to find the name of Dr. Ferguson. The Bill, which he considered to be injurious to public morals, could not have been carried without the eloquence of Mr. Gladstone; but what use was genius if it was not exerted for the promotion of public good and the improvement of public morals? No doubt the intention of the Bill was good; but that was a common excuse for anything that was wrong. Mr. Gladstone was a good and a religious man; but it did seem strange that such a man should invite Parliament to double the 42,000 drinking-houses now in existence. He (the Earl of Harrington) would not dwell longer upon the subject; but he had felt it his duty to express the views which he held, in common with a vast number of persons in this country.

EARL GRANVILLE: I congratulate the noble Earl upon his earnest advocacy of the temperance movement, but I think it would have been better if he had abstained from making these personal observations upon Mr. Gladstone. The question now is, not whether wine is a good or a bad thing, but whether this Bill will,

upon the whole, tend to limit or encourage drunkenness. I believe it will have the former effect, and therefore I think it will confer much advantage upon the working classes generally. The noble Earl takes an extreme view, and wishes for a legislative enactment permitting ratepayers to declare that in their districts the minority shall not drink even one glass of beer.

THE EARL OF HARRINGTON: No—not in public-houses.

EARL GRANVILLE: That is not a power which your Lordships might be inclined to confer; but I admit that in the case of those who have no power over themselves to make a proper use of wine or beer, or even spirits, and who cannot indulge without excess, it is an act of kindness to persuade them, if you can, to abstain altogether. But the object here has been to provide persons who make a moderate use of stimulants with reasonable facilities for obtaining the light wines of the Continent instead of any stronger liquors. It was with that intention that the right hon. Gentleman proposed his Bill, and that was the object which gained for it such general support in the other House. With regard to some of the objections which have been raised, they vanish altogether on a closer examination. The opinions of the noble Earl (the Earl of Shaftesbury) who spoke so indignantly about certain clauses of the Bill were evidently founded on no research of his own. He declared that the 39th clause of the Bill contained an extraordinary provision with regard to the police—one never heard of in any legislative enactment before. It is clear that he himself has not read the clause at all, because had he done so he would at once have seen from the margin that the clause was taken from the 10 & 11 *Vict.*, chap. 89, sec. 34. I think, therefore, that the noble Earl has good ground to complain of those who gave him information of so unfounded a character. As to the licences, I do not think that in the instances in which it will apply the charge of 10*s.* 6*d.* will be any hardship. The noble Earl complained of the extreme injustice of imposing such a licence in the case of houses, for example, where a condition in the lease forbids them to sell intoxicating liquors. I think, however, that when a Bill like this has been so long debated by the other House of Parliament we should certainly have heard complaints made as to the imposition of those licences if any good ground of complaint existed. The third objection taken by the noble Earl referred to the powers given to the police of entering these houses. But here he labours under some mistake. He seemed to consider that every refreshment house would be subjected to these regulations. But the only persons to whom they apply are the keepers of what are called "night houses,"—those houses which are kept open from 9 P. M. to 5 in the morning. Now, I think your Lordships will feel that it is most necessary for the purpose of preserving order and tranquillity that the police should exercise some superintendence over houses of this character. It is quite true that the clause as it is now worded will empower the police to enter these houses in the daytime as well as at night, and it may be a question for the Government to consider whether this power is one which should be retained. As to the right of this House to alter any provisions of the Bill, I am not about to raise the constitutional question again. No doubt, the measure is partly of a fiscal character, and also raises questions of general policy with which your Lordships have always been in the habit of dealing. At the same time they could only deal with the Bill by altering the clauses, and he thought their Lordships would hardly do so in this instance, seeing that upon the alteration of any clauses in a Bill of this kind by your Lordships' House, the House of Commons invariably reject the Bill. No doubt the House of Commons would immediately introduce a new measure; but I submit to your Lordships that it would be hardly worth while to take any steps here which would necessitate such a course except for some very important reasons of general policy. If the objection of the noble Earl is found to be a sound one, it may probably be met in another way. The noble Lord opposite (the Earl of Donoughmore), wishes to give the magistrates the power of vetoing a licence without stating any reasons for doing so; in short, he would allow them the same powers as they now have in the case of public-houses. Now, one of the great objects of the Bill is to effect the very change to which the noble Earl objects. Under the existing system the magistrates have taken upon themselves to consider what number of houses is necessary in a district, and the result is a monopoly most injurious to the consumer, and not in the slightest degree favourable to the morality of the community. One main ob-

ject of the Bill is to avoid creating such monopolies in the case of refreshment houses, and the change desired by the noble Earl, therefore, would, if effected, destroy one of the most beneficial provisions in the Bill. In the other House any alteration of this kind would be as much objected to as it would be by Her Majesty's Government, and therefore I hope the noble Earl will not move any such Amendment. A complaint has been made by a noble Earl (the Earl of Wicklow) that Scotland and Ireland are excluded from this Bill, and it is urged that it is hard, if the measure be calculated to confer benefit on England, that Scotland and the sister country should not share it. My noble Friend (the Earl of Donoughmore) thereupon, in the most kind manner, volunteered to give an answer, and I might have been very glad to accept the answer if it had only possessed the slight recommendation of being founded in fact. My noble Friend said that Scotland and Ireland had been included in the Bill as first introduced, but that the opposition to it from the Members from those countries was so strong that the Government were obliged to withdraw it; and he added that he was very glad of this, because there would now be plenty of time to see how the experiment worked in England before they were called upon to consider the advisability of extending the measure to the whole of the United Kingdom. In all these points my noble Friend was entirely in error. Ireland and Scotland were not originally introduced in the Bill. In Ireland, I believe, a double feeling existed with regard to the measure, some being in its favour, and others opposed to its provisions; in Scotland, however, the Report of the Forbes Mackenzie Commission is strongly in favour of the provisions of the Bill. As respects the time which the noble Earl expects to have for watching the operation of the measure in England, and observing its advantages or disadvantages, he is mistaken here also, because as soon as this Bill has passed it is the intention of the Government to introduce a similar measure for Scotland and Ireland, with those modifications which the police regulations and other circumstances in those countries will render it necessary to adopt. I hope therefore, that that assurance will be satisfactory to the noble Earl.

THE EARL OF DONOUGHMORE: Will those Bills be introduced in the present Session?

EARL GRANVILLE: That will depend upon circumstances.

House in Committee.

THE EARL OF HARRINGTON drew attention to the 13th clause, defining the new powers of the magistrates. He proposed to strike out from line 28 to line 41, the effect of which would be to give the magistrates the same power with regard to these wine licences that they now possessed with regard to other licences, by the Act of the 9th *Geo.* IV., cap. 61, sec. 1.

EARL GRANVILLE remarked that he had already stated the reasons why he could not agree to this Amendment.

LORD DENMAN would not vote for the Amendment of the noble Earl, because if he did so and if it were carried it might lead to a conference or disagreement between the two Houses, but as the noble Lord not then in the House (Lord Brougham) had about two years ago in his place stated that for every 33rd man in the country there was a house of some sort for drink, and that every 33rd house was a house in some way licensed for the sale of liquor, he thought that existing accommodation was more than sufficient. In 1832 complaint had been made of the effect of beerhouse in Hampshire, by the father of the noble Earl Malmesbury, and Lord Brougham, then Chancellor, thought that the magistrates clung to power in retaining their only privilege of granting licences, and stated that beerhouses had done no harm in the North of England. He (Lord Denman) considered that in the county of Derby, in which he had the honour to reside, great evil had been done by them, and for himself he would sooner have half the rent for a private house than double rent for the same house as a place of resort for drinking. He thought that every right-minded man in the country would thank any noble Lord who would move that this Bill be read a third time that day six months.

Amendment, by leave of the Committee, *withdrawn.*

Bill *reported,* without Amendment, and to be read 3ª on *Monday* next.

House adjourned at a Quarter before Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 8, 1860.

MINUTES.] PUBLIC BILLS.—1° Selling and Hawking Goods on Sunday.

CLARE COUNTY ELECTION.—REPORT.

House informed, that the Committee had determined,—

"That Francis Macnamara Calleutt, esquire, is duly elected a Knight of the Shire to serve in this present Parliament for the County of Clare."

And the said Determination was ordered to be entered in the Journals of this House.

LONDONDERRY CITY ELECTION.

REPORT.

House informed, that the Committee had determined,—

"That William M'Cormick, esquire, is duly elected to serve in this present Parliament for the City of Londonderry."

And the said Determination was ordered to be entered in the Journals of this House.

CORRUPT PRACTICES PREVENTION ACT.—QUESTION.

MR. HUNT said, he would beg to ask the Secretary of State for the Home Department, Whether it is his intention to introduce a Bill this Session based upon the Report of the Committee upon the Corrupt Practices Prevention Act?

SIR GEORGE LEWIS said, that as the Corrupt Practices Prevention Act expired on the 10th of August next it would be necessary that some legislation should take place on the subject during the present Session. The Report of the Committee having been issued only yesterday the Government had not had time to examine the recommendations which it contained. No time, however, would be lost in considering the subject, and, as far as he was concerned, he would be ready to propose to the House some measure founded on that Report if there were any chance of there being time during the present Session for its consideration.

MR. LAING moved, That the House at its rising do adjourn till Monday next.

EXPORTATION OF SPANISH CORKS.

QUESTION.

MR. T. S. DUNCOMBE said, he wished to ask Mr. Chancellor of the Exchequer, if in consequence of the reduction in duty on the importation of Foreign Wines, he has any reason to believe that his anticipations that the free exportation of unmanufactured Cork from all parts of Spain might take place would be fulfilled? He put this question to the Chancellor of the Exchequer, with the view of affording him the opportunity of doing justice to a very industrious and worthy trade—that of the corkcutters. In the course of the discussions on the Customs Act the right hon. Gentleman said that, in consequence of the large reduction which was to be made in the duty on foreign wines, he hoped that no duty would be charged on the export of unmanufactured cork. The right hon. Gentlemen also took occasion to criticise very unfavourably the conduct of the journeymen corkcutters, asserting that they were in the habit of going out on strike, and that the masters had been obliged to employ boys and even foreign workmen. He had since ascertained that there were six Catalonians over here at that time, who were employed by a man at Greenwich; but they were all such bad characters that their employer was soon glad to get rid of them. With some difficulty they procured another engagement in the City, but had again to be discharged. They then took to working "on their own bottom," as the phrase was, and he believed it was from them that the right hon. Gentleman obtained the cork which he exhibited to the House in order to prove the superior excellence of foreign workmanship. He had intended to revive this question when the Customs Act was again brought before them; but, as the business of the House was in such a state that it was impossible to say when any question would come on, he had resolved to put this question to the right hon. Gentleman. He had received from the master corkcutters of different towns,—Plymouth, Liverpool, York, Birmingham, Aberdeen, Dublin, Belfast, &c.—letters bearing testimony to the good character of the men in the trade. The hon. Member read the letter which he had received from the Liverpool manufacturers, stating that they were able, from the experience of many years, to contradict the statement made by the Chancellor of the Exchequer in the House of Commons, that a tyrannical and arbitrary system of restriction prevailed among the journeymen, and that the masters had been obliged to employ foreign workmen on account of their superior skill. The letter was signed by men who had been sixteen and seventeen years and some fifty years in the trade. He had also a letter from Aberdeen to the same effect, in which the master manu-

facturers did full justice to their men. He had also one from Dublin, signed by many who had been more than thirty years in the trade, and who gave the most emphatic contradiction to the statement of the right hon. Gentleman. He thought the right hon. Gentleman could have no difficulty now in saying that he had been misled upon that point: and as to foreigners being better workmen than English corkcutters he was told that if the Chancellor of the Exchequer liked to put up a prize with open competition, the English workmen were quite confident they would gain it. He wished to ask whether Catalonia was about to make any reduction in the duty on unmanufactured cork in consequence of the reduction which England had made in the duty on Spanish wine.

THE TELEGRAPH TO GIBRALTAR.

QUESTION.

COLONEL PERCY HERBERT said, he wished to ask Mr. Chancellor of the Exchequer with regard to the Submarine Telegraphic Cable to Gibraltar, for which a sum of £30,000 was granted last year. The right hon. Gentleman the Chancellor of the Exchequer then stated that the actual cost of the cable, when constructed, would be £115,000, and he believed, although he could not find it in *Hansard*, that it was stated by the Government that, although the season was too advanced to enable them to proceed with it last year, it would be proceeded with early in the spring. The spring had passed, and they were well into the summer, but they had heard nothing of it, except a rumour that the cable, after having been purchased by the Government, had been taken by the Indian Government, to be laid down between Singapore and Rangoon. It was of great importance to have rapid communication with the fleet at Gibraltar, in the event of any disturbance in Europe, and no delay in laying the cable ought to take place. He should be glad if the Chancellor of the Exchequer would give some explanation on the subject.

SIR STAFFORD NORTHCOTE asked Whether there would be any objection to lay on the table copies of the correspondence which had taken place on the subject. The late Government, looking upon the laying of this cable as a matter of urgency, undertook it in a peculiar way, in the hope of carrying it into operation in the summer of 1859. Owing to the change of Government and other circumstances, it was not carried out then; and if they were to wait to discuss the subject until Vote 7 of the Civil Service Estimates, in which the Vote for the cable was contained, came on there was a great chance that nothing would be done this year.

MR. MILNER GIBSON said, the papers should be examined, and if any of them were calculated to give information they should be laid on the table.

COMMERCIAL TREATY WITH FRANCE.

QUESTION.

MR. SEYMOUR FITZGERALD said, he had not given notice of this Question, and if it were the desire of the Government he would repeat it on Monday. He wished to know what progress has been made by the Commissioners sitting in Paris to convert the *ad valorem* Duties on British Produce into Specific Duties? The time was rapidly approaching at which, if those *ad valorem* duties were not converted, the *maximum* duties of 30 per cent would attach. He should also be glad to know whether if the *ad valorem* duties were not converted into specific duties by the end of the month, the noble Lord the Foreign Secretary intended to make any communication to the Government of France with a view to extending the time for that purpose?

THE CHANCELLOR OF THE EXCHEQUER said, the question put by the hon. Gentleman the Member for Horsham (Mr. S. FitzGerald), would perhaps be answered with greater advantage by his noble Friend the Secretary for Foreign Affairs. He believed, however, that for the present the answer must be in the negative, that was to say, he had not understood that any point had been reached in the labours which were now being performed at Paris, which would enable those who were concerned in them to make a definite communication to the Government—those labours being, in point of fact, an adjustment of details. He had not the terms of the Treaty sufficiently in his mind to speak with very great confidence, but he apprehended that the hon. Member was not correct in supposing that the necessary consequence of failing to agree upon any particular terms with regard to the conversion of any particular duties would be that the *ad valorem* duties would be levied at the *maximum* rate. [MR. S. FITZGERALD: There is the right to do so.] There was a right

to fix the specific duties at the *maximum;* but he was not aware that the *maximum* was at all affected by the duties being either *ad valorem* or specific. As he had said, however, he was not aware that there was any official information that could be laid before the House. If he remembered right, there was a stipulation in the Treaty that the stipulation of the Supplemental Convention should be framed before the 1st of July; but he presumed, if these examinations should be greatly prolonged, which he conceived was very probable, it would be the object of both Governments to give facilities for extending the time necessary to conduct the investigation.

With respect to what had fallen from the hon. Member for Finsbury (Mr. T. Duncombe) he could venture to assure him that he should be very glad to do justice to any class, and particularly to those whom the hon. Gentleman represented, where it was shown to him (the Chancellor of the Exchequer) that he had done injustice; but his hon. Friend had pursued an inconvenient course in relation to this matter, inasmuch as he had taken three months to produce this vindication, which it appeared was in his possession a great part of the time. If the hon. Gentleman had kindly favoured him with the documents he (the Chancellor of the Exchequer) should have been in a condition to examine the case, and to have reverted again to the sources from which he received information, and to have given to the hon. Gentleman a reply, either abiding by, retracting, or modifying what he had stated. As the hon. Gentleman had not taken that course, and the statements now made were new to him, he thought it necessary to investigate those statements before he could be bound by them. The hon. Gentleman had met but a very small portion of the allegations which had fallen from him, and those with whom the hon. Gentleman had communicated had entirely misapprehended him on the principal point of that statement to which the hon. Gentleman had referred. He (the Chancellor of the Exchequer) had never said that masters had been driven to the employment of boys, but he did say that the regulations of the trades' unions very greatly limited and fettered trade, and some of them tended to restrain the employment of boys. Some masters, however, did not submit to those restrictions, and were placed under ban by the trades' societies for having used their own discretion in the employment of boys. With regard to the six Catalonians, he had received no particular information on the subject, and whether they were men of good or bad character he was not prepared to say; but he had stated that he was informed that the six Catalonians who came over from Spain to this country, for the purpose of working at the trade of corkcutting, under all the disadvantages of foreigners in a strange country succeeded in earning more at corkcutting in England than the English corkcutters. Whether that statement was correct or not, it at all events stood unshaken by anything which had fallen from the hon. Gentleman. With regard to any change in the law of Spain with respect to the exportation of the raw material of cork, the hon. Gentleman must be very sanguine indeed if he thought by this time the Government would have been able to announce that any change had been effected. The change in our own law had not yet taken place. In Spain the state of the law was peculiar. The general law of Spain did not prohibit the exportation of corks; it was only the local regulations in Catalonia which prohibited that exportation; and those regulations, he believed, were mainly founded upon what his hon. Friend ought to have great respect for, namely, the operation of a principle in Catalonia very like to the principle of trades unions in this country. The people of Catalonia combined against the exportation of cork, and the authorities were unwilling to place themselves in conflict with the people, just as the authorities here were unwilling to place themselves in conflict with the workmen who belonged to trades unions. He believed that his noble Friend the Foreign Secretary intended to make an application to the Spanish Government with respect to these commercial arrangements; but possibly it might be judged premature to make such application until the subsidiary arrangements connected with the French Treaty should have been fully determined upon and carried into effect.

With respect to the question which had been put to him by the hon. and gallant Gentleman, the Member for Ludlow (Colonel P. Herbert), that naturally was a subject which deserved the attention of the House; but he must be excused if he did not enter fully into it at the present moment, inasmuch as a Vote would be proposed to Parliament in the Estimates, for the purpose of completing the manufacture of the cable, and when that Vote came before the

The Chancellor of the Exchequer

House, hon. Gentlemen would have a full opportunity of discussing the matter. He could assure the hon. and gallant Gentleman, however, that nothing had been done by her Majesty's Government upon their own responsibility:—it would, in point of fact, have been an act of presumption on their part to anticipate the judgment of the House upon the final application of the money which was taken last year. It was true that, when the Government came into office, they found that a contract had been entered into for the manufacture of certain submarine cables; it was also true that there was not time to carry the operations into effect last year; but he looked for the accomplishment of it during the present year. A variety of circumstances had led the Government to think that, upon the whole, they would not be justified in asking the House to vote money for the purpose of undertaking that operation at the expense of the public, in the present state of that description of enterprise, and of the knowledge which bore upon it. It might be within the recollection of the House that when this project was originally entertained by the late Government, there was a very great difference of opinion among the authorities with regard to the practicability of laying down deep-sea cables with a fair prospect of their working, and unfortunately the whole experience which they had had during the last twelve months had tended very greatly to confirm that view. The instances of failure in the working of deep-sea cables had been unfortunately so numerous as almost to be universal. He believed that at this moment there was only one deep-sea cable—a cable 1,000 or 1,200 fathoms deep—in efficient operation. The operation of laying had failed in many instances, and in several conspicuous instances during the last twelve months, including that from Malta to Corfu. The knowledge of those facts had made the Government very cautious in the expenditure of the public money on these projects. The Vote of £30,000 to which the hon. and gallant Member had referred, was, in fact, a Vote of £135,000, and it would be necessary to take a further Vote this year on account of it, even if it were taken to Singapore. India, being interested in the laying down of the cable between Rangoon and Singapore, would bear a portion of the expense attending that work. He begged to assure the hon. and gallant Colonel that nothing which had been done would preclude the House from taking any course which they might think fit with regard to this important undertaking.

CHINESE WAR.—NAVAL PAY.

QUESTION.

SIR GEORGE PECHELL said, he wished to ask the Secretary to the Admiralty, Whether it is intended to give to the Navy serving in China the same extra pay and allowances enjoyed by the Army in India, and which are said to be now granted to the Military Forces to be employed with the Navy in the same quarter?

INDIAN CIVILIANS KILLED DURING THE MUTINY.—QUESTION.

MR. VANSITTART said, he rose to ask the Secretary of State for India, Whether the names of those Civilians on the Bengal Establishment who were killed in action, murdered, or died from wounds and exposure during the late Mutiny, between the 11th day of May and the 19th day of November, 1857, have at any time been brought under the notice of the Government, and whether he intends to do honour to their memory by the erection of a Monument. As Her Majesty had been graciously pleased at the recommendation of her responsible Ministers to confer from time to time high honours upon members of the Indian Civil Service, and in speaking of that service to couple the deeds performed by them with those of their military brethren, it would ill become him to add a word in their behalf. He held, however, in his hand a list which contained the names of no less than thirty-six civilians, who either fell nobly in upholding the honour and dignity of their Sovereign and their country, or were brutally murdered at their posts, in reference to whom no allusion had been made, except on one occasion, namely, on the 14th of December, 1857, on the final closing of the East India College at Haileybury by Mr. Mangles, the Chairman of the East India Company, whose name was familiar to most hon. Members in that House. Mr. Mangles, in touching upon this subject, said:—

"Let me also say that I intend to propose to my colleagues to erect a tablet in your chapel to the memory of those of the civil servants in India, educated at Haileybury, who have fallen in this atrocious mutiny; and I trust it will go down to the latest posterity as a memorial of their deeds, and of the gratitude, not only of the East India Company, but of the country, for their services."

Shortly afterwards, and before this praiseworthy object could be carried out, Parliament in its wisdom deemed it expedient to abolish the East India Company; and this fact, in the absence of any other explanation, no doubt, would account for its having hitherto escaped the attention of Her Majesty's Government. Under these circumstances he ventured to bring the subject under the notice of the right hon. Baronet the Secretary for India, in the hope that he would take it into his early consideration, assuring him that by so doing he would earn, not only the deep gratitude of the relatives and friends of those civilians, but the appreciation of the country generally. With the permission of the House he would read out the names of the civilians on the Bengal establishment who had been killed in action, murdered, or died from wounds and exposure during the late mutiny between the 11th May and the 19th November, 1857, and the places at which they died:—Messrs. J. R. Colvin (Lieutenant-Governor of the North-Western Provinces) and W. C. Watson died at Agra; Mr. H. E. Cockerell, at Banda; Messrs. D. Robertson and G. D. Raikes, at Bareilly; Messrs. R. B. Thornhill, C. G. Hillersdon, T. R. Mackillop, and R. N. Lewis, at Cawnpore; Messrs. S. Fraser, J. R. Hutchinson, H. H. Greathed, and A. Galloway, at Delhi; Mr. R. T. Tucker, at Futtehpore; Mr. R. H. Pomeroy, at Ghazeepore; Mr. W. Clifford, at Goorgaon; Mr. W. R. Moore, at Gopeegunge; Mr. J. Wedderburn, at Hissar; Messrs. T. K. Loyd and D. Grant, at Humeerpore; Mr. B. R. Cuppage, at Juanpore; Mr. A. Johnston, at Meerut; Messrs. G. F. Christian, M. C. Ommaney, A. H. G. Block, C. W. Cunliffe, A. Jenkins, H. B. Thornhill, J. B. Thornhill, J. G. Thomason, G. S. Benson, H. Gonne, and Sir Mountstuart Jackson, at Oude and, most of them, at Lucknow; and Messrs. M. Ricketts, C. J. Jenkins, and A. C. Smith, at Shahjehanpore.

ORGANIZATION OF THE INDIAN ARMY. QUESTION.

Colonel SYKES expressed his entire concurrence in the object which had been stated to the House by his hon. Friend, and trusted the Government would see the propriety of carrying it into effect. He wished to ask the right hon. Gentleman, Whether he has received any Despatch by the last Mail from the Governor General of India with respect to the organization of the Indian Army; and whether he will lay the same upon the Table of the House?

CONVEYANCE OF STORES FROM INDIA TO CHINA.

Mr. SOMES said, he would beg to ask the Secretary of State for India, Whether an American ship has been taken up by the Government for the conveyance of stores from Calcutta to China; whether eligible British ships were tendered for the same service; and, if so, whether he will state the reasons which induced the Government to make such selection? It appeared that in Madras, on the 13th of March last, the Government chartered the Bremen ship *Lerius*, and the American ship *Frank Flint*, to convey troops and stores to China. Some years ago, in consequence of a similar occurrence, the following correspondence took place between the General Shipowners' Society and the East India Company:—

"General Shipowners' Society, 12, St. Michael's-alley, Cornhill, London, Dec. 2, 1851.

"Sir—The attention of the Committee of the General Shipowners' Society having been called to the fact that foreign vessels have been tendered to the Honourable East India Company for the conveyance of stores to India, I am directed respectfully to request that you will be so good as to call the attention of the Honourable Court of Directors to the circumstance that no English ship could be taken up by them unless the master and officers have passed a searching examination into their capabilities of conducting the ship safely to the port of destination; and if foreign masters and officers are not required to undergo a similar examination, it is evidently unjust to the British shipowner, captains, and officers, that foreign ships should be engaged on a public service. Moreover, in addition to the officers' certificate of competency, it is required that the British ship must be subjected to the strictest examination by Lloyd's surveyors, and classed in the books of that association, while from this also the foreign ship is exempt.

"Although it may appear not to be in the province of this Committee to refer to the risk which, in the event of war, damage to the ship, and consequent sale of cargo to pay for such damage in a foreign port which the Honourable Company incur by the employment of foreign vessels, yet in justice to the British shipowner they feel warranted in calling attention to the additional security he offers, as a justification of any preference you may give him.

"I have the honour to be, Sir,
"Your obedient servant,
(Signed) "Wm. Bonar, Secretary.
"James C. Melvill, Esq., Secretary
East India Company."

"East India House, Dec. 18, 1851.

"Sir—In acknowledging the receipt of the letter you addressed to me under date the 2nd in-

stant, consequent on the attention of the Committee of the General Shipowners' Society having been called to the fact that foreign vessels had been tendered to the East India Company for the conveyance of stores to India, I am commanded to state that the said letter has been duly laid before the Court of Directors.

"I am, Sir,

"Your most obedient humble servant,

(Signed) "JAMES C. MELVILL.

"Wm. Bonar, Esq.

"The above letter from the General Shipowners' Society was written in consequence of a Danish ship, the *Hindoo*, being taken up by the East India Company."

Although no distinct Resolution was adopted in consequence of this correspondence, the practice of employing foreign ships in the Company's service had been discontinued up to the date he referred to—the 13th March last. Other nations were particularly careful to encourage their own shipping. The Americans, when they purchased in the West Indies, invariably kept their purchases till their agents could ship them in American vessels, although eligible British vessels might be lying in the port. The consequences of employing foreign vessels might be serious in the event of war breaking out. He had no wish to dissuade the Government from taking advantage of the services of foreign ships; but he thought that when British ships were offered they ought to receive the preference. He could only anticipate one answer—namely, that economy was the motive which had induced the authorities to employ an American ship in the case to which his question referred; but as the whole of the money paid for a foreign ship went out of the country, he could not but think that the economy was in this instance false.

THE BENGAL ARMY.—REWARDS TO OFFICERS.—QUESTION.

MR. KENNARD said, he had read in *The Times* of the 30th of May the announcement that,—

"It is intended that the officers of those Native regiments which mutinied shall be allowed to retain those staff appointments by means of which nearly the whole of them have been provided for. It must be conceded that this, if just, is a very liberal justice."

On reading that statement it occurred to him to inquire, if those officers who had lost their *corps* were to be thus rewarded, what was to be the reward of those officers who had retained their troops. It was manifest that if the soldiers belonging to the 74 regiments of the Bengal army had remained faithful there would have been no mutiny, and, therefore, those officers who had managed to retain the obedience of their regiments had accomplished a public service for which the country could hardly show sufficient gratitude. The only four regiments which remained faithful were the 21st, 31st, 66th, and 73rd. The 66th was a Ghoorka regiment, composed for the most part of Nepaulese, with hardly any admixture of Hindostanees, and was, therefore, drawn from the class which was least likely to mutiny. The 21st and 73rd had never been disarmed, but he believed had not been employed on any active duty. The Ghoorka regiment and the 31st, on the contrary, had rendered important military services, which were referred to in the General Orders, under date 8th September, by the Governor General in Council. The manner in which the mutineers were encountered was there detailed, and the Governor General went on to say, "The 31st Native Infantry prominently distinguished itself by its loyalty under severe trials." Compliments had been paid to other regiments; but when the Indian army was thanked no reference was made to this distinguished corps. The only reward of which he had heard was, that the distinction of making it a light infantry regiment had been conferred. Being convinced that neither the House nor the country would be niggardly in rewarding the services of those Gentlemen who had so highly distinguished themselves, he begged to ask the Secretary of State for India, Whether it is the intention of Her Majesty's Government to reward the services of those Officers of the Bengal Native Army whose regiments remained faithful to the British Government during the late Mutiny?

LOCAL ARMY IN INDIA.

QUESTION.

SIR DE LACY EVANS said, he wished to ask the Secretary of State for India, Whether the Bill respecting the Local Army in India had not better be introduced on some other than a Motion day, Tuesday, the 12th June? The hon. and gallant Member said that perhaps the despatch received last night from Lord Canning might have changed the mind of the right hon. Gentleman and the intention of the Government upon this subject of the local army in India. But if it had not, he hoped

the right hon. Gentleman would select some other day for the discussion of the question instead of Tuesday next. As to the despatch itself, he should like to have the whole document laid upon the table, rather than extracts from it. He had also to ask whether the Council of India had been consulted by the right hon. Gentleman upon the subject, and, if so, whether they had acquiesced in or dissented from the policy proposed to be adopted. He believed it was very questionable whether the law would admit of the proposed alterations being made without first having the opinion of the Council in India in favour of the propositions.

MR. W. EWART said, he desired to express a hope that the services of the civilians on the Bengal establishment would be remembered by the Government, and that the services of the non-civilians, or those not in the pay of the Government, would not be forgotten.

MR. ADAM thought every opportunity should be taken to point out to the Government the duty of honouring, not only the living, but the dead. He had no wish to decry the Civil Service of Bengal, but in the distribution of honours he thought sufficient consideration had not been shown to the minor Presidencies of Bombay and Madras. It was the lax discipline of the Native army of Bengal that did much to produce the mutiny, and make it formidable; yet it was Bengal that had reaped most of the rewards. The cause of this injustice to Bombay and Madras was, he believed, the system of centralization that had been the curse of India.

SIR CHARLES WOOD said, he would answer the several Questions, on the affairs of India, in the order in which they had been asked.

In answer to the Question of the hon. Member for Windsor (Mr. Vansittart), the right hon. Gentleman stated that the then Chairman of the Court of Directors had announced an intention of erecting a tablet in the chapel of Haileybury to the memory of the civil servants of the Company who were killed during the mutiny. Nothing could be more appropriate than such a monument in the chapel of the seminary of the Civil Service; but, as Haileybury had ceased to be kept up, a doubt occurred as to the intention being carried out, and when other sites were under consideration, it seemed difficult to confine the memorial to Civil servants only. The question had thus assumed much larger dimensions than when the original announcement was made, and nothing had been done. This occurred, however, before the change to the present form of Government, and he himself had never heard the subject spoken of till it was mentioned to him by his hon. Friend.

To the second Question, put by the hon. and gallant Member for Westminster (Sir De L. Evans), his reply was that an extract from the despatch referred to would be given, but not the whole of it, as the other parts only related to military arrangements not relevant to the subject.

As to the Question of the hon. Member for Hull (Mr. Somes), he was not aware that any American ship had been employed by the Government in India, and could not give any reasons for what he was not aware had been done.

To the fourth Question, put by the hon. Member for the Isle of Wight (Mr. Kennard), he had to answer that whether the officers had belonged to Native regiments or not, they were not placed on the Staff as a reward for their services; the Government had rewarded those who were recommended in the best way it could, whether they belong to the regiments that had mutinied or not.

To the fifth Question, asked by the hon. and gallant Member for Westminster (Sir De L. Evans), the answer was, that he wished to make the statement on the Bill referring to the local army of India as soon as possible; but it was very difficult, in the present state of public business, to obtain a day for it. He had named Tuesday because he thought that he should on that evening have a chance of bringing it on at an early hour. The opinion of the Council of India had been taken on the subject of the amalgamation of the Indian army; that opinion was adverse to the plan; but it would defer to the opinion of the Government if confirmed by Parliament, and what they resolved on, the Council of India would do its best to carry out.

SALE AND RE-PURCHASE OF GOVERNMENT LAND.

QUESTION.

LORD WILLIAM GRAHAM said, he rose to ask the Secretary of State for War, Whether the land sold at Portsmouth for £8,000, and re-purchased for £28,000, was originally purchased under an Act of the 8th of Queen Anne, which recited that the land was specially to be bought for the use and purposes of the defence of Ports-

mouth; and further declared, "that all and singular the premises shall be and are enacted and declared to be unalienable from the Crown?" One would think that if there were any value in words, such land could not have been sold. The money had been granted by the House of Commons for a special purpose, in a special Act of Parliament. He was aware that in the 1st and 2nd George IV., an Act was passed, transferring this and other land to the Ordnance Department, and that this Act had been confirmed by an Act of William IV. He had, however, been informed that these Acts, being General Acts, could not override the Act of Anne, which was worded in a special manner. Under these circumstances, he thought they ought to have the legal opinions of the law officers of the Crown whether such sale was legal; and if not, the House ought to mark the transaction with their reprobation, for this was a most remarkable instance of that penny-wise and pound-foolish economy, which so often actuated the Government of this country. Nor was this the only instance of the kind. Land had been sold at Harwich, at Chatham, at Milford Haven and other places, which, if required again by Government, will have to be repurchased at an exorbitant price. He would now put the Question of which he had given notice:—"Whether the land sold at Portsmouth for £8,000, and repurchased for £28,000, was originally purchased under an Act passed in the 8th year of Queen Anne, which Act recited that the land was specially to be bought for the use and purposes of the Defence of Portsmouth; and further declared, 'that all and singular the premises shall be, and are enacted and declared to be, unalienable from the Crown;' and, if so, what legal power was vested in the Master General of the Ordnance to authorize the sale of such lands; and whether he will lay upon the Table of the House any Papers, or Correspondence, or Legal Opinion which may exist in the Ordnance Department with reference to such sale?"

THE NATIONAL DEFENCES.

QUESTION.

SIR FREDERIC SMITH said, he wished to ask the Secretary of State for War when he intends to lay upon the Table of the House the Report of the Commissioners on the National Defences; and whether it is the intention of the Government to present to Parliament in the present Session an Estimate for carrying into effect any of the recommendations of the Commissioners? The hon. and gallant General said it would be in the recollection of the House that a Royal Commission had, in the month of August last, been appointed for the purpose of inquiring into the condition of our national defences. The Report of that Commission had, he believed, been in the hands of the Government for some time, and he, under those circumstances, wished to ascertain what its nature was, and whether any steps had been taken by the Government to carry into effect the recommendations which it contained.

SIR JAMES ELPHINSTONE stated that the position of the Government property at Portsmouth was most unsatisfactory. Some twenty-five or thirty years ago it was the fashion to sell everything that came under that head; and not only was timber sold out of the dockyard, but a large portion of land was sold at the foot of the *glacis* at Portsmouth, the consequence of which was that at the present time the sentries could be picked off the fortifications by a revolver fired from the houses built upon the property so sold. Now the tide was turned the other way, and the authorities would not part with an inch of land which the inhabitants of Portsmouth might require for their convenience, be it ever so worthless. Last year a Bill was introduced into Parliament to carry the line of railway from the terminus at Landport, between the works of Portsea and through the Milldam, to a convenient landing-place in the harbour, for the purpose of accommodating passengers to the Isle of Wight. The War Office was understood to be willing to comply with the request, but the Admiralty vetoed it. The Admiralty, however, pointed out a line which they would permit, and this the War Office vetoed. In this way the Departments played into each other's hands, and the consequence was that the passengers had to be carried twenty-five miles round, and the direct communication with London through Portsmouth was interrupted by the obstinacy of the Departments. The Government property lay in shreds and patches all over the place, while portions of ground fit for docks and other works of defensive description were not in possession of the Crown to the proper extent. The ground held by the Government, uselessly lying in waste, would purchase all that was wanted. Just now

the War Department were doing, probably, the most absurd thing that could be done. They were building a line of fortifications at the bottom of Portsdown Hill; so that any force in possession of the hill could fire down into the whole of the fortifications, and with guns carrying four miles could burn and destroy the whole of the dockyard at Portsmouth. If the Government would appoint an independent Commission who knew the value of property, not of officers who regarded a bastion as a holy thing, he thought they would be able to realize money enough at Portsmouth to excavate all the docks that were necessary there, and provide an adequate arsenal, which certainly did not exist at present.

RELATIVE RANK OF ARMY SURGEONS.

QUESTION.

COLONEL DICKSON said, he wished to ask the Secretary of State for War, Whether the Warrant of October 1st, 1858, giving to army surgeons the rank of majors, was meant to be retrospective? He admitted that the medical officers of the army were entitled to every consideration, but he thought it hard that non-combatant officers should have all the privileges of field officers. He thought that it would be sufficient to give surgeons the rank of junior major. According to the present understanding, a major who was acting commanding officer of his regiment might find the surgeon of the regiment senior in rank to himself.

VISCOUNT PALMERSTON: Perhaps I may be allowed to answer a Question put by an hon. and gallant Member, who asked when the Report of the Commissioners on the National Defences would be laid upon the table. The Report is here, and my right hon. Friend will lay it on the table in the course of the evening. I wish at the same time to state that it will be my duty, at an early day, to submit to the House the course which Her Majesty's Government intend to recommend to Parliament with regard to the matters which are treated of in that Report.

CLERK OF THE COUNCIL.

VISCOUNT PALMERSTON: I shall at the same time take advantage of being on my legs to answer a Question of which notice has been given by the hon. Member for Devizes, to whom I must apologize for not having been here five minutes sooner that he might put it. It stands upon the Notice Paper, and, therefore, he will allow me perhaps to answer it, and thus save him the trouble of putting it. The hon. Member wishes to know whether the salary of £2,500 a year which was received by the First Clerk of Council, who has now retired, has been abolished, and whether the Clerk of Council who is to succeed, and has, I believe, succeeded Mr. Bathurst, is to receive the higher rate of £2,500, or the rate of £1,200 which was received by Mr. Bathurst. The state of the case enables me to answer affirmatively the question of the hon. Gentleman. The salary of £2,500 was abolished at the time Mr. Greville retired. Mr. Bathurst, when he was Clerk of the Council, received the salary of £1,200, and that is the amount of salary which will be received by Mr. Helps, who was appointed in his place. With regard to the allowance to Mr. Bathurst, its amount has not, I believe, been fixed. It will be awarded in conformity with the Superannuation Act, under the provisions of which he is about to retire.

ARMY PURCHASE.—QUESTION.

CAPTAIN STACPOOLE said, he would beg to ask the Secretary of State for War if a Captain of Cavalry who has purchased all his steps under the old Regulations wishes to exchange with a Captain of Infantry or to sell out of the Service, from what source he is to receive the difference between the price which he had paid and the present Regulation value of his Troop?

Mr. SIDNEY HERBERT in reply said, that the sum advanced by the officers was paid into the reserved fund, and they would receive any difference from that source.

The object of the warrant referred to by the hon. and gallant Gentleman (Colonel Dickson) was to place the medical officers of a regiment in a position to give weight and authority to their advice and professional opinion when it was tendered. Changes of this kind were carried out with some difficulty at the time, but it was felt to be desirable by giving the surgeons a higher army rank to mark the *status* which the surgeon held in a regiment. [COLONEL DICKSON: Will the warrant be retrospective?] Every officer now in the army dated back his seniority, and the same rule would apply in the present case.

In reply to the question of the noble Lord (Lord W. Graham), he had to state

that he had made an inaccurate answer to the noble Lord on a former occasion, in regard to the repurchase of a portion of the land. There could be no doubt of the legality of the sale. The land was not sold under the statute of Queen Anne, but under an Act passed in October, 1784. It was subsequently vested in the Ordnance Board under the provisions of the same Act amended. The power of the Ordnance to sell was undoubted, but the policy of the sale was a very different question. There was a great deal of truth in the opinion that the sale of this land was made without proper consideration and forethought as to the future value of the property. With respect to the railway extension adverted to by the hon. Gentleman (Sir J. Elphinstone), no doubt the Company had offered that the works should be destroyed in case of war or other necessity, but such promises were easy to make and very difficult to exact. The hon. Gentleman had recommended the appointment of a Commission acquainted with the value of land to inquire into the subject of the Government land at Portsmouth which it might be advisable to sell. It would, however, be necessary that such a Commission should contain Members acquainted with Ordnance. [Sir JAMES ELPHINSTONE: I would combine both; gentlemen acquainted with the value of land and gentlemen acquainted with the improved ordnance of the times.] That was, no doubt, an improvement in the hon. Gentleman's recommendation.

COLONEL SIR JUSTIN SHEIL.—ARRESTS IN DUNDALK.—OBSERVATIONS.

MR. WHITESIDE said, he would take the opportunity of making a statement in reference to a charge brought a few nights ago by the hon. Member for Poole (Mr. H. D. Seymour) against a gentleman who had been twenty years in the service of the Crown, that he had conducted himself in Persia as "a bully," that his policy had been "a bullying policy," that he was without influence at the Persian Court to which he was accredited, and that he secluded himself from Persian society. Anything spoken by a Member of that House was read all over the country; and he would ask the House, after they had heard his explanation, whether the hon. Member was justifiable in applying such terms to Colonel Sir Justin Shiel. As he (Mr. Whiteside) had the good fortune to know Colonel Shiel, he might be allowed to state that he was trained for the service of the East India Company. In 1834 he went to Persia to discipline certain regiments, and in this way he became personally known to the present Shah of Persia, whom he assisted in placing on the throne. After a long residence in Persia and Turkey, Colonel Sheil was appointed by Lord Aberdeen in 1844 British Minister in Persia. It was said he was without influence, but the Treaty of Erzeroum was effected by him. In 1845 he succeeded in abolishing torture, in conjunction with a Russian ally, and he induced the Shah to lay aside the pastime in which he had formerly indulged, of having the heads cut off and the eyes of his subjects put out in his presence. Colonel Sheil also induced the Persian Government to empower British vessels to seize every ship belonging to a Persian subject which had slaves on board. When Persia annexed Herat, although Colonel Sheil was without an army, made no presents and offered no bribes, yet he succeeded in obtaining a renunciation of all claim to Herat on the part of Persia. The hon. Gentleman (Mr. H. D. Seymour) said that in his time he found it more convenient to travel as a Russian subject than as an Englishman, or rather that he had travelled as a Circassian chief. However that might be, he believed that the character of an Englishman, which was always respected abroad, had been more respected in the Persian dominions during the time Colonel Sheil was there than in any state in Europe. Taking all these circumstances into consideration, he thought the observations made by the hon. Gentleman could scarcely be justified. He (Mr. Whiteside) wished, however, to ask the Chief Secretary for Ireland for an explanation respecting recent Arrests for Conspiracy in Dundalk, and in relation to the discharge of certain other parties charged with or convicted of the like offence in Ireland. He had lately read an account of an arrest in Dundalk of persons charged with belonging to a secret society and being engaged in a conspiracy. It was said that the parties arrested belonged to the same order as some who had been previously convicted; that eleven men were in custody, and that it was believed the authorities were on the track of others. He wished to know whether that statement was true, and whether the conspiracy alluded to was one with which he was himself acquainted—namely, the Ribbon conspiracy, having, when in office under the late Government, found it

necessary to prosecute some members of that confederacy. There was a trial in Belfast; but one juryman held out, and there was no verdict, and when he left office these men were in custody; but he understood that the present Government had released them. The police had ascertained that their ringleader was a sergeant in a militia regiment in the pay of the Crown, and he thought him, therefore, having been guilty of perfidy as well as conspiracy, a very proper subject for prosecution. He, however, understood that this man had slipped through the fingers of the police, or had been pardoned. He trusted that he had not been restored to his regiment; for he could assure the right hon. Gentleman (Mr. Cardwell) opposite, that although a regiment of Sepoys might not be regarded as a very loyal support to a Government, a regiment of Ribbonmen would be far less reliable as a force in the service of the Crown. But there was another case, namely, of a schoolmaster in the south of Ireland, who had also been prosecuted. This man had also been receiving the pay of the Crown, and was convicted of treason. From the manner, however, in which he had been since treated, it would seem that treason was but lightly thought of as an offence. Sheep-stealing was punished severely as a crime, but the person who attempted to dethrone the Queen was not looked upon as so great a criminal as the sheep-stealer. At least, this was the only inference that could be drawn from what he understood to be the fact—namely, that the schoolmaster in question had been pardoned. He wished, therefore, to know whether this was the case, and, if so, whether the pardon had proceeded upon the recommendation of the Judge who had tried him. He felt it only right to mention that the learned Judge, Baron Green, one of the kindest-hearted men that ever lived, said upon the trial of the schoolmaster, that such was the sense he entertained of the enormity of the crime that he felt it to be his duty to sentence the man to fifteen years' penal servitude. He (Mr. Whiteside) acquiesced in the propriety of pardoning misguided men who were evidently repentant, but he could not agree that treason should be treated so lightly. At the same time that these men were prosecuted a man at Mullingar was sentenced to seven years' penal servitude for Ribbonism. He wished to know whether that man had also been pardoned, and if so, whether his pardon had been recommended by the Judge who tried him. In order to show the right hon. Gentleman (Mr. Cardwell) the delicate ground on which he was treading, in thus dealing with Ribbonism, he would state a simple fact. A few years ago the Ribbonmen of Dundalk had determined to put to death several gentlemen residents in the county of Louth. One of them, Mr. Eastwood, was nearly murdered. The two men who were appointed to kill him did not know his person, and they applied to a railway labourer to point him out to them. It was through this circumstance they were taken. They were prosecuted, and were executed. One of the grand jurymen of the same county called upon him (Mr. Whiteside) and informed him that he actually knew the public-house in Dundalk at which Ribbonmen had met and come to the deadly resolution of taking away his life, which they had fortunately not succeeded in carrying into effect. Now, a few years after that occurrence, he read the account which had induced him to ask this question. Eleven men were said to have been arrested for the same offence of Ribbonism. He wished to know if this were the case, and if they were in truth members of the same confederacy as those who, it was said, had been pardoned by the same Administration. He was perfectly willing to agree in the propriety of extending the mercy of the Crown to those who deserved it, but he was sceptical about the policy of pardoning men belonging to such a confederacy—men who could revolutionise a kingdom as well as disturb a province. He could assure the right hon. Gentleman (Mr. Cardwell) that he would find the Ribbon conspiracy much more dangerous in its character than he had yet discovered it to be.

Mr. Whiteside

DEFENCE OF PORTSMOUTH.

OBSERVATIONS.

Sir CHARLES NAPIER said, he expected to have heard some Member of the Government reply to the Question of the hon. and gallant Member for Portsmouth (Sir J. Elphinstone) relative to the defences of that Port; but as none had been given, he was desirous of adding the expression of his hope that Her Majesty's Government had employed some competent Engineer to superintend the fortifications at Portsmouth. An immense amount of money had been spent in this way some years ago; but it was perfectly unnecessary, for in consequence of the narrow passage of the harbour, its shallowness, and

other circumstances, it could easily be made secure by sinking any old vessel at the entrance, which would effectually prevent any ship from coming in. Or it would be quite possible, by burning damp powder in some old hulk or two, to cause such a smoke to rise all over the harbour, that it would be perfectly impossible for an enemy's vessel to see its way to the entrance. There was not a waterman in the harbour of Portsmouth that was not able to make a suggestion of this kind, and to see the inutility of such expensive fortifications as those which had been adopted. The Russians had taught us the use of sunken vessels at Sebastopol. But with regard to land fortifications at Portsmouth, he really could not see the use of them. They were building great redoubts all round the dockyard at a great expense. These redoubts were commanded by Portsdown Hill. It would, therefore, be necessary to build some enormous castle there to protect the redoubts. If those were built it rendered the lower fortifications seaward quite useless. It was said that fortifications were to be carried on throughout England. He hoped they would not be of the same useless character as those at Portsmouth. He believed that with some Armstrong and Whitworth guns placed on the Isle of Wight it would be possible to shell the dockyard and fortifications of Portsmouth to atoms. It was perfectly absurd and ridiculous to spend millions in such a manner. If an enemy wanted to invade England he would choose one of the many parts of the eastern coast of England where no fortifications existed. Fortification in truth was of no use. The only real and substantial defence of the country was a large, well-manned and well-disciplined fleet. In the time of Napoleon Buonaparte, when all Europe was against her, and 3,000 vessels were assembled at Boulogne for her invasion, England was defended by her fleet alone, and she required no other protection.

DESTITUTION IN IRELAND.

QUESTION.

MR. HENNESSY said, he wished to ask the Chief Secretary for Ireland, Whether the Government adhere to their determination not to take any special steps to remedy the destitution prevailing in Ennis and other parts of Ireland? The hon. Member said he addressed a question on the same subject to the Chief Secretary for Ireland on the 17th of April last, and he was then told that the Government would do nothing beyond the ordinary administration of the Poor Law. A very unfavourable impression had been created by the course the Government had adopted. A memorial had been presented from Belmullet to the Government, stating that, of a population of 20,000 people, one-half were in a destitute condition; that hundreds were deserting their homes, and fleeing to other shores to escape the horrors of impending famine; and that thousands could not emigrate, and were therefore compelled either to seek refuge in a workhouse or perish by famine. The prayer of that memorial was supported by clergymen of all denominations. The Government, however, had done nothing. The subject was noticed in the foreign journals and in America. A newspaper published at Turin contained an article, in which the writer said:—

"The British Government do not seem to trouble themselves about this Irish famine; they neither make efforts to check the emigration to America nor attempt to provide for the grievous necessities of the Irish people. They show great affection for our nationality, but wish that the Irish should be borne down in slavery, without being able to raise their heads."

Of course it was exaggerated language, but it was the language of a Sardinian journal, which had eulogized the noble Lord for his sympathy in the Italian cause. In a French journal the writer said:—

"Let France send forth an offering worthy of that great nation. The French Government might throw into the balance its powerful authority and interfere in favour of Ireland. It would be a noble action indeed, and as serviceable to humanity as to that country."

No doubt he should receive the same answer from the right hon. Gentleman as he did in April, that the Poor Law Commissioners had power to provide for the relief of the poor in those districts, and must insist on the people filling the workhouses before granting other relief. But it was well known that the peasantry of Ireland would perish of starvation rather than give up their cabins and little pieces of land and enter the workhouse. The total failure of the Poor Law system in an emergency like this had been amply proved, and to the mode of its administration he attributed the extraordinary tide of emigration from Ireland to the United States. When there was great distress in the village of Inniskeagh the Poor Law Inspector, after visiting the place, recommended the employment of

the people on public works proposed by the grand jury of the county, but was reproved by the Commissioners, who told him he must regard the case of the inhabitants in reference to Poor Law relief alone. It seemed harsh on the part of the Commissioners; but they knew that under the Act they had no power to give out-door relief to able-bodied persons while there was room for them in the workhouse. This destitution was going on increasing every day, and he therefcre respectfully asked the right hon. Gentleman whether he would not take some steps to relieve it.

Mr. CARDWELL, in answer to the right hon. and learned Member for Dublin University, said it was quite true that eleven persons were under arrest at Dundalk on a charge of Ribbonism—an association which it was the duty of every Government to put down by all the means at their command. In the case at Belfast, to which the right hon. Gentleman had alluded, while the right hon. Gentleman was Attorney General, the parties were put upon their trial twice, and on both occasions the jury disagreed and no verdict was obtained. On the third occasion the parties pleaded guilty, on the understanding, sanctioned by the Judge, Mr. Justice Christian, that they should be released on their recognizances. That was done when Mr. FitzGerald was Attorney General, and if the right hon. Gentleman opposite disapproved of that course, he ought to have questioned it when Mr. FitzGerald was a Member of that House. With regard to the sergeant who the right hon. Gentleman had allowed to slip through his fingers, the information which the right hon. Gentleman had received was due to the imagination of his informant.

Mr. WHITESIDE: The statement I received was from the police.

Mr. CARDWELL said, the Government had never heard of the sergeant since he succeeded in slipping through the fingers of the right hon. Gentleman, and there was no truth whatever in the statement that he had been restored to his regiment, and was now receiving the pay of the Queen. With regard to the prosecution which had taken place in the south of Ireland, the same course had been followed as in Belfast, and with the approbation of the Judge, Mr. Justice Keogh. The parties pleaded guilty and were released upon their recognizances, with the exception of one, Daniel Sullivan, who had been convicted by the jury; as, however, his case was precisely similar to the others, on consultation with Baron Greene who tried him, he also was released upon his recognizances; and since then his case had been represented to the Lord Lieutenant, who had granted him a pardon. With regard to Martin Farrell, who was tried in Westmeath, the learned Judge, Chief Justice Monaghan, was consulted, and the result was not favourable, as the antecedents of the prisoner were objectionable, and the prisoner was now undergoing his sentence. With regard to Ribbonism, it was a most nefarious system, and he was happy to say it was gradually but steadily diminishing throughout Ireland, and it was honestly discouraged by the clergy of all the churches in Ireland. He did not hesitate to express his confident belief that its progress towards diminution would be rapid as well as steady.

In answer to the observations of the hon. Member for the King's County in reference to the distress in Mayo, in the first place he must demur to the hon. Gentleman founding his information from Turin newspapers and extracts from French journals—which had the hon. Member been longer in the House he would not have read. He was sorry to say that extreme distress existed in the district of Erris. This had arisen from various causes. The storms in the autum had destroyed the oat crop; in the winter there had been a serious failure in the potato crop, and there had been an extraordinary failure in the fisheries. All this was followed by a further calamity, an extraordinary drought that deprived their cattle of the pasture on which they placed their entire dependence in the spring. It unfortunately happened, too, that the farmers had considerably increased their stocks of cattle, relying upon their finding provender on the mountains. From all those four causes combined very great distress was caused. The hon. Gentleman must not suppose for a moment that it was the intention of the Government to break down those laws which Parliament had provided for the relief of the necessities of the people under circumstances such as those of the present case. In the workhouse of Belmullet there was accommodation for 600 paupers, but the *maximum* number relieved had been 125; and the latest number which had reached him was 116, being however, more than double the number of the inmates last year. The guardians, with the sanction of the Poor Law Commissioners, had determined not

to raise additional rates at present, but to incur a small debt for their supplies; and the supplemental rates raised in five of the electoral divisions varied from 9*d.* to 1*s.* 4*d.* in the pound. The arrangements for affording relief were reported to be quite satisfactory, and no person requiring assistance was refused. The persons who had really suffered the greatest distress were the small farmers of the district. But how would the hon. Gentleman propose that the Government should act with respect to them? He had found fault with a letter written by the Poor Law Commissioners to one of their Inspectors, who had taken on himself to travel into the province of public works instead of confining his efforts to the department of poor relief. The Commissioners not unnaturally thought the most satisfactory way of discharging public duties was, for each person to mind his own business. The hon. Member for the King's County wished the Government to engage in a system of public works; but there was no necessity for doing so. He was informed that the landed proprietors had not been inattentive to their duties, that considerable activity was displayed upon some of the estates, and it was reported to him that there an air of "cheerfulness and ease" prevailed. Supplies of meal were abundant, and arrangements had been made to facilitate the sale of seed at moderate prices. Any interference by the Government, he contended, would only have dried up the sources of private enterprise, and have been productive of far more suffering to the unhappy people.

WAKEFIELD PROSECUTIONS.

OBSERVATIONS.

CAPTAIN JERVIS asked the hon. and learned Attorney General, Whether he had understood correctly that the prosecutions in connection with the Wakefield Election, would be founded, not on the common, but on statute law, he should withdraw the Motion on this subject which he had placed on the paper.

THE ATTORNEY GENERAL: Previously to the Motion of the hon. and gallant Member, I had determined that if, contrary to my opinion, the lapse of one year was an objection to the prosecutions that I had instituted under statute, there should be no attempt to support those prosecutions by a resort to common law. If, therefore, I and those who have advised me, are wrong in supposing that they are not affected by time, and if it should turn out that they are so affected, those prosecutions fail, and will be given up, and they shall not be supported by any resort to the common law.

AFRICAN SLAVE TRADE.—QUESTION.

MR CAVE said, he wished to ask the Secretary of State for Foreign Affairs, Whether his attention has been directed to the Message of the President of the United States to Congress, on the 19th day of May, respecting the Slave Trade: And, Whether Her Majesty's Government have received any recent communications from the Government of the United States, or intend making any fresh proposals to that Government on this subject? His reason for asking the question was, that an opportunity appeared to present itself for striking a decisive blow at that detestable traffic, which had for so many years disgraced Spain, and caused the expenditure of so much treasure, and the loss of so many valuable lives to this country. In the years 1856-7 the high price of sugar had given an extraordinary impetus to the slave-trade; and during the summer of that year he had had the honour of waiting with a deputation upon the noble Lord (Lord Palmerston) then, as now, at the head of Her Majesty's Government, for the purpose of suggesting some means by which the traffic might be more effectually checked. In consequence of the suggestions of the deputation, the noble Lord had initiated the two best measures that had ever been adopted since the squadron of repression was first stationed in those seas. Through the right hon. Baronet, the Secretary for India, then First Lord of the Admiralty (Sir Charles Wood) he sent steam gunboats into the Cuban waters, and instructed the naval officers in command, that when a Spanish slaver was taken without papers or colours, which was generally the case, she should be considered as having forfeited her nationality, and should be taken into a British, instead of a Spanish Port; so that the liberated negroes might really regain their liberty, instead of being retained in virtual slavery, under the name of Emancipados, which would have been their fate in Cuba. He (Mr. Cave) had had the honour of submitting to the Admiralty a plan drawn up with great care by persons intimately acquainted with the West Indies, marking

out the best cruising ground, in which there would be the least risk of coming into collision with the lawful American traders. He fully believed that the Government of the United States was as sincere as our own in their endeavours to suppress this odious traffic. He did not believe that the great mass of the American people would tolerate for a moment the revival of the slave trade to America, which had sometimes been talked of. All accounts showed that the officers of the United States Navy employed on this duty performed it with zeal, and without favour. But it could not be denied that a considerable amount of American capital was employed in the slave trade. The small but active section who so disgraced themselves and their country, and on whom the employment and success of these gunboats had fallen like a thunderbolt, were determined that they should be recalled. If there was one point upon which Americans were more sensitive than another, it was the right of search; relying upon this, these slave traders got up complaints of insult to the American flag; most of them grossly exaggerated, many of them utterly false; so that the American people became excited, their Government uneasy, till at length Her Majesty's Government, to avoid unpleasant consequences, recalled the gunboats, or, which amounted to the same thing, prohibited their interfering with the American flag. This was in 1858. Since which time the Cuban planter had imported as many slaves as he wanted. The whole number in the Island was said to be 400,000, of whom 10 per cent died annually, and there was no natural increase. We learned from other sources, that 40,000 Africans were imported every year, which exactly supplied the loss; and if any more were required, they were supplied by the equally atrocious slave trade from China and Yucatan. Now, it seemed monstrous that this should be allowed to go on in the teeth of England and America, and in defiance of the most solemn treaties. And so thought the President of the United States, for he concluded a message to Congress, on the 19th May last, which appeared in *The Times* of Tuesday last, in these words:—

"That it is truly lamentable that Great Britain and the United States should be obliged to spend such a vast amount of blood and treasure for the suppression of the African slave trade, when the only portions of the civilized world, where it is tolerated and encouraged, are the Spanish Islands of Cuba and Porto Rico."

He omitted, indeed, to mention, that it was the abuse of the American flag, which caused the chief difficulty. Lord Malmesbury had done as much as man could do, as the Slave Trade Papers presented to Parliament showed, to obtain a modification of the American law in this respect; but he had only obtained a long argumentative despatch from General Cass, which closed the published correspondence, and which did not advance the question one iota. He (Mr. Cave) believed the United States Government were powerless in this respect; and could not, if they wished, run counter to the prejudices of the people. Here, however, a fresh advance towards action in this matter seemed to be made by the President. The Americans were bound by the Ashburton Treaty to have eighty guns employed in the service. Half that number in light steamers would be more efficient than their present armament. The Cuba coast was easily watched. The navigable channels were not very wide. The wind almost always blew in one direction. For about four hours in the morning, between the land and sea breezes, there was usually a dead calm, giving steamers an immense advantage over sailing vessels approaching the land. A joint system of cruising might be adopted with a proper code of signals; so that whenever a suspicious vessel, with an American flag, approached within sight of a British cruiser, the latter might signalize to an American cruiser to come up and overhaul her. Other means might have been suggested; but he had already overstepped the limits of a question. His excuse being this unexpected opportunity, and the importance of the subject to the interests of humanity, and the credit of the country.

Mr. KINNAIRD thanked the hon. Gentleman for having introduced the question, and asked the Secretary for Foreign Affairs, whether any representations had been made to the American Government relating to a co-operation on the part of that country with the Government of England, by which the vessels of the United States might cruise in company with Her Majesty's ships. This joint action might make up for the defects in the law, and by the co-operation this iniquitous traffic might be put down.

Lord JOHN RUSSELL: Before I answer the hon. Gentleman (Mr. Cave), I wish, in justice to the public servant who has been alluded to by the hon. and learned Member for the University of Dublin (Mr.

Whiteside), to state my entire concurrence with the observations he has made in reference to Sir Justin Shiel. It is due to a public servant who has obtained great distinction, and who has now retired from active service, that his character should be retained unsullied.

As to the Question of the hon. Gentleman in regard to the slave trade, it is a subject that must always interest the House and the country. I can add nothing to the statement of the hon. Member for Shoreham as to the negotiations of Lord Malmesbury and the attempts that were made to excite the jealousy of the Americans on the right of search. It is unfortunately but too true that the slave trade is still extensively carried on by Cuba. I believe from 30,000 to 40,000 slaves are annually brought into that island from Africa, and it is perfectly true that this trade is carried on in contempt and violation of treaties between this country and Spain. The increase of the traffic arises from various causes; one is the jealousy of the American Government as to any interference with ships bearing the American flag; another cause is the imperfection of the American law on this subject. In the English Treaty there is an article called "the equipment article," by which vessels equipped for the slave trade can be seized by English cruisers; but there is no such provision and no such power given to the American cruisers by the American law. Therefore, vessels on the coast of Africa, though completely equipped for the traffic, and waiting off the harbours to embark a cargo of slaves, if they are seen under the American flag, cannot be interfered with by our cruisers; and if they are pointed out to an American cruiser it is also unable to interfere with the vessel, because, having no slaves on board, there is no provision in the American law to justify the seizure. There is another imperfection of the American law in regard to vessels carrying no flag or papers. A slaver off the coast of Cuba having no flag can be seized by an English cruiser; but if she destroys her flag and papers she cannot be seized by an American cruiser. Her Majesty's Government has proposed to the United States a plan of co-operation, by which English and American cruisers sailing together, one would be able to seize slavers bearing the American flag, while the other could take those slavers which showed no flag at all, so that in either case it should be impossible for the suspected vessel to escape. That proposal is now under the consideration of the American Government, but we have never obtained from that Government a promise to amend their law in the particulars to which I have referred. I fear those statements are well founded, according to which it is not likely any proposition to make the laws against the slave trade more stringent would at present obtain the sanction of Congress. But the question has engaged the attention of Her Majesty's Government, and a despatch I propose to transmit to the different Powers, will explain the state of the law on the subject. It is certainly shocking and mortifying to reflect, that after all the efforts that we have made, and the solemn treaties that have been concluded with that view, we have not been able totally to destroy the slave trade. There is one point in which I do see a prospect of some good being effected. The hon. Member has made an allusion to China. No doubt the kidnapping Chinese by the most atrocious means, and removing them from their country, is to be equally condemned as the slave trade. But there is this distinction between this practice and the African slave traffic. Wherever the slave trade exists in Africa there have been previous wars, man hunting, horrible and constant destruction of villages, and the ruin of that degree of civilization which it is always the object of the British Government to promote. The case of the traffic from China is different. There the people are highly civilized, under the protection of severe laws, and the governors and persons in authority possess very sufficient powers if they choose to exercise them. It has been thought better to employ the agency and aid of the Chinese authorities, to put an end to this kidnapping, and to substitute for it a system of voluntary emigration, of which great numbers of persons in China are ready to avail themselves. In this direction, by acting together with other nations, I see some prospect of improvement. When we compare the state of things which now exists in the case of the slave trade with that which several years ago prevailed, and the diminution which the traffic has undergone, we are afforded the consolation that there is no just reason for abandoning the hope that it may be ultimately altogether abolished.

I may in conclusion say, in reply to the Question of the hon. Gentleman opposite, (Mr. S. FitzGerald) that we possess no

official information from the French Government with reference to the extension of the time for the conversion of *ad valorem* duties, although there is private information which induces me to think that further time will be required.

MR. DANBY SEYMOUR hoped that as a very grave accusation had been made against him about an hour and a half before by the right hon. and learned Gentleman the Member for the University of Dublin, he might be allowed to take advantage of the present opportunity to make a reply to it. It was not his habit to bring charges in that House or elsewhere, more especially against public servants who had long performed their duty to their country, without sufficient grounds; but he had felt called upon to make the observations which he had offered to the House on Friday last because of the change of policy towards Persia which the retirement of Sir Henry Rawlinson from his position in that country was supposed to indicate. In speaking of the opposite policy, which he had characterized as "the bullying system" he had found it necessary to advert to the gentleman to whom the right hon. Member for the University of Dublin had referred, and he had stated that under the operation of that system British influence in Persia had been destroyed. Colonel Sheil had never, he might add, been able to procure the abolition of slavery in that country—the boon being refused so long as he was at the Embassy at Teheran, which he had only left the Embassy a few days when the Shah had conceded to Colonel Farrant that which had been previously denied. He might further state that Colonel Sheil was not only in the habit of flogging his own servants, but had insisted that the Government of Persia should flog the Persians generally — at least so far as he (Mr. D. Seymour) could understand the circumstances of the case from the despatch which had been sent out by the Foreign Office to put a stop to the system. Then, again, Colonel Sheil had, he believed, nothing to do with overthrowing the slave trade, which important concession was the work of Mr. Murray. With regard to the Convention of Herat he need do nothing more than refer to the words which had been used with respect to it by the present Secretary for Foreign Affairs, who described it as extremely loose and ill-drawn. Having made those remarks he could assure hon. Members that he had felt extreme reluctance in bringing forward the subject which had led to them, and in being obliged to comment upon the acts of a gentleman whose private life was, he believed, most respectable, and who was the brother of one who had been among the greatest ornaments of that House. He did not, however, see how he could adequately explain the distinction between the two different policies which had prevailed in Persia, and point out the reasons why, in his opinion, the one had failed, and why the other should be adopted without introducing the name of Colonel Sheil, against whom he might add, he had no personal feeling whatever. He might be permitted to take the present opportunity of repeating his belief that, our influence in Persia must depend very much on our Minister in that country; and in support of that view he might mention the fact that, when the late Shah died, Colonel Farrant, who was at the time our Chargé d'Affaires at Teheran, had, by taking the charge of everything upon himself, and by sending letters to the various Governors, been enabled through his personal influence, to prevent the breaking out of those civil commotions which were usual on such occasions, and to procure the succession of the present Shah to the throne without difficulty. He sincerely hoped that the choice of a successor to Sir Henry Rawlinson which the Government had made would be equally advantageous, and that the eccentric habits which had to a certain extent been indulged in in Constantinople, would be laid aside in Persia. Nobody, he might add, wished better to the gentleman who was now about to go there than himself.

ENGLISH SHIPWRIGHTS IN FRENCH DOCKYARDS.

MR. H. B. JOHNSTONE said, he some weeks ago asked the noble Lord the Secretary to the Admiralty whether he was aware that at the end of the financial year several shipwrights had been discharged from Her Majesty's dockyards, nearly all of whom had obtained employment in the French dockyards. The noble Lord in reply said he knew nothing about the matter. On that day week there appeared in all the newspapers a report of an application made to one of the Metropolitan magistrates for a passport to France by one of our shipwrights who had been discharged from Portsmouth dockyard. The applicant stated that his object in asking for a passport was to obtain employment in the French dockyards. The magistrate thought

it was an extraordinary application, and asked him whether he could not get employment in this country. The applicant said he could not, and that 500 shipwrights who had been discharged from Her Majesty's dockyards were now employed in the French dockyards, that he believed hundreds more of our shipwrights intended to follow them, and that he was anxious to get employment in France. He (Mr. B. Johnstone) did not wish to cast any blame on the Government with respect to this matter, for he knew they were not to blame. His object in bringing this subject before the House and the country was to point out the great activity that at present prevailed in the French dockyards. From information he had received there was at this moment between 1,200 and 1,300 of our skilled artisans employed in the French dockyards. If the calamity of a war should happen between England and France, we might have the pleasure of taking the French ships built by those men; but it was a very grave matter that some of our best shipwrights should be employed in building French ships. Could not some mode be suggested for preventing our shipwrights going to France for employment? If the Admiralty would discharge more gradually the men whom they did not want, so much dissatisfaction and disgust would not be created amongst them, and they would be less disposed to enter into the service of foreign countries. He would conclude by asking the Secretary to the Admiralty, whether it is true, as stated in an application made to one of the Metropolitan magistrates, that upwards of 500 shipwrights, who had been suddenly discharged from Portsmouth dockyard, had gone to Cherbourg, and are now in the employment of the French Government?

MR. BERNAL OSBORNE bore testimony to the anxiety which prevailed on this subject. He wished to ask the noble Lord (Lord C. Paget) if he was able to contradict a statement that had been given as the reason for discharging those men from our dockyards. The reason given, as he understood, was that there was not two years' supply of timber in store. He also wished to ask the Secretary for Ireland what course he intended to take with regard to those Irish Bills which had been on the paper for so long a time? There was a Bill for the registration of births, marriages, and deaths, brought in by the Government, and he believed a Bill had been brought in on the same subject by the noble Lord opposite (Lord Naas), which stood for that night also, and there were also two Landlord and Tenant Bills. He thought, therefore, it would be very convenient to hon. Gentlemen connected with Ireland, if the Secretary for Ireland would state what course he intended to take in respect to these Bills.

LORD CLARENCE PAGET said, he perfectly remembered the Question which the hon. Member had put to him some weeks ago with regard to the discharge of artificers from Her Majesty's dockyards, and who, it was stated, had gone to Cherbourg to enter the Imperial dockyard there. Now, that statement had caused a good deal of sensation, which was not confined entirely to this side of the water. The result was that our Consul at Cherbourg had written to our Government to state that there was no truth whatever in the report of any English workmen having got employment in the Imperial dockyard at Cherbourg. He stated, moreover, that it was contrary to the regulations that any foreign artificer should work in the French dockyards; he added also—which was a still more conclusive argument against the supposition of English workmen being so employed—that whereas both in private trade and under the system of the Royal dockyards in this country the men were earning about 6*s.* a day, in France the wages were about 4*f.* a day. It was not likely, therefore, English workmen, when there was plenty of work to be had all round the country, should go across the water to work for 4*f.* a day; and if any had gone, they would probably be glad to come back again. He did send, however, to Sir Richard Mayne to inquire whether any number of men had asked at the Police-courts for passports; and he (Sir Richard Mayne) found on making inquiries at the Southwark Police-court that only one man, named James Bindon, a shipwright by trade, who had been employed in one of the dockyards but had been lately discharged with a great number of his fellow-workmen, had applied for a passport, and had proceeded to Cherbourg with several other men. That was according to the statement of that man, but he was the only individual who was known to have asked for a passport, and he was not refused one. It had been said that the Admiralty had discharged a great number of men, and he would state how the case stood in that respect. In the last winter, when the work was slack in the private yards, a number of extra work-

men were put on in the dockyards, because there was a good sum of money under the Dockyard Vote in hand. Those men were, as he said, employed in the winter months, but with the warning that they would be discharged at the end of the financial year. But the Admiralty were anxious that, to prevent distress to the workmen, in consequence of a large number being thrown out of employ at one time, those discharges should be very gradual, and at times when private employment was very plentiful. Perhaps the hon. Gentleman would not think they were unduly stinted in the dockyards when he (Lord Clarence Paget) told him they were now working there with 17,556 men, the greatest number ever employed at any former period in the present century, the greatest number employed during the great war with France being only 14,754. The hon. Member for Liskeard (Mr. B. Osborne) wanted to know whether the men who had been discharged were sent away in consequence of there not being a sufficient quantity of timber in store. [Mr. B. Osborne: That was the reason given.] That might be part of the reason, but it was to be hoped they were not going to keep that enormous mass of men permanently employed in the dockyards. If they were kept constantly at work, of course, the stock of timber would soon be exhausted; but according to the ordinary consumption, they had now two years' stock of timber in hand, and his hon. Friend would find that the interests of the country were not neglected in that respect.

Mr. H. B. JOHNSTONE said, that he was perfectly satisfied with the explanations of the noble Lord.

Lord CLARENCE PAGET continued: The hon. and gallant Member for Brighton (Sir G. Pechell) had asked him whether it was the intention of the Admiralty to give the same extra pay and allowances to the naval forces now in China as to those in India. He was afraid of saying anything which might engender hopes which might be disappointed; but he could assure his hon. Friend that the Admiralty would act strictly according to precedent, whatever that might be, and would do justice to the naval forces employed; but he could not distinctly answer the question as to what the allowances would be.

POST-OFFICE ADMINISTRATION.

QUESTION.

Mr. BOWYER said, that a great deal of dissatisfaction existed among the persons employed by the Post Office, and a Committee had been appointed to inquire into their grievances. Owing, however, to some difficulty in regard to their powers, two of the Committee had resigned, and the remaining Members became paralysed in their functions. The Committee had since been reinforced by two gentlemen from the Treasury, and resumed its labours. For some reason or other, however, this Committee did not enjoy the confidence of the persons employed in the Post Office, many of whom had declined to carry their complaints before it. The appointment of the Committee, and the invitation addressed by the heads of departments to their subordinates to bring their complaints before it, must be regarded as an acknowledgment on the part of the Government that grievances did exist. A public meeting of Post Office *employés* was held a short time ago to petition Parliament with regard to some of the grievances under which they laboured, and he could not deny that the wording of some of the Resolutions and the language used by some of the speakers who supported them were somewhat stronger and less delicate than was desirable. Still these poor men had substantial hardships to complain of, and the Government ought not to criticise too closely the expressions which had fallen from some of them in the heat of the moment. He was informed that four persons in the employment of the Post Office had been suspended for the part which they took in the proceedings of the meeting. Now, this raised a grave question in a constitutional point of view. The right of petitioning Parliament belonged to every citizen of this country, and ought to be held sacred. The punishment of these men, therefore, for exercising a right which the constitution conferred on them was scarcely justifiable. He would be told, no doubt, that these men were not entitled to take the course they did because the Government had already appointed a Committee to consider their case; but he maintained that if the Committee did not possess their confidence they had a right to appeal to Parliament to redress their grievances. He wished to ask the Secretary to the Treasury, Whether these men have really been suspended, and whether, if they have, the Government will not take their case into consideration with the view of reinstating them?

Mr. LAING regretted that he could not

give as specific an answer to the question of the hon. Gentleman as it would have been his duty to do had he received notice of it. It was certainly true that considerable discontent had existed among a large number of the servants of the Post Office, especially in the letter-carriers' department. It was also true that a Committee of the superior officers of the Post Office was appointed some time ago to investigate the complaints of these men. In consequence of a difficulty which arose as to the instructions given to the Committee, and the resignation of some of the Members in consequence, their labours were suspended, and owing to Lord Elgin's departure for China some delay occurred in pursuing the inquiry. On the Duke of Argyll being appointed head of the Post Office the Committee of the superior officers was reconstituted as a Commission, with full powers to make ample inquiry into the grievances of the letter-carriers and others, and with the addition of an element independent of the Post Office, in the shape of Mr. Hamilton, Assistant Secretary to the Treasury, and Mr. Stephenson, the chief clerk of the department of the Treasury connected with the Post Office. The Commission so constituted had for the last fortnight been actively engaged in the investigation. They had taken great pains to make themselves acquainted with all the circumstances of the case, and had on one or two occasions visited the Post Office about four o'clock in the morning, in order to see how the work was conducted of which the men complained. Every opportunity had been given to the men to state their grievances, and there was no ground for the statement that the persons employed in the Post Office did not generally repose confidence in the Commission. On the contrary, he had reason to believe that the Committee of the superior officers of the office, as originally constituted, did command the confidence of the men, and that the discontent arose from the suspension of that Committee, and the apprehension that no investigation was to take place. The inquiry by the Commission would be thoroughly searching and impartial. In a large body of men, such as was employed at the Post Office, it was essential that discipline should be maintained. Among a large number of men there would always be a few disposed to be agitators, and if, after a Commission of this sort was appointed, a number of the men held a meeting to induce their fellow-servants not to go before the Commission to state their case fairly and fully, it was necessary for the preservation of discipline that such conduct should be marked by suspension. He was not in possession of information which would enable him to state as a matter of fact that the men had been suspended, but he thought it extremely probable that they had been, and, from his own experience in the management of large bodies of men connected with railways, he thought that such a step could hardly be avoided. The Commission would shortly conclude their investigation, and their Report would, no doubt, be laid before the House. He trusted that such measures would then be taken as would remove all reasonable grounds of discontent among the servants of the Post Office.

MR. BOWYER said, he did not complain that disapprobation had been expressed of a meeting the object of which was to induce the servants of the Post Office not to go before the Commission, but that men had been suspended for exercising the constitutional right which every subject possessed of petitioning Parliament.

INDIA.—DISARMING THE NATIVES.

ADDRESS MOVED.

MR. H. BAILLIE, in moving for an Address for Copies of all Correspondence with the several Governments of India, regarding the disarming of the Natives in Guzerat, together with any Minutes or Opinions recorded by Members of the late Court of Directors previously to the transfer of the Indian Government to Her Majesty, and subsequently of the Council of India, having reference to the same subject, said he wished to call the attention of the right hon. Gentleman the Secretary of State for India to the proceedings of the Indian Government in regard to this matter. There was no mode of punishment, no disgrace, no humiliation, so great in the eyes of a proud and warlike people as being deprived of their arms. It was calculated to arouse the bitterest feelings of the people, and this mode of punishment if carried out without great judgment and discretion would create great evils. When the people of Oude and elsewhere took up arms against us, and were conquered in fair fight, and as a matter of course were obliged to submit to the penalty—that was not the disarming he complained of. What he complained of was, that the disarming should be carried on indiscriminately, and in those territories were the people had shown no hostility, where they

had not rebelled, but where, in spite of strong temptation to a different course, they had remained tranquil. To disarm in such a case was not only unnecessary, it was tyrannical and oppressive. Nevertheless, the Government of India had adopted this course, and with a severity altogether unjustifiable. He held in his hand an extract from a letter from an Indian officer of rank and position. It was dated in 1859. The writer stated,

"My opinion now is that we are hated cordially; and the mode in which the disarming Act is carried out is in a great measure the cause of it. The arms were collected by the use of torture. The Natives were tied up, and flogged, and tortured to make them confess were their arms were concealed; and sometimes the flogging produced nothing. The men employed were chiefly youngsters, inexperienced, and likely to commit all sorts of folly."

Well, this did not appear to be a very satisfactory mode of inaugurating Her Majesty's reign in India, nor of convincing the people of the great advantages they were likely to derive from subjection to British dominion. Some years ago a statement was made in the House of Commons that torture was employed in India by the Government. The statement was received with incredulity, and indignantly denied by those who had administered the affairs of India. But the House of Commons thought that inquiries should be made. Inquiries were made accordingly, and it turned out that torture was not only carried on, but that it was so common that it was used as the ordinary mode of collecting their revenue. Villages, too, had been burned down and razed to the ground in Guzerat, for no other reason than that the people were supposed to have concealed their arms. And this was in the territory of an independent Prince, an ally of the British Crown. The Indian Government had obtained the permission of that Prince to the disarmament of his subjects; but it was on that account the more to be regretted that the measure had been carried out with circumstances of such great severity. He trusted that there would be no objection to the production of the papers, for which he then begged leave, in conclusion, to move.

Colonel SYKES, in seconding the Motion, said he had from the first regarded the disarming of the Natives as a highly impolitic measure, because it would not only be ineffectual, inasmuch as we could not disarm the people of the independent Native States, but it would indicate a degree of distrust unworthy of a strong Government. It would, moreover, expose the peaceful population of our own and the Native States where the disarming could be carried out to being made the victims of the predatory hordes who infested India. This disarmament was taking place not only among our own subjects, but was being attempted amongst the populations of the independent States of Gwalior, of the Guicowar, and the Rajpoot States. It should be remembered that the Pathan Mahomedans, the Rajpoots, and many other Native castes, looked at the bearing of arms as bound up with their personal honour; and consequently to disarm them could only excite in their minds a feeling more intense than resentment—of deep and bitter revenge—against the Government. When in the Court of Directors he had therefore protested against the measure as unworthy of us. He trusted, however, that the alarm which had existed with regard to the Native population was subsiding, and that we were beginning now to place a little more confidence in them. He had heard—but he hoped the report was not true—that in some of the Coolie villages in Goojrat the inhabitants had been removed by force from the districts in which they had been planted from time immemorial, and that to prevent their returning to their homes the sites of the villages had been literally turned up with ploughs drawn by asses, an indignity which would necessarily excite great exasperation. He was glad that the papers were to be produced, and the willingness of the right hon. Gentleman to grant them was an evidence that he did not participate in the feelings which dictated the orders that had been issued.

Notice taken, that Forty Members were not present; House counted; and Forty Members being present—

Sir CHARLES WOOD said, that the measure referred to was taken before he was appointed to his present office. The disarming of the Natives was not a measure of punishment, but only one of prevention, and to be justified by the circumstances in which India was placed. The disarmament referred to had taken place with the consent of the Guicowar, and was the means of preventing serious mischief in his States. Tantia Topee went down into that country with a view of raising an insurrection, but he failed in his object, the people, who were otherwise willing enough to join him, being destitute of arms. He

had no objection to the production of the papers moved for.

MR. H. BAILLIE thought it must be a gratuitous assumption on the part of his right hon. Friend to state that there would have been a rising in the States of the Guicowar if the people had had arms, because he understood that they could by no possibility disarm the people of India, and that when they were asked to deliver up their arms they merely surrendered the old and useless arms, reserving the good and useful ones. It was because the officers were aware of this fact that they resorted to such harsh measures.

MR. VANSITTART said, that the measure of disarming the Natives originated in the Legislative Council of Calcutta, where it was fully discussed and found to be absolutely necessary. It was, he thought, one of the most judicious measures that had ever emanated from an assembly of which, as he had frequently avowed, he had not a very exalted opinion. That precaution had had a great effect in keeping down the population in the Punjab. There was no doubt that the prompt disarming of the people of Scinde by Sir Charles Napier was of the greatest service to Mr. Frere in his administration of that province. Had the advice given by Mr. Coverly Jackson—who was sent to Oude by Lord Dalhousie—been accepted by that noble Lord, and the people then and there disarmed and some hundreds of mud forts dismantled, there was little doubt that the fearful siege of Lucknow and the Cawnpore and other massacres would have been wholly prevented or greatly mitigated. Therefore although isolated cases of hardship might have occurred in carrying out the disarmament, he was persuaded that it was a wise and politic measure.

MR. J. B. SMITH said, that whatever might be said of the disarming of the people, the burning of their villages could not be considered as a measure of prevention.

Motion *agreed to.*

Address for "Copies of all Correspondence with the several Governments of India, regarding the disarming of the Natives in Guzerat; together with any Minutes or Opinions recorded by Members of the late Court of Directors previously to the transfer of the Indian Government to Her Majesty, and subsequently of the Council of India, having reference to the same subject."

ANCHORS AND CHAIN CABLES, MERCHANT SERVICE.—LEAVE.

SIR JAMES ELPHINSTONE rose to move for leave to bring in a Bill to establish a test for anchors and chain cables for the merchant service, when

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at Nine o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 11, 1860.

MINUTES.] PUBLIC BILLS. — 2ª Ecclesiastical Courts and Registries (Ireland); Church Temporalities (Ireland) Acts Amendment.
3ª Refreshment Houses and Wine Licences; Sir John Barnard's Act, &c. Repeal.

HARBOURS OF REFUGE.—QUESTION.

LORD PORTMAN having *presented* a Petition of Inhabitants of Lyme Regis that steps may be taken for the formation of such a Breakwater as will render the Port of Lyme Regis a safe and efficient Harbour:—

LORD RAVENSWORTH asked the noble Duke at the head of the Admiralty whether he was aware of any intention on the part of Her Majesty's Government to carry out without further delay the recommendations of the Royal Commission on Harbours of Refuge? The recent storm had caused tremendous losses in the merchant service, and especially on the north-east coast, where the existence of harbours of refuge was most to be desired. He believed he was speaking within bounds when he said that during the late awful gale not less than 300 vessels were wrecked, mainly on the north-east coast of this country. The phenomena of storms were now so well understood that he believed intelligent commanders who were provided with good barometers might become sensible of the approach of a gale in time to make for the nearest harbour of refuge, if such an asylum were provided for them.

THE DUKE OF SOMERSET said, it was usual to give notice of questions of this kind. As the noble Lord had not taken this course he had not communicated with his Colleagues, and was not prepared to give the noble Lord an answer.

WESTMINSTER CLOCK.—QUESTION.

THE EARL OF DERBY wished to put a Question to the noble and learned Lord on the woolsack in reference to a matter in which he took a deep interest when

he was not in office—he meant the state of the Clock attached to the new Houses of Parliament. The noble and learned Lord had been accustomed to complain of the silence of the clock in former times, and he had no doubt that he had endeavoured to impress his views upon his present colleagues. They all knew the circumstances under which they had been deprived of the doubtful advantage of hearing the tones of the great bell; but when a clock ceased to address itself to the sense of hearing, that was no reason why it should decline to present itself to the sense of sight. One of the hands had disappeared altogether, and the other stood at twelve, so that it had the merit of being right at least once in the twelve hours. He had no doubt the noble and learned Lord had directed the attention of his Colleagues to the subject, and, if so, he should like to hear from him, for the sake of their Lordships and the lawyers in Westminster Hall, that his efforts were likely to be attended with a satisfactory result.

THE LORD CHANCELLOR thought the noble Earl ought to have given notice of his Question. Certainly the clock was not in Chancery, or in these days it would have gone on more satisfactorily. However, he thought the noble Earl could not, with a very good grace, make any complaint on the subject, considering how long a period was taken to repair the clock when he was in office, and the condition in which he had left it to his successors. It could not be denied that the clock was in the worst possible condition. After all, however, the reform of the clock had proceeded as fast as the Reform of Parliament.

THE EARL OF DERBY: Then I gather that there is to be no alteration, at least this Session.

EARL GREY, in common with all the inhabitants of that part of London in which he lived, rejoiced that the great bell had been cracked, and he trusted that no attempt would be made to make the clock speak to their ears again in the old tones. He should like to see the hands in motion again, but he hoped the bell would remain mute.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL.

SECOND READING.

THE EARL OF ST. GERMANS moved the Second Reading of this Bill, which he said had for its object to restrict the Ecclesiastical Courts of Ireland to ecclesiastical matters and to transfer matrimonial suits to the Court of Probate.

THE EARL OF DONOUGHMORE observed, that the Bill contained some clauses which he thought were undesirable. The Bill did not prescribe any mode of procedure, which was a very important point.

THE MARQUESS OF WESTMEATH said, he was opposed to that part of the Bill which authorized the taking of evidence in the Probate and Divorce Courts by Examiners, as a most unsatisfactory method of taking evidence in any court of law.

THE BISHOP OF DERRY said, the Bill had been approved by the highest authorities in Ireland. He thought the matrimonial jurisdiction could be best administered by the Judge who presided over the Probate Court.

THE BISHOP OF CASHEL was understood to support the Bill.

THE MARQUESS OF CLANRICARDE said, he hoped that, if the Bill were carried, its provisions would be carried out with a greater regard to economy than had hitherto been observed by the Irish Commissioners of the Ecclesiastical Courts. He did not see why they should have £1,000 a year more salary than the Poor Law Commissioners, who did a great deal more work for what they received.

After a few words from the EARL OF ST. GERMANS,

Bill read 2ª, and *committed* to a Committee of the whole House on *Monday* next.

REFRESHMENT HOUSES AND WINE LICENCES BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

LORD MONTEAGLE stated, that on a future occasion he should ask the Government to lay on the table an account showing the amount of drawback payable on foreign wines at the time of the passing of the Resolutions in the House of Commons, and to inform their Lordships whether any negotiations were now in progress with Spain and Portugal, with a view to the reduction of the duty upon wines imported from those countries; and if so, whether there was any probability that such reduction would be met by a corresponding reduction of the duties upon articles

of British manufacture exported to Spain and Portugal. He should inquire, at the same time, whether any reliable calculation could be made as to the amount likely to be lost in the consumption of malt, hops, and spirits, by reason of the reduced duty upon French wines.

LORD DENMAN said, that, in his opinion, the whole law upon the subject required revision before new vested interests were created. It was not wise, without such a revision, to increase the present large number of beer and refreshment houses, and he believed the result would be most pernicious. He thought that all beer, spirits, wine, and refreshment houses should be put under the control of the magistrates, and that the present number of public-houses ought not to be increased. He had been at a public dinner himself last year, where there were thirteen dozens of one sort of French wine consumed, and only one class of beer. With regard to this Bill carrying out the Commercial Treaty with France, it could only tend to that object, if a promise had been made by an irregular diplomatist to the illustrious individual who condescended to communicate with him. He thought that every shop would be in danger of being a wine-shop, and the blacksmith's and the saddler's in villages be places of resort, where the law as to not selling on the premises might be evaded. Thinking this Bill wholly unnecessary, he should, therefore, move the third reading that day six months; and would call upon Lord Portman,—who, when in the House of Commons, had moved that the Beer Bill be rejected,—to support him on that occasion.

Amendment moved, to leave out "now" and insert "this day six months."

THE EARL OF DONOUGHMORE said, that though he entertained objections to parts of the Bill, and would second the noble Lord's Motion, it was not with the intention of pressing it to a division, but for the purpose of addressing a few remarks to their Lordships. He maintained that the present Bill ought not to have been a Supply Bill. Nearly the whole of the clauses were devoted to the regulation of the houses for the sale of wine, and had nothing whatever to do with Supply. In "another place" the Chancellor of the Exchequer was asked to separate the two parts of the Bill, in order that their Lordships might have an opportunity of dealing with the clauses other than the money clauses. He replied that he could not accede to the suggestion thus made to him, because the Beer Act was considered and passed as one measure. But the right hon. Gentleman forgot to mention that the Beer Act was not a Supply Bill at all, and that, consequently, it was not only discussed, but amended by their Lordships. This Bill, however, was made a Supply Bill, whereby their Lordships were prevented from introducing any Amendments without coming into collision with the House of Commons. It appeared to him that the Bill had been purposely drawn with that intention; and if that were so, he thought their Lordships' privileges had been seriously infringed. The Bill created a new class of refreshment houses, made new police regulations, and did many things that had nothing whatever to do with Supply. The 40th clause of this Bill, for instance, altered the law affecting drunkenness, by imposing a penalty of 40*s.*, or seven days' imprisonment, though the law as to drunkenness had nothing whatever to do with Supply. Such a clause ought, therefore, not to have been in a Supply Bill at all. He was not disposed to say that he should not agree with the imposition of a 40*s.* fine on persons found drunk, the substance of his objection being that such a clause should not have been in a Supply Bill. He was not, however, disposed on this occasion to do anything to bring their Lordships into collision with the other House of Parliament, and therefore all he could do was to say "Not-Content" to the third reading, by way of entering his protest against the course which had been adopted.

LORD REDESDALE said, there could be no doubt whatever that this was a Supply Bill; but there could be no doubt whatever that several clauses of the Bill were such as this House might reject or amend, and some, such as the 40th and 41st Clauses, which were unquestionably tacks, on account of which this House, if it stood on its strict rights and privileges, might reject the Bill on the ground that it was not framed in accordance with our Standing Orders. But he, for one, was not prepared to support any such course of proceeding in this case, thinking, as he did, that the regulations were salutary ones; at the same time he thought it right, as the subject had been mentioned in the House, to call the attention of the Government to the point.

EARL GRANVILLE stated, that the 40th and 41st clauses, which had been ob-

jected to by some of their Lordships, were introduced into this Bill at the instance not of the Government, but of Mr. Hardy, who was Under Secretary for the Home Department in the Government of the Earl of Derby. The Government did not, he repeated, intend to raise any constitutional objection to their Lordships dealing with any of the questions involved in this Bill; but he did not think that it would be improved by the introduction of any of the Amendments which had been suggested.

On Question, That ("now") stand part of the Motion? their Lordships *divided:* —Contents 36; Not-Contents 2: Majority 34.

Resolved in the *Affirmative.*

Bill read 3ª accordingly, and *passed.*

CONTENTS.

Campbell, L. (*L. Chancellor.*)	Gloucester and Bristol Bp.
Newcastle, D.	Aveland, L.
Somerset, D.	Belper, L.
	Chesham, L.
Townshend, M.	Churchill, L.
	Churston, L.
Belmore, E.	Dartrey, L. (*L. Cremorne.*)
Chichester, E.	Digby, L.
Clarendon, E.	Foley, L. [*Teller.*]
De Grey, E.	Harris, L.
Ducie, E.	Llanover, L.
Granville, E.	Lyveden, L.
Mayo, E.	Methuen, L.
Romney, E.	Minster, L. (*M. Conyngham.*)
Saint Germans, E.	Monteagle of Brandon, L.
Eversley, V.	Portman, L.
Falmouth, V.	Talbot de Malahide, L.
Lifford, V.	Wodehouse, L.
Sydney, V.	
Derry and Raphoe, Bp.	

NOT-CONTENTS.

Harrrington, E. [*Teller.*]	Denman, L. [*Teller.*]

PROTESTS.

Refreshment Houses and Wine Licences Bill.

"DISSENTIENT:

"1. Because the Refreshment Houses and Wine Licences Bill of 1860 is dishonoured by its Connection with the Eating Houses.

"2. Because this Bill will tend to convert Eating Houses, which are innocent Places of Recreation and Refreshment, into Resorts of Vice like the Beerhouses.

"3. Because the Measure is opposed to the Wishes of the Labouring Classes, who are in favour of a prohibitory permissive Bill, enabling the Ratepayers to decide in their Localities for or against the Sale of Strong Liquors in Public Houses.

"4. Because the Licensed Drinking House System has been denounced by the House of Lords in 1743 as to Gin, and in 1850 as to Beer, and by the House of Commons in 1834 as to Spirits, Wine, and Beer.

"5. Because it is criminal to sanction a Traffic that leads the Labouring Man into Temptation, that poisons his Brain with Alcohol, that injures his Health, beggars his Family, lessens his productive Power, and diminishes the Nation's Wealth.

"6. Because the drinking Habits of the People are rated by the Judges as the great Source of Crime.

"7. Because the People of *England, Ireland,* and *Scotland,* and chiefly the Working Classes, tax themselves 57 Millions yearly for Beer, Wine, Spirits, and Tobacco; the latter Two contain no Nourishment, and they are all the fertile Source of Disease, Vice, and Crime.

"8. Because all Experience proves that the greater the Number of Public Houses, where strong Liquors are sold, the greater the Drunkenness and Crimes.

"9. Because in 1743 the Bishops denounced the Gin Bill with matchless Eloquence, but this social and immoral Wine Bill was not debated by the Bishops, who were absent, or passive at their Posts.

"HARRINGTON.

"For 4th and 6th Reasons. DENMAN."

"DISSENTIENT:

"1. Because it is inexpedient to pass a Bill which can only be temporary, whilst a new and general Regulation is rendered by it more than ever necessary for all Houses, whether licensed by the Magistrates or the Excise, for the Sale of Wine and Spirits, and Beer, or of Beer only.

"2. Because the Veto pointed out by this Bill is difficult to be carried out, and has no Reference to the Opinions of a neighbourhood as to the necessity for the Number of Refreshment Houses required therein; whilst it takes away from the Magistrates the Power which they at present (in part) possess of controlling the Sale of Foreign Wines.

"3. Because the Notice of Application for Licences for Refreshment Houses being placed on Church Doors is a Reference to a Subject entirely different from that of Religion.

"4. Because while this Bill defines "Refreshment Houses" as Houses open between Nine at Night and Five in the Morning, it requires every Vendor of Eatables who may close his House as early as Eleven at Night to take out a "Refreshment House" Licence, and to be subject to domiciliary Visits from the Police (without any Complaint from any Informer or from the Neighbours), until Five o'Clock in the Morning.

"5. Because the retailing of Wine of all Descriptions, *Spanish, Portuguese, French* or *German,* in any Description of Shop, without any limit as to Number, will interfere with ordinary Branches of Trade, and cause great Interruptions in the ordinary Course of Business, and a great Waste of Time, whilst those who have a Character for importing pure Wines will find it very difficult to maintain their Ground against unlimited Competition.

"DENMAN.

"DUNGANNON."

House adjourned at a Quarter before Seven o'clock, till To-morrow, Half-past Ten o'clock.

Earl Granville

HOUSE OF COMMONS,

Monday, June 11, 1860.

MINUTES.] PUBLIC BILLS.—1° Agricultural Servants; Admiralty Court Jurisdiction (No. 2).
2° Offences Against the Person; Malicious Injuries to Property: Coinage Offenees; Accessories and Abettors; Forgery; Larceny, &c.; Criminal Statutes Repeal; Highways, Roads, &c.; Tithe Commutation; Landlord and Tenant (Ireland) (No. 2); Tenure and Improvement of Land (Ireland); Leasing and Improving Land (Ireland).
3° Masters and Operatives.

CASE OF DANIEL SHEA AND THE ISLINGTON UNION.—QUESTION.

MR. H. A. HERBERT said, he rose to ask the President of the Poor Law Board, Whether his attention has been called to the case of Daniel Shea, who, having been sick for many months, died on the 29th of May in the Killarney Workhouse in consequence of hunger and cold endured by him on his passage from London to Cork; and whether he has directed an Inquiry to be made into the conduct of the Poor Law Officials of the Islington Union who caused his deportation under circumstances of such peculiar hardship? It was alleged that the poor man in question had not received even sufficient food during the passage.

MR. C. P. VILLIERS said, his attention had not been directed to this matter otherwise than by the Notice on the paper. There had been no communication made to the Poor Law Board in reference to the matter. But he had directed an inquiry to be made of the Parochial Officers of Islington as to what was known of this case, and they had positively denied that any blame attached to them, or that they were in any way responsible for the death of Daniel Shea, who was in the workhouse, and who, most unusually, applied to be removed to his own country.

REPRESENTATION OF THE PEOPLE BILL.—COMMITTEE.—ADJOURNED DEBATE.—THIRD NIGHT.

WITHDRAWAL OF THE BILL.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th June],

"That Mr. Speaker do now leave the Chair:" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "in order to obtain a safe and effective Reform, it would be inexpedient and unjust to proceed further with the proposed Legislative Measure for the Representation of the People until the House has before it the results of the Census authorised by the Bill now under its consideration,"

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed*.

LORD JOHN RUSSELL: Sir, in rising to address the House on this occasion, I must say, in the first place, that it is impossible for Her Majesty's Government to accede to the Motion of my hon. Friend the Member for Rye (Mr. Mackinnon), and that I think it would be most inconvenient for the House itself, in deciding upon the question of his Reform Bill, to fix the time to which they would postpone it, or to commit themselves to any pledge that they would not entertain it at any period before the expiration of two or three years. I trust, therefore, that my hon. Friend will not persist in his Amendment. I have also a further statement to make to the House with respect to the position of this Bill; and in making it I beg to say that it is not my wish to excite any asperity of debate, or to refer more than in passing to the debate which took place the other night. In the debate of Thursday evening, my noble Friend at the head of the Government stated the case in favour of the Bill, and against delay, and I do not wish to abate a single word of what my noble Friend stated on that occasion; but having said thus much, it is not necessary that I should repeat any of the arguments then used on behalf of the Government. This, however, is apparent on the division, that there were 250 Members of this House who declared for the postponement of the Bill for this Session. I say for the postponement, because if we had taken a different line—if we had said, "we are determined to go on, not only with the English Bill, but also with the Scotch and Irish Bills," I think it could have been said as strenuously, and to my mind with much more reason, "You cannot expect to carry these three Bills; you might possibly have carried the English Bill; but if you attempt to carry the three Bills, it is obvious there will not be time for the performance of the work." The Government therefore—250 Members having voted in affirmation of the proposal for postponement—thought themselves bound seriously

to consider the position of the question, and to ask themselves what was their duty to the House and the country. I must say that I think that if we are not of opinion that we can succeed in carrying this Bill through both Houses of Parliament in the present Session, it would be idle, perhaps culpable, to go into Committee for some four or five days and then to make the delays which would arise in Committee the reason for abandoning the Bill. The position, then, is this—we have not yet got into Committee on the 11th of June—250 Members have voted for a postponement—and there are, moreover, some sixty or seventy Amendments to be proposed in Committee. It cannot be expected but that all those Amendments would be discussed. The question of the representation of the people in Parliament is a very large one, and the Bill being before the House there is certainly no Parliamentary objection to the introduction of any topic immediately connected with the representation. There could be no objection to the argument that one part of the system of representation bears upon others, to the argument that the redistribution of Members bears on the question of the franchise, nor to the introduction of other subjects which, though not contained in the Bill, belong to the question of the representation of the people. It would, therefore, be a matter which must take up considerable time. But if we were able to command all the time from the 11th of June to what may be presumed to be the usual time for the close of the Session, I should then say that it was our duty to proceed with the Bill, and, even at a late period, to propose it for the consideration of Parliament. But it happens that there are other questions which must be considered, and some of them must interpose during the passage of this Bill through Committee. There are questions which have arisen very recently. There is the question with regard to the Supplies, which depends upon the news we have received from China, putting an end to all hope that our dispute with China can be settled without hostilities, and therefore requiring this House to consider what Supplies will be necessary for the operations of our army and navy now in the China seas, and what Ways and Means may be required for bringing those operations to a successful termination. There is the question also which my noble Friend mentioned the other night—the propositions which may arise out of the Report of the Commissioners on the National Defences. No one could pretend to say, that either with regard to the China war, or with regard to the defence of the country, it would be allowable to the Government to make themselves responsible for the postponement to another year, or even to a late period of the present Session, of questions of such urgency and importance. The question, then, being whether we should be able to go through Committee on the Bill in the course of the present Session, we came to the conclusion that it was not probable we should be able to go through Committee, and to obtain the assent of the House of Commons to the various clauses of the Bill, in the time usually devoted to the Session. There was this further objection—that if we were not able completely to carry the Bill into law, it would not be fair to ask the House of Commons to decide prematurely upon the amount of the county and borough franchise, thereby fettering their discretion and injuring the discussion of the question in another year. Supposing, then, that in the ordinary period of the Session it was not possible to carry the Bill through this House in such time as to send it up to the House of Lords for them to decide upon it, there arose this further question—whether by extraordinary means, whether by the unusual step of an adjournment instead of a prorogation, it would not be possible to carry this measure through. But I think it is evident that, important as the question is, there is not that immediate urgency with regard to it, and I may say that there is not that demand that it should be proceeded with without any delay or postponement, which would justify the Government in resorting to an extraordinary measure of that kind. Well, Sir, such being the case, we have come to the conclusion—which I will at once state to the House—that it is not our duty to attempt to proceed with the Bill in the present Session. But, in making that announcement, I think I should hardly be justified if I were not to refer to some questions which may be asked, perhaps to some reproaches that may be addressed to the Ministry. It may be said that it was not till the 4th of June that we asked the House to go into Committee, and that if we had pressed the Bill at an earlier period of the Session we should have been enabled to get a decision of the House on the provisions which it contained. But I must remind the House that in the first instance it was necessary that the usual Supplies

for the army and navy should be granted to the Crown, and at a very early period of the Session we brought forward measures with that object, which were not only of the utmost importance, but likewise of the greatest urgency. We had thought it our duty to conclude a commercial treaty with France, and my right hon. Friend the Chancellor of the Exchequer, in the name of the Government, proposed various measures connected with that treaty largely affecting the finances of the country. According to all the views that have been usually entertained by the most competent authorities under any Government it would not have been right to postpone for an indefinite time questions of taxation and of duties of so important a character as those to which I refer. For the sake of the trade and industry of the country, and for the maintenance of the financial stability of the State, it was necessary to proceed with those measures without delay. They occupied a very considerable time; and I therefore felt myself compelled to postpone to as late a period as after Whitsuntide the proposal that we should go into Committee on this Bill. There are other questions with regard to the usual Supplies of the year which remain to be settled; the Army Votes, or many of them, are not at present agreed to. The whole of the Civil Service Estimates have likewise to be taken; and, though it be reasonable and necessary to ask for a Vote on account of them, it would not be reasonable to postpone beyond a very limited time—say the early part of July—the discussion on those Estimates. These questions would again have impeded the progress of the Bill, and would have made it necessary for us to ask for frequent delays. But, Sir, there is a subject, with regard to which I must say a few words further to the House, and that is as to the nature of the Bill which we have proposed. I do not now intend to discuss those matters which are merely points of detail, but I think it is necessary to state that the Government were persuaded, and are persuaded, that the reduction of the borough franchise is required for the future safety of the State and for the improvement of our representative system. Many years ago, when I had to consider this question, Mr. Hume, who was then a Member of this House, and who from the first day that the Reform Bill passed in 1831 always told me what he intended to do, urged, among various other arguments, that six out of every seven of the male adults of this country were excluded from the franchise; and that among those who were so excluded were men whose intelligence and probity would fully entitle them to the enjoyment of that privilege. I will own that his arguments on that occasion made a great impression on my mind, and induced me to set on foot inquiries and to send persons into the country to ask who were excluded, and to ascertain the character of those working men who did not possess the franchise. The result of those inquiries convinced me that there were many of those men whose intelligence and integrity qualified them for the exercise of the right of voting. But if that be the case, then their exclusion—their continued exclusion, their perpetual exclusion—must weaken, while their admission cannot fail to strengthen the basis on which our representative institutions rest. I am not speaking now of any particular franchise; but I am persuaded more than ever I was before that there are great numbers of persons who would exercise that franchise well and worthily, and that it they were admitted the result would be favourable to the maintenance and increased vigour of our institutions. It is, therefore, our intention at the earliest period which may be in our power to introduce a Bill containing provisions for the reduction of the franchise. Nor, Sir, am I discouraged by seeing that more than once measures of this kind have been obliged to be postponed; for I have remarked that, while proposals for the advancement of Liberal principles in conformity with the opinions entertained by the majority of this House have been frequently delayed, yet the result has been that when once they have obtained the assent of Parliament they have remained permanently enrolled among the statutes of the realm, and become permanent institutions of the country. For a long time the sacramental test was required as a qualification for office. No one would now think of proposing that test. For a long time Roman Catholics were excluded from this House and from office by old penal enactments. Nobody would now think of excluding them on those grounds. Reform itself was for a long time opposed, and successfully opposed, in this House; but nobody would now contemplate the restoration of the boroughs which were disfranchised in 1831 and 1832. And in the same way I am convinced that, when a measure has passed this House enlarging the franchise and extending to persons who

are qualified to exercise it a participation in the right of voting for Members of this House, no one will think of disturbing that settlement or will attempt to curtail those privileges. It is, therefore, with the utmost confidence that I look forward to the renewal of a measure carrying these principles into effect. I do not wish now to do more than to ask my hon. Friend (Mr. Mackinnon) to withdraw his Motion, and when that step shall have been taken I shall move the discharge of the Order for going into Committee.

MR. MACKINNON: In answer to the application made to me by the noble Lord I can only say that I congratulate him, I congratulate the House, and I congratulate the country on the step he has taken. I look upon the proposal of my noble Friend as a very satisfactory settlement of this question; and I trust that the powerful mind and ample talents of the noble Lord will find ample occupation in conducting our diplomatic relations, in settling the affairs of Europe, and in promoting the prosperity of this country and of the world at large—better occupied than if this House had sat night after night till two o'clock in the morning, haggling about this question of the franchise. I will take the liberty of saying that, though with the feelings of Englishmen in general, the Members of this House may cordially enter into any question which they take up, and may vigorously defend their opinions on one side or the other, yet, when the contest is over, they will, I trust, as Englishmen, sink all remembrance of differences, and show themselves anxious to promote the business of the country by putting their shoulders to the wheel, and making up for the great loss of time which has been incurred by the discussions on this measure. Under the circumstances it is with great satisfaction that I withdraw the Motion of which I have given notice.

MR. DISRAELI:—Sir, I think Her Majesty's Government have taken a wise and not undignified course. It is much better, under the circumstances in which the House finds itself with regard to the progress of public business, that the Government should at once have made up their mind as to the course which they are to adopt, rather than have allowed this Bill to go into Committee, to waste more time, without any prospect of coming to a satisfactory result, preventing what I think we shall now find ourselves able to accomplish—the carrying on the business of the House with great effect and great unanimity on both sides. I should not have wished for a moment to touch on the subject of the Bill now about to be withdrawn; but the noble Lord made an allusion, which I hardly like to pass without comment. The noble Lord, referring—as is his custom on such occasions—to the pedigree of progress, seemed to intimate that on this side of the House there could be no authentic claim to assist in it. But I beg the noble Lord and the House to remember that this Bill is withdrwn, not from any successful opposition, or from any opposition of any kind that has been offered to the real and *bonâ fide* Amendment of the representation of the people of England. This Bill has not advanced, because, unfortunately for the Government, they were this year encumbered with a great mass of public business of a character which rendered it utterly impossible, with any support, to have carried a Bill of this kind through the House. And as there have been complaints on both sides of the causes of delay, I may be permitted to observe that the real cause of this delay is, in fact, that the Government have undertaken other questions of such importance, of such magnitude, and encumbered with such details, that it was physically and morally impossible for them to carry the measure which they have now so wisely withdrawn. In the heat of debate imputations are sometimes made on both sides of the House without sufficient grounds; but I am persuaded that I am now speaking what is literally the state of the case, when I say that the Government have withdrawn this Bill because it is impossible for them to carry on the necessary and urgent business of the country with this measure still under our notice. The delays and impediments to the Bill have arisen from the Government having other engagements which rendered progress with the measure impossible. I am not now expressing any opinion as to the policy of the measure—I do not think this is the occasion on which to enter into any discussion of the kind—but in reference to the general principles laid down by the noble Lord the Member for the City of London as to the necessity of the representation being extended in a certain degree to the working classes, I beg to remind the noble Lord this really has not been the question of controversy. The question of controversy has been as to the means and method of effecting that exten-

sion. And, so far as I can read public opinion and watch the progress of intellectual investigation on this subject, I cannot help thinking that before this House can ever be called on again to consider it, it will be found that there are more satisfactory modes of effecting that important object than by what I venture to call the coarse expedient of a degradation of the franchise. I would, therefore, state, on the part of Gentlemen on this side of the House, why we receive with perfect approbation the course which Her Majesty's Government has taken in regard to this measure. We recognize that in taking that course they have acted in a spirit of honour and propriety to the House. We give them credit for this, that in the course they have taken they have acted with a sincere desire for the public welfare and the advancement of the public interest. And I can assure Her Majesty's Government that they will receive from us every assistance in the prosecution of the public business which is now so urgent, and to which they have sacrificed—and especially the noble Lord at the head of Foreign Affairs—objects which were dear, and no doubt honourably dear, to them. I would now sit down had it not been my duty to ask the House for a moment to consider a personal question. If it had concerned myself solely, I should not have taken this opportunity of alluding to it; but it concerns the feelings of an hon. Gentleman, a Member of this House, and it relates also a subject which must be interesting to every Member of the House; and that is, the relation between the House generally and the individual who may from time to time be responsible for the chief conduct of its business. The other night, in the course of a debate, the hon. Member for Birmingham (Mr. Bright) made a statement, containing no matter offensive to myself, but he said, that after the last general election, I entered into a compact with some hon. Gentleman on this side of the House that I would introduce a Bill for the Reform of Parliament, including a £10 franchise for counties and a £6 franchise for boroughs. That statement was very freely circulated, but like many other statements I had not thought it necessary particularly to notice it. But as the hon. Member for Birmingham was then about to found an argument on it, I thought I would take the liberty, which I do not often take, of interrupting a speaker. I thought it was as much for his convenience as for myself and for the rest of the House, and inform him at once that he was under a complete misapprehension. It appears that the hon. Member for Birmingham afterwards mentioned the name of an hon. Member of this House—the hon. Member for Sunderland (Mr. Lindsay), who was not then present, and that hon. Gentleman is under an impression that I stated that I had not been in communication with him on the subject, and that the statements to that effect which had been circulated were utterly unfounded. I should be glad at all times to remove a painful and unfounded impression from an hon. Gentleman's mind, but I hope the House will not consider it impertinent on my part, as this probably is the last evening we shall, for some time at least, speak on this subject of Parliamentary Reform, if for a few moments I touch briefly on this topic. The subject concerns the relations between the House generally and that individual who may be responsible for the chief conduct of its business. Now, when I had the honour of leading the business of this House, I considered that my time was at the service of any Gentleman on either side of the House, with reference to the conduct of business in this House, or with reference to any business that might concern his constituents; and I see many Gentlemen on the benches opposite who have communicated with me on those subjects, and I trust that they always received from me every attention and assistance in my power. Well, Sir, I received a letter, among others, requesting an interview, from the hon. Gentleman who now represents the port of Sunderland (Mr. Lindsay). He immediately had an appointment. The appointment was not a secret appointment. The hon. Gentleman came to me at Downing Street on a subject of the greatest importance. It referred to the war commenced between France and Austria, and to the important question of what was contraband of war. I gave the hon. Gentleman all the information and advice I could, and pointed out to him the means by which he could obtain assistance from the other Departments. Now it so happened that on that occasion a newspaper was lying on my table, which contained the official announcement—official I mean, in the Opposition sense — that a vote of want of confidence was about to be proposed against Her Majesty's then Government, on the ground that they were going to throw over the question of Parliamentary Reform, and that it must be a

[*Third Night.*

point with all sincere Reformers to insist that a measure be brought forward immediately. The hon. Gentleman called my attention to this paragraph, which he had observed before; and he said for his part he did not agree with it, and that he did not believe that a vote of want of confidence was at all one that the House would sanction. He spoke to me — I cannot say it was a confidential interview—it involved just that degree of discretion and reserve which prevents a conversation on business from degenerating into gossip. I spoke to the hon. Gentleman as I speak to hon. Gentlemen every day in my life, when I meet them in the lobby, and I trust that that sort of free intercourse will always exist in this House, and that it will not be merely in theory that we are an assemblage of Gentlemen, but in practice also. I said to the hon. Gentleman, "If they mean that they are going to introduce a vote of want of confidence unless we bring forward a Reform Bill immediately, you may rely upon it we are not going to introduce a Reform measure immediately; but neither are we going to throw over the question of Reform." On a subsequent occasion the hon. Gentleman said to me, "I can assure you there is a feeling of great dissatisfaction on the part of many independent Members of the House, and if you will only repeat to me that you are not going to throw overboard the Reform question, but intend to deal with it *bonâ fide*, it would have a great effect on public opinion." And I then said, "It is totally impossible for me, or any Minister of the Crown, in private, to say what will be the policy of the Government; what that policy will be will be stated in Parliament, and in no other place. But you may rely upon it we shall not bring forward a Reform Bill this year; that we are not going to throw overboard the question, that we shall endeavour to deal with the question in a satisfactory manner. But so far as a general course is concerned, you may take it for granted that, before the Vote is taken, I, as the organ of the Government, shall generally describe our policy, and therefore no persons will be able to pretend that they are ignorant on the subject." And there the matter ended. I believe the hon. Gentleman the Member for Sunderland had confidence in what I stated; I believe that he wished the Government to remain in office, and I cannot see what imputation there is on his honour in his having entertained that wish. While we were in office, though he voted for the Amendment of the noble Lord (Lord John Russell), yet he had been amongst those of the Liberal party on whose generous support I had been accustomed to rely. I have no hesitation in saying that the conduct of the hon. Member for Sunderland was perfectly Parliamentary, honourable, and straightforward. I mentioned that in a letter when the hon. Member was unjustly attacked last year.—That letter was seen only by a very few persons,—and as the matter has been brought before the notice of Parliament with so much misapprehension, I thought I would take this opportunity of saying these few words on the subject in order to set the matter right. I take it for granted that the feeling which influences the House is that which influences myself, and that it has no desire to place any barrier on that frank communication which ought to be permitted at all times between the leader of this House and its other Members on whatever side they may sit, or sanction as a rule that a leader, in receiving those opposed to him, should treat them with the utmost reserve. I have now placed fairly and frankly before you the real state of the case, and I think hon. Members will be of opinion that the course which I took in the matter I was justified in adopting, and that no imputation rests on the hon. Gentleman to whom I allude, for the share which he has had in the transaction.

MR. BRIGHT:—Sir, the right hon. Gentleman has thought it right to refer to a matter which I mentioned in a speech the other night; but the House, I think, will remember that I did not introduce that topic for the purpose of attacking the right hon. Gentleman in regard to it. My object was to show that the course of the right hon. Gentleman when he was a Minister of the Crown, and up to the time of his resignation of office, was in favour, according to his own language, of a large extension of the suffrage. He said that the Bill which he brought forward would introduce 500,000 new voters; and he afterwards said he would go even further than his Bill. Then I said it was understood that he had intimated to a Gentleman on this side of the House that he was willing to go as far as, in fact, the terms of the measure, the withdrawal of which we are now engaged in discussing, and I quoted from a speech of an hon. Gentleman of this House. In alluding to the subject,

I made no charge against the right hon. Gentleman at all; but I was simply endeavouring to show how consistent he had been up to a certain time in his views upon this question, and I can only lament that his conduct in the present Session has not been equally consistent. But leaving this, which after all is, perhaps, of not very great importance, I will, with the permission of the House, proceed to say a few words in reference to the announcement which has this evening been made by the noble Lord the Secretary for Foreign Affairs—an announcement which probably has not taken all the House by surprise, and which will be received with very different feelings in different quarters of the House. Down here, I believe, and I hope in some other parts, it has been received with great regret. I do not rise, however, for the purpose of blaming the noble Lord for the course he has taken, or of complaining of the Government for the decision at which they have arrived in this matter; because I know very well that this House is not the best place in the world for getting through business, and especially if the business be one which one-half the House do not at all like. The right hon. Gentleman (Mr. Disraeli) tells us to be oblivious of all that has been done during the past few weeks. He tells us that he and his friends have not offered any opposition to the passing of this Bill. Now, that, it seems to me, is a somewhat daring statement, considering what we have all heard and seen take place within these walls on the subject. The right hon. Gentleman and his party have, no doubt, exhibited no small degree of adroitness in the course which they have pursued with reference to the Bill; but there has been opposition upon their part to it nevertheless. It was, if I am not mistaken, a Member of the party opposite who first placed the notice on the paper with regard to the Census, with a view to get rid of the Bill. Afterwards, I admit, the hon. Member for Rye (Mr. Mackinnon)—who sits on this side, and who did not like to be defrauded of the privilege of performing, I will not say an act of wisdom, but an act which, having done something similar thirty years ago, he thought it right to be unwise enough to repeat—placed on the paper a notice to the same effect. The hon. Member for Berwick (Captain Gordon) was consequently hustled—I had almost said bullied, but that is not a proper word to be applied to him—or cajoled, or coaxed into withdrawing his Motion. ["No, no!"] I think I am right in saying that the hon. Gentleman's Motion stood first; but it was in some way managed that the Amendment with respect to the taking of the Census should be brought forward by the hon. Member for Rye. Then hon. Gentlemen opposite came with all their forces to his support, and having done all the mischief they could, they now turn round and say, "This is not our work, but that of an hon. Gentleman on the Ministerial side of the House." Now, I should wish hon. Gentlemen to bear in mind that the hon. Member for Rye has never carried anything in this House up to the present moment. We recollect, indeed, that he took an active part in a discussion about opaque smoke some few years ago, but nothing came of it, and I am not sure that there was not a pretty general opinion in the House, when the hon. Gentleman put himself forward to oppose the present Bill, that the circumstance did add somewhat to the prospects of the measure passing into a law. But, to return to the right hon. Gentleman the Member for Bucks. I cannot help feeling that he imagines we must have forgotten what has taken place with reference to this question of Reform. He says the noble Lord spoke about the working classes, and extending the suffrage to them; and then he says, "I hold precisely the same views as those entertained by the noble Lord the Member for London as to the expediency of extending the franchise to the working classes; but then I do not wish to do it by means of the coarse and vulgar method of lowering the franchise to the scale of a £6 rental. I should propose some other mode of effecting what I admit to be a desirable object." The public, however, will judge whether the right hon. Gentleman and his friends are in earnest from the fact that from them, and certainly not from the supporters of the Bill, have proceeded those grievous, and unjust, and unfounded charges which have been made during the progress of these discussions against that portion of the population living in houses whose value is below £10. Notwithstanding, therefore, the right hon. Gentleman would have us believe that he stands on a par in regard to this question of Reform with the noble Lord the Member for London, we must come to the conclusion—a conclusion at which I am sure the public out of doors will also arrive—that there exists a wide gulf between the noble Lord, who expresses confidence in the working classes,

and the right hon. Gentleman and his followers, who contend that they represent poverty and passion, and that to hand over power to them would be to subject ourselves to the control of debauchery and crime. Now, I suppose as it is with the tree, the orchard, or the field, so it is with legislation, and that we must not expect more than a given harvest in a given season. It may be, also, that in this season we have shaken off all the fruit we can gather, and that we must rest satisfied with the things which we have accomplished. Looking back on the course of the Session—and I wish to say this because I think there are those out of doors who will be greatly dissatisfied with the announcement which has been made to-night, and many persons within the House who may be disposed to assail the Government for having made it—it will, I am sure, at once be admitted by every impartial person that it has not been a Session barren of results. It must not at the same time be supposed that I am not dissatisfied also with what has taken place this evening. I lament it as much as anybody ; for there is, I believe, no one in this House who has given so much time of late years to this question, and I hoped—you may think, if you like, with a too ardent enthusiasm—that something might be done this year towards its settlement. To-night, therefore, when this hope is blighted, I have a right to say that I deplore as much as any man the adoption of the course which the Government have deemed it to be their duty to take. And if I do not assail them for having pursued that course it is simply because I feel it would be unjust to make an attack upon them for that for which they are not, in my opinion, entirely responsible, and to denounce them for not having accomplished an object which any other dozen Members in this House would find it equally difficult to attain. I was, however, observing that the present Session cannot be regarded as having produced no fruit. It has seen 400 obstacles to the free development of our industry, which at its commencement existed, struck out of the pages of the tariff. So important an event would, if it had taken place only a few years ago, have been sufficient in itself to mark a Session as one in which much had been achieved, and almost to immortalize the reputation of a Minster. But we have had some more work done ; we have had a Treaty concluded with France—which no doubt hon. Gentlemen opposite will tell us by and by they never said a syllable against —which those who observe what is passing cannot fail to perceive there have been steady endeavours on the part of some persons in this House, and by some in "another place," and by one influential organ at least of the public press to disparage ; it being contended that there is no good faith to be expected with respect to the mode in which it is to be carried out on the part of France; that everything connected with it has been a series of blunders, and that all that enthusiasm which found expression, both in the House and in the country, with respect to it at the opening of the Session has been entirely thrown away. Now, I would beg to refer those who advance such opinions to the authority of Gentlemen who have recently returned from Paris—I could refer them even to higher authority—to show that nothing can exceed the good faith of the French Government in their endeavour to carry into effect the purposes for which the Treaty was framed. I have the best reason for believing that the duties fixed on under its operation will be below the *maximum* stated in the instrument itself ; and I am assured on the authority of one than whom there is nobody more competent to form a reliable opinion on the point, that the necessary details being settled the result of the Treaty will, in all probability, be such as to exceed the sanguine expectations with which it was at the outset of the Session received. But, passing from the question of the Treaty—I should like to know whether hon. Gentlemen opposite are disposed to consider the occurrence of this evening a triumph or not. I do not think it appears to have excited among them much exultation. There are many of them who in all probability would prefer that this Bill had been fairly discussed, and its main provisions passed into a law. I believe that there are very few of them who have been much affected by the exaggerated statements which have been made with respect to the terrible consequences which it is said to be calculated to entail, and I suspect that between this and next winter the great majority will have learned to regret that a measure so moderate has not found its way into the statute book. The Bill is, I contend, one of a very moderate and a very reasonable character, and when you who sit on the benches opposite heard it introduced you were of the

Mr. Bright

same opinion. I will undertake to say that you have been emboldened in your opposition to it mainly by the conduct of a few hon. Members on this side of the House. Now, I am told there are Gentlemen sitting on these benches who think the time is come when we ought to have what is called "a sound Whig Government;" that what they regard as the "foreign element" should be got rid of—meaning, of course, the right hon. Gentleman the Chancellor of the Exchequer, and my right hon. Friend the President of the Board of Trade. Well, I may perhaps be permitted to give hon. Gentlemen who entertain those views a piece of information, and it this,—that that which they call "a sound Whig Government" modelled after the old fashion, is just as much a thing of the past as the dodo. You may say there are some remains of it, as Professor Owen knows something of the head and foot of a dodo, and what it was like; but in my opinion, you will never see that sort of Government again in this country. But if we are to sit on one side, calling ourselves the Liberal party, the sooner, I think, we get rid of these old party distinctions the better, and endeavour in the conduct of affairs in Parliament, in connection with our principles, to act rather a more unanimous part, and act in a more ingenuous, a more open and a fairer manner to the Government than has been done this Session by some calling themselves followers of the Whig party. I say, then, although hon. Gentlemen opposite do not appear to exult, I think I have reason to exult that this Bill has been withdrawn, rather than it should have gone into Committee to be mangled so that its authors would hardly have known it, to settle this question in a manner that would render it of no advantage to the country. I have said over and over again that it was not worth while to deal with this question, unless you do so much as will make a substantial change in a direction which so many of your countrymen wish, and such as shall be felt to leave one without any strong excuse for asking you at an early period to proceed further. That is my policy with regard to this question. I think it a wise policy. I am, therefore, glad that the Government propose to withdraw the Bill, rather than go into Committee and submit the £6 franchise to be made into an £8 franchise, which would have been one of the most childish, and, to the great body of the working classes, to whom you are making some advances, one of the most pernicious and insulting measures Parliament could possibly adopt. The noble Lord the Member for the City has referred to questions coming on; there is one question to which he has not referred, and that is the one which affects the conduct of this House with regard to its control over the taxation of the country. Now, I hope, if the House of Commons determines that this Session it will have no measure of Reform for itself, that, at least, it will not allow anything to be done that shall impair its powers and alter its inherent right over the taxation and finances of this kingdom. I hope that, if we are about to shut out the people, we shall not, at the same time, consent to let in the Peers. I hope the course you take with regard to this Bill of Reform is not an indication that you are willing, in any degree, to let down the character and power of this House with regard to those questions on which the public have looked up to us for generations and centuries more anxiously than to either of the other branches of the State. The noble Lord, as I understand, has given a pledge that at an early period—whether in November or in February—at the first time Parliament shall meet, the Government of which he is a Member will again introduce a Bill with a view to amend the Representation of the People. Now, I am of opinion that this determination and the measures of this Session and the discussion which has taken place on this question will throughout the country produce much healthy action. I hope that during the winter—between this time and the time when we shall meet again—such of us as may meet again—that there will be expressed throughout the country a firm and wise opinion with regard to the course Parliament should take in the coming Session. Why should not hon. Gentlemen opposite entertain more liberal views? [*A laugh.*] An hon. Gentleman near the gangway laughs. If this were the time I could easily show him that all the legislation of which we have reason to be proud—during his lifetime and mine—has been legislation according to what we term Liberal views—has been opposed by the party with which he is connected—["No, no!"]—has been supported uniformly by the party with which I have been connected. Well, if it be so in the past, why not in the future? We may be as right on these questions as on the previous questions. Look at the condition of our people. That great measure which the Chancellor of the Exche-

[*Third Night.*

quer has passed this Session—the reform of the tariff—is but a portion of the great work which has been going on for twenty years; and yet I will undertake to say that that great work, completed within twenty years, has done more for the people and poor of England, in giving them the comforts of life and some taste for independence—than all the party contests, party triumphs, bloody wars, extensive conquests, martial renown, and historical glories, you have had for a century past. Now, what I want is this, that the House should always consider the great body of the people. The Peers, the rich, the powerful, can always take care of themselves, and never suffer, unless it may be for a time in great political convulsions, which we all hope may never again visit our country. Look at the condition of the great body of the people—their intelligence, their morality, their independence—and you find written in characters which you cannot mistake the real truth with regard to the Government under which they have lived. I say, then, that the course which the Chancellor of the Exchequer has taken is one laden with blessings to the great body of the people; and if the House of Commons would at the same time, whilst so much good physically was being conferred upon them—if in the same Session it could have shown its confidence in them by offering them this moderate extension of the suffrage which the noble Lord proposed—I think it would have been said in after times that there had been no Session of the Parliament of England comparable to that of 1860 for the good it had given the people and for the binding effect which its legislation had had between the great body of the people and the three estates of the realm.

Mr. NEWDEGATE said, that the proposition of the noble Lord to withdraw the Bill was a wise and judicious one, inasmuch as it was impossible that it should be passed this Session. But with regard to the Treaty with France, the hon. Member for Birmingham would excuse him if, when he talked of the blessings which that treaty had conferred on the working classes, he (Mr. Newdegate) reminded him that in a large district of the county which he had the honour to represent, the people were suffering the deepest distress in consequence of that treaty. There were at the present moment 10,000 people out of employment in Coventry alone; and he should have thought that Coventry was not so very far from Birmingham that the hon. Member could be ignorant of that fact. The hon. Member had referred to favourable prognostications, and communications which he had received from France on the subject of the treaty; but he (Mr. Newdegate) did not share the bright anticipations of the hon. Member as to the result of the negotiations. He also had had communications, which informed him that the stipulations with respect to the treaty were such that the Government of France could not in justice to the expectations of the people of France reduce the duties to such a point as would allow a competition on the part of the English silk trade in the markets of France with a fair chance of an adequate profit. With regard to the Reform Bill, he entirely approved of the course which had been taken by the hon. Member on the side of the House on which he sat in not dividing against the second reading of the Bill, but in subjecting its provisions to a sifting debate. He was in favour of Reform, or rather a re-adjustment. But he (Mr. Newdegate) did not stand committed to the details of the Bill, notwithstanding his respect for the high character of the noble Lord who proposed it. He wished to take this opportunity of stating to the House that he had found from further inquiry that he had been misled as to the returns which purported to give the increase that the reduction of the qualification for county voters from £50 to £10 would effect. He would not trouble the House by stating how he had been misled, but would beg hon. Members to understand that the details of the calculation as to the increase of county voters by the operation of the Bill which he used on a former occasion were incorrect; but he begged the House also to understand that the further statement, which he made on the occasion to which he referred, showing the gross disproportion between the representation of the majority of the people who lived in the counties (that is, beyond the limits of the boroughs), as compared with the representation allotted to the borough population under the present state of the law, was, and is, perfectly accurate. He would shortly state the main objection which he entertained to the Bill. If the county franchise were to be reduced to £10, and the county constituencies were thus placed in the position which the borough constituencies now occupied, he insisted on a larger allocation of Members to the counties. The hon. Member for Birmingham had

said that the proposal for the better equalization of the representation was of a democratic character, and then, oddly enough, he had declared that the House of Lords represented the counties of England; but the hon. Member seemed quite taken aback when the House of Lords took him at his word, and, in some degree, exercised that right of representation in the matter of taxation. Who now so furious as the hon. Member? What did this show but a determination on his part to keep the majority of the people inadequately represented? The hon. Member for Birmingham taunted the hon. Member for Rye (Mr. Mackinnon) that he had never carried a measure in this House. But the hon. Member for Rye had never proposed a Reform Bill, circulated it through the country, prepared maps and plans in explanation of it, and, after all, feared to submit it to the consideration of the House. And why did the hon. Member (Mr. Bright) fear? Because he sought to perpetuate that inequality of representation between the counties and boroughs which was established by the Reform Bill of 1832—because he rather sought to aggravate that inequality, that he might strengthen the party he had already formed in this House. The hon. Member lately stated in the country this palpable truth, that the Reform Bill had admitted 100 Members to the House, of whom he was the leader, and through whom he managed to exercise the patronage of the Crown in the appointment of Her Majesty's Ministers. They had had an instance to-night of his dictatorial tone; to-night he had declared that the Government must retain its present form or perish. His belief was that the hon. Gentleman did not regret the withdrawal of this Bill, because he saw that if they had gone into Committee, the question would have been raised which the hon. Member sought to avoid, whether it was not just and constitutional, whether it was not in accordance with the Republican elements in our Constitution, that the majority of the population of the country—the people of the counties—should not have a larger representation than 129, while the minority had the unreasonable number of 354. His object in rising now was to call the attention of the House to this subject, and to declare that if the county franchise were reduced on any future occasion, he would never rest satisfied till that inadequacy were amended.

MR. EDWIN JAMES said, that the hapless offspring of the noble Lord the Member for London having been so peacefully consigned to its last resting-place, he hardly liked to interpose for a moment upon the harmony of the funeral party. He must, however, say that the speech of the right hon. Member for Buckinghamshire, though tinged with the most charming touch of satire, contrasted gracefully and strongly with the speech delivered by the noble Lord at the head of the Government on the occasion of the debate on the Resolution which led to the defeat of the Reform Bill introduced by the late Ministry. On that occasion the noble Lord declared that the then Government should neither withdraw their Reform Bill nor should they resign; but that, to use a sporting metaphor, they were bound to go on with their measure, having taken office "with all its engagements." The right hon. Member for Buckinghamshire, on the other hand, respectfully leant over the grave of the departed, and paid "the tribute of a passing tear." If that Bill ever required an epitaph there were two lines among the *Elegant Extracts* familiar to his boyhood, which would forcibly illustrate its unhappy fate:—

> "If so soon as this I'm done for,
> I wonders what I was begun for."

That would form a very apt inscription *In Memoriam* of the innocent whose existence had been so chequered and so brief. The noble Lord was warned early in the Session by the right hon. Member for Stroud (Mr. Horsman), that delay in the introduction of the measure would lead to the result which had just been witnessed. Her Majesty's Government had incurred a very serious responsibility by the withdrawal of the Bill. It was brought forward in such an incomplete shape as to be the mere skeleton of a great constitutional measure, and it was not fair to charge the Opposition with obstructing its progress because they had given notice of many proposals that would have been real amendments. He himself asked, on the introduction of the Bill, whether it was intended to accompany the Bill with any system of registration; and the cold, bureaucratic, Whigocratic answer he received from the Home Secretary was that "at the proper time Her Majesty's Government would introduce some measure for establishing a mode of registration." He had felt sure the measure could not pass from the want of such a provision; and, although the Chancellor of the Duchy of Lancaster had accused the hon. Member for Ayrshire

(Sir James Fergusson) of ignorance of constitutional law; it was nevertheless the fact that if the Bill had passed in August there could have been no election till the year 1862. And if, from circumstances over which nobody could have control, a dissolution had happened in the Spring, it would have turned out that twenty-five seats would have been disfranchised by the measure, and they would have had a Parliament without a single Member to fill the new seats. He did not accuse the Government of insincerity, but they had certainly failed to provide the requisite constitutional machinery for the passing of a Reform Bill this Session. That was not the case in the Bill introduced by the right hon. Member for Buckinghamshire. That Bill, as he (Mr. James) formerly pointed out, very properly contained clauses for effecting the registration of the new constituencies in the event of a dissolution following on the passing of his measure. The Government, however, took no notice of that suggestion, and when he and others called their attention to it, sneered at it—he did not mean uncourteously. Members of the Opposition had been charged with delay because they had supported the Motion for deferring the measure until the new Census had been taken; but the question of the Census had been made a material element in regard to the disfranchisement of seats, because the noble Lord, instead of adopting the number of electors for his basis, as he did in his measures of 1852 and 1854, had taken the basis of population. The noble Lord the Member for the City had accused him of making statements on the subject of population that were "ludicrous." If they were ludicrous, why had not some Member of the Government endeavoured to contradict them? The Bill of the noble Lord was unworthy of the name, when he left Salford, with its 7,000 or 8,000 electors, in no better position in the representative system than insignificant places like Calne or Portarlington. Such a proposal had no pretensions to be deemed a real reform. He repeated that the Government had incurred a serious responsibility by withdrawing their Bill. If they had not shown an apathy and indifference which discouraged those who had wished to assist them, and among that number he included himself, the Bill might have been put into a more satisfactory shape and carried. But the responsibility of withdrawing it now rested with the Government.

MR. DARBY GRIFFITH thought that hitherto the question of Parliamentary Reform had not been treated in a general and comprehensive manner. It had been made the mere battledore of party. All that the noble Lord said of his measure was, that it was the best that he believed he would be able to pass. That was, perhaps, a practical consideration with a Ministry; but in dealing with a great constitutional question it was one that was almost worthless and contemptible. Possibly there never had been at any former period so favourable an opportunity of dealing with the question as the present; but the inconsistencies of the various plans which the noble Lord had from time to time proposed had shaken the confidence of the House in his guidance on such a subject. The noble Lord had repeatedly shifted his ground. In 1852 he introduced a Bill formed on very different principles from those which he adopted in 1832. In 1832 he proposed a large disfranchisement; in 1852 he announced that wholesale disfranchisement formed no part of the principle of his Bill, but that he would transfer the franchise, whenever corruption was proved, to another constituency; and now in 1860 he adopted a principle of partial disfranchisement. If the principle of 1852 was good, how was it that the noble Lord abandoned it in 1854, and how was it on the other hand, that the great authority upon reform, who introduced a large and comprehensive measure of disfranchisement in 1854, could ask the confidence of the House and country when he produced a measure so limited and scanty as that which was now to be withdrawn? He did not indeed see that the present Bill proceeded upon any intelligible principle whatever—the extension of the suffrage was framed on a system that was utterly arbitrary, and yet at the same time no principle had been laid down which should prevent a further unlimited demand for a fresh extension at a future period. For his own part, he held that there was no ground for depriving England of any portion of her representation in order to confer it on Ireland or Scotland. There were, no doubt, anomalies in our representative system, but no one, he presumed, would venture to assert that the House did not fairly represent the intelligence of the people. He did not believe that there was any section of public opinion which failed to obtain representation in the House, in one way or another. If they once conceded any merely arbitrary reduction of the fran-

chise, it would be difficult to say where they would be able to stop. Just as the £6 and £7-pounders were jealous of those within the present pale of the franchise, so would they, if admitted as voters, in turn excite the jealousy of the £4 and £5-pounders, who would still be excluded. He took it for granted that the public professions of the House were contradicted by the private judgment and experience of every man in it. They did not in practice prefer the lowest classes to the higher classes. If they wished for any judgment or opinion, on any affairs, public or private, they would prefer that of an educated and superior class. If, therefore, they wished to extend the franchise to the lowest classes, they must do so on some certain principle and with some limit, while at the same time, they gave compensation to the higher classes for that extension. Such a principle would not be difficult to find, it was embodied in an Amendment he had put upon the Notice Paper, which was that of the Poor Law franchise, namely, to give a plurality of votes in proportion to the property and intelligence of the constituents. He believed that if the Government adopted that principle they would find less difficulty in settling the question than they had experienced on this and other occasions. He assented to the lowering the franchise in counties, and he should on some future occasion either propose or support a £20 qualification.

LORD FERMOY said, that in the very few sentences which he wished to address to the House he should not attempt to follow the previous speaker, nor should he follow the right hon. Gentleman, the leader of the Opposition, upon the question between himself and the hon. Member for Sunderland; nor did he mean to follow the hon. Member for Birmingham in his discussion of the sincerity of the Emperor of the French, the advantages of the French treaty, and the merits of the Budget which had been altered in "another place;" but should confine his observations to the immediate question before the House —the bold and bare announcement of the noble Lord that he was about to withdraw the Reform Bill. The character of public men and political parties ought to be dear to every Member of the House, and he must say he heard the announcement which had been made that evening with feelings of disappointment—nay, with feelings of dismay, because if ever there was a Government, and if ever there was a House of Commons, whose sole and only mission appeared to be to carry a Reform Bill for England, they were Her Majesty's present Government and the present House of Commons. He had not been able to discern in any of the reasons given by the noble Lord any good and sufficient ground for the withdrawal of the Bill. What had been the history of the Government with regard to this question of Reform? They came into power on the express and clear understanding that they were the only parties in the country who were willing and at the same time able to carry a Reform Bill through that House of Parliament, and that — and that alone — was the ground upon which they entered office. Now, the noble Lord gave as his first reason for withdrawing the Bill the time of the Session at which they had arrived; the next ground was the Chinese war and the necessity of voting the Estimates for carrying it on; then he gave as a reason the state of the national defences; and finally, he wound up by implying—more than by saying—that there was a want of enthusiasm in the country which compelled him to withdraw it. Now, with regard to the late period of the Session, whose fault was it that they had arrived at the month of June without the Bill having got into Committee? Parliament assembled this year much earlier than usual, as they all thought for the express purpose of enabling the Government to carry out their pledge on the subject of Reform, and he, in common with many others, had been led to expect that on the very first day somebody would have announced that it was the noble Lord's intention to bring in the Bill after the lapse of two or three days, or a week at most. But what took place? On the second day, he believed it was, after Parliament met they were told that the Reform Bill was not to be brought in for a month—when the month was up it was postponed for another fortnight—and then it was again postponed that it might be brought in on an auspicious day—that day of fair auspices being the first of March. Here then was a loss of two months—["No, no!"]—well, of at least, six weeks —and by whom was it caused? By the Government. The noble Lord, though he had not actually said it, had implied that the delay was owing to hon. Gentlemen opposite. Now, in candour, he (Lord Fermoy) could not say that any proposal or Amendment had been brought forward by the other side of the House, as a body,

which could fairly be characterized as unreasonable on such an important subject. No question could possibly arise that was more likely to give rise to long discussions and important Motions than a Reform Bill, and hon. Gentlemen opposite were perfectly justified in giving notice of questions which they considered of moment in reference to the principle of representation on going into Committee. He must say then, that the House was perfectly free from any charge of wasting time, and the argument of time fell to the ground, when it was remembered that this, which was to have been, *par excellence*, the Reform Government, had lost six weeks at the commencement of the Session before they even brought in their Bill. Then as to the Chinese war and the defences of the country, he did not see any reason why they should not provide for the Chinese war and the defences of the country, and for a Reform Bill also. At all events, if that was the only reason of the Government for withdrawing the Bill—if, after having got into office as sincere and ardent Reformers, they now swallowed all their pledges in order to discuss the China war and the national defences, he could not help saying that the Chinese Estimates might be as well submitted, and the defences of the country as well provided for by hon. Gentlemen opposite as by those who now filled the Ministerial benches. Again, as to the want of enthusiasm on the part of the country on the subject, the noble Lord had, as he always did on such occasions, favoured the House with sundry chapters of constitutional history, and reminded them that in the several cases of Catholic Emancipation, the Test Act, the Reform Bill, and free trade, and other great measures, when the principle of those measures was once carried by a majority of the House of Commons, they were certain to triumph. But he would ask the noble Lord did those measures triumph by being abandoned by their own promoters?—yet such was the course the noble Lord took in the present instance. How could they expect enthusiasm in the country, when the very men who came into power for the express purpose of carrying forward a Bill for improving the Representation of the People, abandoned it as soon as they experienced the slightest opposition? At the same time, after the speech of the noble Lord on Monday night, he scarcely thought that the right hon. Gentleman opposite (Mr. Disraeli) was acting in the most open and generous manner. The noble Lord on that occasion made a declaration which carried dismay to the minds of many Members of the Liberal party; and when he said let us go into Committee, and endeavour to arrive at some sort of a franchise, the real meaning of which was, "I am not tied to anything: if you won't have a £6 franchise, let us agree to an £8 franchise; but let us adopt the rating test." That was a declaration which carried dismay to the minds of many on that side of the House, but which ought to have induced hon. Gentlemen opposite to go into Committee on the Bill. The right hon. Gentleman said that he and his party were Reformers and sincere Reformers; here, then, was an opportunity of showing it. He would venture to tell the right hon. Gentleman, that he would never again have the chance of getting a Reform Bill that would be so agreeable, or at all events so little disagreeable, to his party, as the present Bill. But the right hon. Gentleman and his friends, instead of accepting the offer of the noble Lord, had refused to go into Committee. If he (Lord Fermoy) were the hon. Member for Birmingham, and desired to agitate the country, he should be delighted that the right hon. Gentleman had refused that offer, and doubly delighted that the noble Lord had now withdrawn the Bill. This was no settlement of the question, notwithstanding what had been stated by the hon. Member for Rye (Mr. Mackinnon), and the right hon. Gentleman opposite. What the people would have received this year with gratitude, they would reject next year with disdain. The party opposite, as well as Members on that side, had admitted Reform in Parliament to be necessary, yet they refused to go into Committee, to determine how far that reform should go; they refused to go into Committee to pledge themselves to a £6, or an £8, or any other franchise; and to say to what extent the Parliamentary institutions of the country required reform.

MR. BERNAL OSBORNE: Although I was not so fortunate as to collect the tenor of the observations of the hon. Member for Devizes (Mr. Darby Griffith), still I gathered from his mournful tone and manner that if he was not a mute he was a sincere mourner on this occasion. At any rate, he gained by contrast with the senior Member for Marylebone (Mr. E. James), for it must be apparent to the House that the hon. and learned Gentleman was somewhat of a merry mourner. The hon. and

learned Gentleman, indeed, differing from his noble Colleague in this respect, made no secret that he did not regret the dissolution of this Bill. I, for one, do not agree that any discredit attaches to the noble Lord the Member for London for his conduct in regard to this Bill, and I think the criticisms of the two hon. Members for Marylebone are equally unjust and ungenerous. The noble Lord (Lord Fermoy) it appears was somewhat astonished the other night at the attack of the hon. Member for Buckinghamshire on the noble Lord the Member for the City of London. I was much more astonished to-night to hear the attack of the noble Lord the Member for Marylebone on the noble Lord the Minister for Foreign Affairs; because, if there were a noble Lord in the House from whom that criticism could not have been expected, it was the noble Lord the Member for Marylebone. But different positions oftentimes made different men. But I must say I do not think the House will endorse the opinion of either of the hon. Members for Marylebone. I do not think the noble Lord is responsible for giving up the Bill on this occasion: if responsibility attaches anywhere, it is to the conduct of this House. The hon. Member for Rye (Mr. Mackinnon) got up to-night in a jaunty manner—he has an idea that he is the man who has killed Cock Robin—and he says, "let us shake hands and say nothing about it;" and he congratulates the House on what he calls the settlement of this question. I, for one, can neither congratulate the House nor the hon. Member for Rye on such a settlement. I came down to vote on the Motion of the hon. Gentleman, and I should be very sorry if the House consents to its withdrawal. In bringing it forward, the hon. Member stated that he was a follower of the noble Lord, and that thirty-one years ago he had brought forward the same Motion. Yes; but on referring to the records of that date I found that the hon. Member for Rye was not then a devoted follower of the noble Lord; he spoke and voted on every occasion against the Reform Bill, and he predicted the same revolution which he now foretells from the alteration of the £10 franchise. If I recollect rightly, the Member for Rye at that time represented the borough of Lymington, which was put into Schedule B; and he brought forward his Motion not in exactly the same terms as at present, but proposed that the operation of the Bill as regarded all the boroughs included in Schedule B should be postponed until the results of the Census had been ascertained. He has no longer the same complaint to make as to Rye, because I believe that borough was excluded from the operation of this Bill; but, forsooth! he is so enamoured of his first love of thirty-one years ago that he returns to it again; and now, although a devoted follower of the noble Lord's, he brings forward this ridiculous Motion, which has no more to do with the subject than the speech of the hon. Gentleman the Member for Devizes. We have heard something to-night of the dignity and wisdom of the course which has been taken. I think the noble Lord has discharged his duty with dignity; but I much question the wisdom of the House in the course they have taken with regard to this Bill. What are we doing? We are doing nothing but offering a premium to out-of-doors agitation. We say the people are indifferent. I do not think that is a theme for congratulation at all; because, when the people are indifferent on such a subject, it shows a conviction that they have no sympathy with this House—that this House does not understand their wants and requirements. And what has been the pretext for the postponement of this measure? The Instructions to the Committee have been framed for no other purpose than to be obstructions to the passing of the Bill. There has been no open, honest, fair, stand-up fight on this question; the Bill has been got rid off by a species of Parliamentary assassination, by the administration of small doses of adjournment and other poisonous ingredients. We are told, indeed, that in the month of June the noble Lord is able to contend against this homœopathic system of assassination, and the noble Lord the Member for Marylebone holds him accountable for having dropped the Bill. The noble Lord the Foreign Secretary had no other course; but I think it becomes the House very seriously to consider the position in which they have been placed, for I have a very strong idea that out of doors we are neither regarded with respect nor favour by the great body of the people. In my opinion, we hold a most discreditable position in the eyes of the country. The right hon. Gentleman the Member for Bucks well described the state of Reform when he said that for fifteen years it had been a Parliamentary question, and for ten years a Ministerial question. Five times have different Cabi-

nets pledged themselves to measures of Reform; five times has the Sovereign from the throne promised legislation on the subject; and yet here we are, by a most extraordinary coincidence, on the 11th of June, 1860 — throwing over a Reform Bill. ["Hear, hear!"] I can understand that cheer. I think it a most unfortunate thing for his own reputation, and for that of his party, that Lord Derby ever brought forward his Reform Bill. At the same time, I grant it was unfortunate for the country that when he did bring it forward it was so summarily rejected. I will do justice to my hon. Friend there; I think he was right in the course he took; and I think the rejection was most unfortunate, because we are shuffling off this question till God knows when, and we do not know under what circumstances the consideration of the Reform Bill may next be forced upon us. The hon. Gentlemen on the other side, the recent converts to Reform — for everybody is a Reformer now; the only question is as to the pace at which we shall go, and probably as to who shall drive the coach—did they offer any opposition to the principle of this Bill when it was first brought forward? The right hon. Gentleman the Member for Droitwich (Sir John Pakington) opposed it rather in the spirit of Sir Fretful Plagiary. He complained that there was "not enough of incident in it," and concluded by saying that although the Bill was most meagre and unsatisfactory, he would offer no opposition to the second reading. The right hon. Gentleman the leader of the party took a different view, and complained that it would swamp property and intelligence; but, nevertheless, no hostile division was called for, and the second reading was allowed to pass almost *sub silentio* [*Laughter*]. Well, not exactly *sub silentio*, because we all know the "gift of tongues" has been enormous; but it was certainly allowed to pass without a division. What has happened then? We have had all those pretexts put forward which are too transparent to deceive anybody except the noble Lord the Member for Marylebone, and probably the next meeting which he attends at the "Yorkshire Stingo" will lead him to give up that delusion. I am of opinion that the country, so far from being dissatisfied with the noble Lord (Lord J. Russell) will sympathize with his position; but I do not think it will sympathise with that of many Members of this House.

Mr. Bernal Osborne

> "An open foe may prove a curse,
> But a pretended friend is worse."

What is the language that has been held on this subject? I find that a noble Lord in "another place," when he came into power, made the following declaration on the subject of Reform:—

> "In my opinion it is highly inconvenient that from Session to Session a question of this importance and interest should be perpetually kept dangling before the Legislature, and that Session after Session it should be hung up till a future day;"

and, without pledging himself to details, he promised to give the subject his attention "with the sincere and earnest desire to trifle no longer with this great question." What have we been doing all this Session but trifling with this great and important question? That was the opinion of the noble Lord the head of the late Government in "another place." What was the view of the leader of this House on the same occasion? In bringing forward his Reform Bill, he asked,—

> "Is Parliamentary Reform a subject which touches the interest of all classes and all individuals, to be suffered to remain as a desperate resource of faction? Or is it a matter to be grappled with only at a moment of great popular excitement, and settled, not by the reason, but by the passion of the people?"

Now, I ask the House what they are going to do—will they allow the passions and not the reason of the people to settle this question? Could there have been a time more opportune than the present for dealing with this subject? I have no intention of going, as other hon. Gentlemen have done, into a discussion of the measure; but this I say, that if from year to year the House is content to shuffle off this question with pretexts and pleas which deceive no man in this House or out of it, the time may come when, with a bad harvest and with discontent reigning both at home and abroad, you will be called on to pass a measure, not by the reason, but by the passions of the people. I am surprised that the Conservative party, with such a fair offer as has been made by the noble Lord, should have been so lost to the tenets of their creed as not eagerly to accept a proposal made at a moment when men are disposed to be satisfied with much less than I am convinced will eventually have to be given. By assisting to pass this Bill they would, at any rate, have given an earnest to the country that they were sincere in their desire to amend the representation of the people.

MR. HORSMAN: Sir, Although the announcement made by the noble Lord to-night could not have been very long delayed, yet when it was made I think it was not the less agreeable to the House that it was somewhat unexpected. I should be glad to leave the withdrawal of the Bill where it was left by the judicious speech of the noble Lord, had it not been partly for the speech of the hon. Member for Birmingham, and partly for some other remarks which have been made—and which, deriving importance not so much from their reference to the past as to the future, I think it is the duty of the House not to allow to pass altogether unnoticed.

Sir, there was no necessity for the hon. Member for Birmingham to attempt to mystify the subject. The reasons for the withdrawal of the Bill are obvious,—the lateness of the season, and the general unpopularity of the measure. More than a month was lost by introducing it in March instead of January, and when introduced it caused very general disappointment. No one liked it—few expected or wished it to pass—fewer still thought it could pass. From the moment we entered on the second reading, the Government lost all command of the House upon it. The strongest speeches against it, the most vehement denunciations of it, the fiercest outpourings of reproach on it, came from the benches behind the Government; and not only that, but there was this prospect before us in going into Committee, that whereas on the last trial of strength on the Bill, the Government had only a majority of twenty-one, there were, to set off against it, no less than seventy notices of Amendments placed on the paper by Members on the Government side of the House. The noble Lord said just now there were upwards of seventy Amendments on the notice paper, but there were more than that, for I have had the curiosity to examine it—and there are in fact more than ninety Amendments, of which seventy are from this side of the House.

The general feeling, on one side and on the other was unfavourable to the Bill, but there is one section of the House to which it was most particularly unpalatable. That section is not composed of the Gentlemen below the gangway. In so far as it may be considered a democratic measure, it would rather give strength to those whose sympathies are democratic. It is not the Gentlemen on the opposite side who would be most affected by it, for Members of the Conservative party are not returned to this House by the popular element, but rather in spite of it. But the Gentlemen who most dreaded the Bill were that section of the House that is neither Conservative nor democratic, but who, representing both the aristocratic and popular element, were elected by constituencies that would be made democratic by the improvement, of which the first effect would be to improve their present representatives off the face of the Parliamentary arena. They are the Gentlemen who have really felt the greatest dislike of the Bill. There being therefore a common feeling on both sides,—when an attempt is now made to fasten that responsibility of delaying the Bill on one side of the House, which attaches to all,—and to construe the disinclination to entertain this particular measure into hostility to any Reform whatever —I think the House ought to interpose, and if we are to get rid of the Bill, we ought at the same time to get rid of all the hypocrisies and delusions that have disgraced its history. When I see, as I have to-night, the seed sown for a new crop of misrepresentations—when I see those who have become bankrupt by trading on bad Bills of Reform, scolding, and warning, and threatening those whom they have been in vain endeavouring to cajole, I think we ought to have—as for a few moments I will ask leave to have—an opportunity of settling one or two short accounts of the past before we allow them to issue a new prospectus for the future. I should not have thought of doing so had not so many references and allusions been made to the past history of the Reform question. We have heard repeated the history of all the various Reform Bills brought forward, and I really think that with regard to the future, the House ought now to take stock of the question, especially as the hon. Gentleman near me has endeavoured to pin down the noble Lord to a promise to introduce another Reform Bill in the autumn.

The country has become familiar with the whole of the Reform agitation. It originated in the mistaken belief of some shortsighted politicians, that because the Reform Bill of 1832 gave great strength and popularity to the Liberal party, therefore, when that party was at a low ebb of popularity, it had nothing to do but resuscitate the cry of Reform, and its leaders would once more be borne aloft on the shoulders of the people. That was the beginning of the second Reform of the Constitution in 1852. We have lately had

some very curious and interesting revelations as to the history of that Bill. In that Reform Cabinet of 1852 it appears there was only one Reformer; he was very sincere and ardent, no doubt, and his sincerity requires no explanation; but I think the country may be curious to know how the other members of that Cabinet, that was almost unanimous in dreading and deprecating another measure of Reform, thought it consistent with their personal honour and public duty to propose to Parliament a great constitutional change that they believed, if carried out, would be dangerous and disastrous to the country. But the question we know did not stop there. Two years later these same Gentlemen who had been alarmed by the comparatively moderate Reform Bill of 1852, made themselves parties to another measure, so much larger that it is difficult to understand how it could emanate from the same Ministers and the same red box. No Minister has asked permission of Her Majesty to make a similar revelation as to the Bill of 1854 to that which Lord Grey has made as to the Bill of 1852; but, if made, they would probably be a very interesting continuation of the chapter already published. The Bills of 1852 and 1854, though brought in with all the authority of statesmen possessing a popular character, failed—as the simultaneous agitation of Mr. Hume, to which the noble Lord has just referred, for a much larger measure also failed—because the practical intelligence of the English people could distinguish between the real demand for Reform in 1832, and the artificial demand for it in 1852. They would not lend themselves to further organic changes, the necessity of which they did not see, and the plan for which they did not approve. There were, doubtless, still great anomalies in our system; but the people knew that anomalies were not grievances, and they would not lend themselves to crude, immature, rash, and mischievous attempts to tamper with the Constitution—they wanted rest rather than agitation.

But the agitation, though discountenanced by the country, was not suffered to drop by those in high places. In 1858, the noble Lord the Member for Tiverton once more raised public expectation only to disappoint it—I had almost said to trifle with it—and in 1859, the Government of Lord Derby inherited, as they believed, the duty and the difficulty of dealing with the question. The hon. Member for Liskeard alluded to the measure introduced by that Cabinet, and to the mistake of the Liberal party in its treatment, and my hon. Friend noticed the cheer that I gave him when I remembered that on that occasion he was one of my severest assailants for the course I took. I have this Session avoided taking any part in these discussions, because last year I took a course that was very painful to me—a course that separated me from my political friends—["Hear, hear," *from an* Hon. MEMBER *on the back Ministerial benches.*]—after twenty-four years of more constant, more arduous, and more consistent action with my party than that of the hon. Gentleman who sneers at me. I did not separate from those Friends without giving them, in private, the warnings I repeated afterwards in public; and I did not wish this Session to undergo the imputation of assisting to verify my predictions. When it was first made known to me—I was then in the confidence of those hon. Gentlemen—that they had determined to reject the Bill of Lord Derby's Government, I used what was once a familiar mode of illustration among us, and said, "The Liberal party may pursue one of the three courses. It may reject the Bill on the second reading—it may amend it in Committee, or it may strangle it by an abstract Resolution. The two first," I said, "are perfectly legitimate, and must succeed, and I am ready to go with my Friends on either of them; but the third course is illegitimate, and must prove discreditable and embarrassing, and I am not prepared to support it." And I showed how it would prove embarrassing. I said, "You will have a narrow division, a damaging dissolution, a reduced party majority, and after a year lost, a new Bill no better than the one rejected." My protest and my opinions are recorded; they are on that record to which any one can refer. I have no occasion to reproach myself for them, and I ought not to be reproached by any one on this side of the House. I was answered by the Member for Birmingham, and others, "A year will not be lost. A new Bill can be introduced before Parliament rises—it can be passed in an autumnal Session, and in February, 1860, we shall meet under the new Constitution."

The Bill was rejected—followed by the dissolution, the bare announcement of which took away the breath of the framers of the Resolution, followed again by the elections, which took away some valuable

clements of their party majority. But when the new Government was formed, and when the new Parliament met, there was no hurry for a new Reform Bill. In that summer Session there was no Bill. The autumn passed, and no signs of a Bill. This year Parliament met unusually early, but the introduction of the Reform Bill was put off for more than a month. I protested very strongly against the delay; but my protest was not backed up by the ardent Friends of Reform, nor by the hon. Member for Birmingham. I protested, because I felt the absolute necessity of showing an honest desire to deal with the question this year, and because, adhering to my former views, I had no reason to dread a Bill which I believed would verify my predictions, and more than justify the course I had taken. But I found that a great change had come over the dream of the advanced Reformers. The secret of the forthcoming Bill had partly oozed out, and had produced on them a very tranquillizing effect. Their patience in 1860 presented a remarkable contrast to their chivalrous impetuosity in 1859; and while on the part of the Government there was no disposition to be prematurely communicative on the details of the measure, there was on the part of the supporters an amiable desire not to be too inquisitive. The fact was that the Ministry and their supporters were equally in a dilemma—and while the occupants of the Treasury Bench felt that they had burnt their fingers by rejecting the very moderate measure of their opponents, the occupants of these other benches were afraid of also burning their fingers by having to accept an equally unsatisfactory measure from their own leaders. So the Bill was by common consent postponed till the ides of March, with a fervent prayer on both sides that some Providential interposition would put it off till doomsday.

But Providence was not propitious, and when the day came, the appearance of the Bill was the bursting of the Bill; and the Liberal party immediately opened out their fire upon it. Of all the Reform Bills ever proposed, this was pronounced by common consent to be the very worst. "Others have been bad," said the Member for Bristol; "but this one is contemptible." "It is not Liberal," said the Gentlemen on this side; "it is not Conservative," said the Gentlemen on that. "On the most important point of Reform," said the Member for Birmingham, "it unsettles everything and settles nothing." It gives one party fresh cause for agitation," said the Member for Huddersfield. "It gives another great reason for alarm," said the Member for Edinburgh. "Where it tries to be Conservative," said the Member for Marylebone, "it relapses into old Toryism." "Where it professes to be liberal," said the Member for Galway, "it becomes revolutionary." And when at the close of all these friendly criticisms the Committee on the Bill was postponed on the 3rd May to the 4th of June, everybody knew that it was virtually abandoned. And it has been abandoned to-night.

There is only point in the speech of the noble Lord (Russell) to which I wish to refer. The hon. Member for Birmingham tried to pin the noble Lord down to a pledge that another Reform Bill would be introduced at an early period; and my hon. Friend endeavoured to fix upon his political opponents in this House a result which the public ought well to understand is due to the general feeling of the House against the Bill. It is not a result of which the responsibility attaches to one side of the House more than to another, but arises out of the general feeling on all sides—a feeling endorsed by the country out of doors, which sees plainly that this question of Parliamentary Reform has been trifled with in the course of the present Session, and that there has been on the part of the Government no effective or satisfactory attempt at its solution. But I must say that of all the men who may be charged with inconsistency on this question, and who is least justified in bringing a charge of insincerity and want of zeal against other Members, that man is the hon. Member for Birmingham. He has abandoned every principle and violated every profession in endeavouring to support a Bill which he has told us was utterly worthless. Two years ago he had a Bill of his own, which was carried with a great flourish through the country. We have never seen that Bill, but he has allowed this Bill of the Government to be substituted for it, though it does not contain a single provision that he had been accustomed to say was essential to a Reform Bill. He has approved of the £6 franchise, though he was at the pains on Friday night to show that this was a franchise which would introduce only 300,000, or less than 5 per cent of the classes who are now excluded. He told us to-night that he would have been sorry to see the

Bill proceeded with if it had ended in the adoption of an £8 franchise; but when the noble Lord said on Friday night that he was ready to adopt a modification of the £6 franchise, and even to accept a higher franchise, the hon. Gentleman was a party to that compromise, and following the noble Lord in the debate, he said he was ready to do all he could to carry out the objects of the Government, so that, instead of a £6 rental, the hon. Gentleman was ready to take a higher. On the question of the franchise he is ready to exclude, as he admits, at least 95 per cent of the unenfranchised operative classes; but on what he considers the greater question of the redistribution of seats, which affects, not the operatives, but the masters, which implies a transfer of power from one class to another, and which will greatly facilitate the admission to power of his own class—on that question the hon. Gentleman will hear of no compromise. This is not the first time that my hon. Friend has failed to be the peculiar representative of working men. He has applied the same principle in matters of taxation wherever he has had to choose between removing a tax that fell on the operatives and one that fell on the master employers. In cases of taxation, as of representation, he has acted to the injury of the poor, while he has endeavoured to benefit the master classes. I believe no man is more sincere or more honest than he is in the advocacy of his own particular views; but there is this peculiarity about him, that on all questions affecting the education, the taxation, the representation of the working classes, the Member for Birmingham has been an ardent, unflinching, outspoken champion of the operative class against the rich landowner. But when it is a question not of landowners but of millowners and master manufacturers on one side, and operatives on the other, then in these cases the interests of the manufacturers and masters have been upheld, and those of the poor trampled on. Therefore, I decline taking the hon. Gentleman as a representative of the working people of this country. I do not believe that he represents their opinions.

I have said that I wish to refer to one remark made by the noble Lord, in what I have described as, with one exception, his moderate and judicious speech. But the noble Lord said something that sounded very like a promise to introduce another Reform Bill. I can sympathize with the

Mr. Horsman

general feeling of the House to spare the noble Lord any of those reproaches which he anticipated might be cast on him on this occasion; and I only speak now in the same spirit in which I sincerely told him last year, that if by supporting his Resolution I could promote reform, and strengthen his position, he would have no readier follower than myself; but it was because both objects would be defeated by his Resolution, and that with the success of his Resolution his difficulties would commence, that I warned him against it. And in the same earnest spirit in which I warned him as to the past, let me now once more warn him as to the future. Let me tell him that it is no light thing for a Minister of England to discredit the only free constitution now left in Europe. It is no light thing for one in the noble Lord's position to promulgate the doctrine that it is a legitimate function of the Ministers of this country once every twenty years to remodel the Constitution and effect a new distribution of political power always in one direction, giving less and less influence to intelligence and property, and more and more power to numbers, and to establish the fatal principle that the Constitution of England is only capable of expansion in a downward direction. I concur in the opinion expressed by the right hon. Gentleman, the Member for Bucks, that this may be the last occasion on which, for some time to come, we may have an opportunity of discussing the question of Reform, and I cannot let it pass without saying,—what indeed we are all well aware of,—that this Reform Bill did not emanate from without, that it did not arise from the aspirations of the unenfranchised classes. It is the off-spring of official rivalries and Ministerial necessities. Political and party chiefs, racing and wrestling for power, endeavoured to outvie each other in bidding for the support of a political minority that held the balance between the great powers in the State. And while that political minority,—that party, as regards its representation of national opinion, is the least important party in the nation, it still has ruled the Cabinet, it has ruled the House of Commons, it has ruled the country, for its support was a political necessity to Ministers, who dreaded Reform very much, but dreaded exclusion from office a great deal more. The authors of these insincere Bills have, indeed, much to answer for. I cannot but recollect how, when in the autumn of 1858 the hon. Member for Birmingham was making

his tour in the provinces, they and their organs denounced him because, as they said, he was discrediting the Constitution. No, Sir, he was not discrediting the Constitution—he was only illustrating that great law of the Constitution which enables every man in this free country publicly to promulgate his own political belief. But I will tell you what it is that discredits the Constitution. It is when public men, ministers and statesmen, vie with one another in promising what they do not wish to perform—in conceding what they think dangerous—denying what they hold true——pandering to unwholesome appetites, and endorsing what they despise—then it is that they not only discredit but imperil the Constitution, and arm men of more advanced opinions, but also of more earnest purpose than themselves, with a power which they find it impossible to resist; and which is capable of being resisted in the present instance, simply because the hon. Member for Birmingham happily neither understands nor represents the sentiments of the great mass of the English people. Indeed, there is, in my opinion, no man possessing his powers and his opportunities who so completely fails to excite their sympathies or to arouse their enthusiasm. They do not understand my hon. Friend's idiosyncracies; they cannot conceive how one and the same individual can be a great friend to freedom at home and a great advocate of despotism abroad. They are unable to comprehend how a great upholder of the doctrines of peace in this country can be the great admirer of the representative of war in another; nor can they approve the principle in accordance with which free nations may be absorbed or swallowed up and enslaved by a despotic Power, because the small but free State is a bad customer, and the larger one may be a large purchaser of Manchester manufactures. Least of all do they desire to Reform our institutions after the Transatlantic model. The masses in this country are sound at heart—English to the backbone; and, thank God, intelligent enough and well-conditioned enough to appreciate the Constitution under which they live. They know that under that Constitution they enjoy politically, socially, and religiously, such rights as are not enjoyed under any other Government in the world. That Constitution is precious to them as it is to us. They know that its blessings have not been easily attained, and that they ought not to be lightly perilled. The House of Commons is one of its appointed Guardians. In our hands, Providence has at this time confided this sacred trust, and that as we discharge ourselves, now or at any future time, of that high trust, honestly, faithfully, and righteously, we shall be surely judged.

MR. ANGERSTEIN said, he could not agree with the right hon. Gentleman that the question was hazarded by the Government, and he thought the time would come when they would regret that this Bill had not been allowed to go into Committee, where it might have been moulded into such a shape as would have secured it passing into law. Had the Government taken that course the people would at length have had that Reform which had been promised them by four Governments in succession. He would leave to the country to determine whether the Opposition, who had opposed this Bill in every stage, were the persons to whom was to be entrusted the question of Reform.

MR. SLANEY thought that on the whole the Government had adopted the best course that lay open to them under the circumstances of the case; but he humbly hoped that the noble Lord's failure on this occasion would not prevent him from bringing the subject forward in another Session. It appeared to him that by a fusion of provisions contained in the two last Bills a satisfactory measure might be arrived at; but he hoped the noble Lord would in his next attempt fix his borough franchise somewhat higher. That, with a county qualification of £15, and some of the franchises out of the Bill introduced by the right hon. Gentleman opposite, would, in his opinion, make up a measure likely to meet with general approbation.

MR. LONG offered his thanks to the Government for the course they had taken that evening. The House was in the position of a contractor who had undertaken to do more than he could perform; and the best thing they could do was to confess that they were unable to perform it. The people of England cared more at the present moment about reconstructing their rotten gunboats than about reconstructing their rotten boroughs.

MR. W. E. DUNCOMBE felt it must now be admitted, although the noble Lord opposite had attempted to rouse the feelings of the people on this subject, that an almost universal apathy prevailed in regard to it. He ventured to think that apathy could only be accounted for by the general conviction

that there existed no necessity for Parliamentary Reform. In his opinion the whole proceeding on the part of the Government had been got up for party purposes, to secure their position in office, and not with a view to any real remedy for abuses alleged, but which certainly had not been proved to exist. Since 1832 there had been no question which had excited the attention or moved the interest of the public that has not been brought before the consideration of that House, received full discussion, and been settled in accordance with the wishes of the people. There was the great question of free trade, for instance, peculiarly affecting the working classes—that was debated in 1846 on both sides of the House, with a view to promote the welfare of the working classes. It was a question in which the people took a deep interest, and he would ask the House whether it had not received a solution in accordance with the people's wishes? And for himself he was ready to admit that free trade had been of great benefit to the people of this country. And so, if there had been any general feeling in the country in favour of Parliamentary Reform, it would have made itself heard. Besides, before they concluded that Reform was necessary, they were bound to prove that the recent legislation of the House had not been in accordance with the views of the people. On the other hand, he believed the people attributed much of the happiness, wealth, and prosperity they enjoyed to the satisfactory legislation of that House; and it was because they were contented with the principles of Government which had been adopted, and with the legislation which had been carried out, that they now felt there was no necessity for changing the constitution of a Parliament, which had conferred on them so many and such signal blessings. He regretted to hear the statement from the noble Lord that they were next year to be favoured with another Reform Bill. He hoped the noble Lord and the Government would reconsider that matter. Surely they did not wish again to expose the House and the country to renewed uncertainty, and to an interruption of all useful and practical legislation, by the futile reproduction of such a measure, for the purpose of conciliating the hon. Member for Birmingham, who would never be satisfied with any measure of Reform the noble Lord might introduce. The Government must not judge the hon. Member for Birmingham by his speeches or professions in Parliament, but rather by the speeches he made and the principles he maintained in his tours of agitation throughout the country. He believed the principles of the hon. Member to be inconsistent with our present form of Government, and the sooner the connection between the Government and the hon. Member ceased the better. Many of the principles, and much of the policy, of the Government, particularly their financial policy, certainly savoured very much of those recommended by the hon. Member for Birmingham. He begged them not to follow in that direction. If they did, they would bring themselves into hostile collision with the real wants and wishes of the people; and though they might for a time retain the honours of office, their course would terminate in future disaster to themselves, and great disadvantage to the country.

MR. WARNER sincerely regretted that the noble Lord had been compelled, by circumstances which no doubt he regretted, but over which he had no control, to take the course he had announced to-night. The Session was eminently suited for passing a satisfactory and comparatively permanent Reform Bill. There was no excitement in the country and there was a general wish to have the question settled. He regretted that such an opportunity should be lost; he only hoped another would before long recur. Both sides of the House had the strongest interest in attaining a satisfactory settlement of the Reform question. That was especially the interest of hon. Gentlemen opposite, who so long as the question was left unsettled were placed in the wrong before the country and kept excluded from office. There would be no chance of a Reform Bill passing until both sides agreed not to treat it as a party question. He thought, however, that the time which had been consumed in discussing this Bill had not been wasted, for it had been shown that neither the House nor the country was yet prepared to deal with the question of Reform. A variety of Reform measures had been introduced of late years, containing a great variety of propositions. All these had failed to gain acceptance; and then the noble Lord was obliged to content himself with the simplest measure that had ever been presented. He brought in a skeleton Reform Bill, leaving it to others to fill it up and clothe it with flesh. The attempt, however, like all the others, was obliged to be abandoned. In any future Bill he

hoped that there would be no uniform line of rental or rating to give the franchise. Such a line of demarcation was very well where the line was kept to a high standard, but when reduced to a lower level it would be impossible to retain it. He desired to see a representation of classes and of interests and not of mere numbers.

MR. WHALLEY said, he was willing to give the Government credit for honest intentions in withdrawing the Bill, but he thought that this would have been a proper occasion for them to inform the House and the country what course they intended to take on the constitutional question in debate between the Lords and the Commons. The country would not be satisfied of the sincerity of the Government if they withdrew the Reform Bill without pledging themselves to repel the insult which the House of Commons had received at the hands of the Lords. The country would not willingly allow the privileges of their representatives in that House to be overridden by the Lords on account of any paper precedents which might be discovered by the Committee, even if such could be found. Their Report ought by this time to have been laid before the House; and he thought the Government were exposing themselves to great suspicion by the course they had taken, and the appearance of trifling with the question which had been exhibited. Until this matter was settled the functions of the House were almost in abeyance. In former times it was the practice to adjourn the House until any assault on its privileges had been fully repelled; and still it was the rule that privilege questions took precedence of all others. Why did the Government depart from this practice? The noble Lord the Minister for Foreign Affairs had expressly declared that the question was more important that any that had arisen within his experience; and what could he expect but that the opponents of Reform, and those who were supposed to sympathize with the Lords should endeavour, and most successfully, to bring that House into contempt by its own conduct, as most effectually they had done by the frivolous debates on Reform? The noble Lord had submitted to that indignity, and had withdrawn the Bill. Was the Government also ready to submit not merely to the postponement of Reform, but to what was nothing less than a change in the constitution of the country. For the Lords to interfere with the Government financial arrangement was to deprive this House of the only function by which it held authority in the State, coupled with the fact that the revenue of this country is almost entirely by Act of Parliament, and that the House, in excess of its authority, had voted not merely subsidies for present wants, but had imposed on the country a permanent system of taxation. It constituted the Lords beyond all doubt the paramount authority in the State. He trusted the conduct of Government in this matter would be such as to justify the confidence with which he desired to regard them, and though at present their conduct was to himself and to others wholly inexplicable, that they would not forget the gravity of the question, or the importance that the public, when it became fully understood, attached to it. He thought it would be a great relief to the country, and a great credit to the Government, now that they had abandoned the Reform Bill, if they would give some expression of their opinion with regard to the vital question to which he adverted, and that it was not their intention to sacrifice the Constitution of the country and the privileges of that House to the arbitrary rule of the Lords.

Amendment and Motion, by leave, *withdrawn*. Bill *withdrawn*.

MR. DIGBY SEYMOUR asked whether the Order of the Day was discharged?

MR. SPEAKER: The Amendment is withdrawn, the Motion is withdrawn, and the Bill is withdrawn.

STATUTE CRIMINAL LAW CONSOLIDATION BILLS.

OFFENCES AGAINST THE PERSON BILL.

SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL, in moving the second reading of the Offences against the Person Bill, said, this was one of several Bills for the consolidation of the Criminal Law which had come down from the Lords. The Bills dealt with offences against the person, malicious injuries to property, coinage offences, the law relating to accessories and abettors, forgery, and larceny; and they resulted from the labours of various Commissions which during the last twenty-seven years had considered the subject of our criminal law. He thought the House might congratulate itself, that after the question which had been disposed of that night, and which would have unavoidably led to the continuance of party discussion, they now approached a subject

remote from party strife, which commended itself to all parties alike, and which he was sure would obtain the careful consideration of the House. Each of these Bills proposed not only to consolidate, but also to assimilate the law of England and of Ireland on the particular matter to which it referred; but only one, that relating to the coinage, included Scotland, and was therefore applicable to the whole of the United Kingdom. At the head of criminal law reformers in modern times, and the most successful of them, stood the late Sir Robert Peel, who entered upon the career of the amendment and consolidation of the criminal law in 1826. Subsequently, many statutes had been passed, putting the criminal law of England and Ireland, to a considerable extent, on the same footing. Most law reformers thought it now desirable that, instead of having one law for England and another for Ireland, the statutes in force in the two parts of the kingdom should be carefully considered, and so altered that one criminal law should be applicable to both countries; and it was to a great extent owing to the zeal and ability with which the right hon. Gentleman the Member for Dublin University (Mr. Whiteside) and the hon. and learned Member for Suffolk (Sir FitzRoy Kelly) had devoted their time and attention to this work that the attempt was now made, in addition to measures of general consolidation and improvement, to effect an assimilation, as far as practicable, of the criminal law of England and Ireland. The hon. and learned Gentleman then described the labours of the successive Commissions issued between the years 1833 and 1845 with a view to the reform of the law. The Commission issued in the latter year was appointed with power to revise the work of the Commissioners who had preceded it. In 1845 two Reports were made under that Commission, and Reports were also made in 1847, 1848, and 1849—being five Reports in all. In the year 1848 Lord Brougham introduced a Bill for the consolidation of the criminal law, founded on the Reports of the Commissioners, but that Bill did not pass into a law. The hon. and learned Gentleman, having referred to the Commissions of 1852 and 1855, proceeded to say that in 1856 eight Bills were prepared relating to England, and were introduced into the House of Lords, but failed to pass into law in consequence of the lateness of the Session. In the spring of 1857 a Resolution was come to which was embodied practically in the Bills now before the House. Up to that time it appeared that the various Commissioners had been somewhat restricted in their labours by not being called on to suggest or devise amendments in the law, their duty being simply to consolidate. Amendment, however, ought to proceed together with consolidation, for to embody the words of the existing law, however objectionable, into a consolidating statute, leaving amendments to be brought about afterwards by different other Acts, was not a very satisfactory mode of proceeding, and would not have embraced the assimilation of the law of England and Ireland. In order, therefore, to place upon the statute-book good laws, expressed in convenient terms, nine Bills, going in some respects beyond the scope of the present Bills, were brought forward, and those Bills, he might state, were the foundation of the measures he now submitted to the House. Subsequently, under Lord Derby's Government, it was determined that this matter should be proceeded with, and particular attention was called to the necessity of assimilating the law of the two countries; and, after Lord Derby's Government had ceased to exist, the right hon. and learned Gentleman the Member for Dublin University brought forward certain Bills, and it had been the intention and endeavour of those, to whom the preparation of the present Bills had been committed, to incorporate in them everything that could be properly taken, for that purpose, from the Bills of the right hon. and learned Gentleman. With respect to the Bills of the right hon. Gentleman and those before the House, there was one point of difference which he would briefly explain. It was thought by that right hon. Gentleman a convenient arrangement in a scheme for the consolidation and amendment of the criminal law to put the punishments, with convenient references, into one distinct Bill, which might be called a Punishment Bill. This was a matter on which opinions might vary; but it had been the practice in this country to do, with respect to the punishment of crime, what it was proposed to do in the present Bills—namely, after the definition and description of each particular crime, to enact, in the same clause, the punishment. He would not affect to decide which plan was the more convenient; but he did not suppose that the right hon. and learned Gentleman would think the point of so much importance as to deem these Bills open to any grave objection on

The Solicitor General

that account. He should confine himself on the present occasion to the general statement he had just made, and defer, until the next stage, any observations as to the manner in which it was proposed to bring about the amendment and assimilation of the law, and the extent to which that amendment and assimilation would be carried. The hon. and learned Gentleman concluded by moving the second reading of the Offences against the Person Bill.

MR. WHITESIDE said, the subject now before the House was one interesting alike to the philanthropic lawyer and the statesman. It was impossible to reflect upon it for a moment without thinking of the difficulties that Romilly, Mackintosh, and even Peel had to contend with in endeavouring to amend the criminal law. When the late Government obtained possession of the Reports of the Statute Law Commissioners they found there was a great difference of opinion among those eminent persons as to whether or not we could consolidate the Criminal Statute Law of the two kingdoms into one set of statutes. Some of them thought that there ought to be separate laws peculiar to Ireland, while others, including the late Chancellor of Ireland (Mr. Napier), were of opinion that it would be better to lay aside exceptional legislation and to have a common system of Criminal Statute Law applicable to the two countries. Afterwards the late Home Secretary called upon the Irish Executive Government to state in writing—which was always convenient, for it conduced to precision—their views upon the subject. That paper was drawn up, and it recommended the abolition of the punishment of death in all cases save the premeditated taking away of human life. The Bills of the late Government were framed somewhat differently from these. For example, it was thought convenient to have a Procedure Bill and a Punishment Bill separate from the other measures. That plan had now been departed from, and at the risk of repetition, the clauses of the Punishment and Procedure Bills had been incorporated in the others. He did not think that that alteration was an amendment, but rather the reverse. Again, while some of the recommendations of the Commissioners as to the abolition of the punishment of death had been acted upon, others had been neglected. The principle upon which those recommendations were founded was, that capital punishment should only be inflicted in cases in which death followed the act of the offender. In these Bills, however, while the punishment of death was no longer to be inflicted in the case of a conspiracy to murder, attempts to murder, such as administering poison, exploding gunpowder so as to damage buildings, or setting fire to a shop with intent to commit murder, were still to remain capital offences. When the Offences against the Person Bill went into Committee, it would be desirable to reconsider those provisions. He, for one, was of opinion that they would do more to repress crime by establishing a severe secondary punishment which would be certain to follow its commission, than by maintaining the punishment of death in these cases. He was also sorry that a definition of murder, calculated to put an end to the cases turning upon the distinction between implied and expressed malice, had been omitted from these Bills. Subject to the improvements which might be made in them in Committee, he thought that it might be convenient to pass those measures, and he had no doubt that if any of the clauses were altered the House would, upon a conference, be found open to conviction. With all deference to those learned persons, he was not quite sure that the Judges were the best persons to decide upon such questions as were raised by these Bills. He did not mean to be disrespectful, but he remembered several passages in the life of Si Samuel Romilly in which that eminent man complained of the difficulties which he had to encounter in quarters where they were least to be expected. He was also of opinion that in cases of high treason it would be sufficient to take away a man's life, without depriving his family, who might have nothing to do with his offence, of his estate, and that it would be desirable to do away with the confiscation to the use of the Crown of the goods and chattels of convicted felons, thus carrying the punishment home to the defenceless and unoffending families of the criminals. The Crown virtually never did take the property of convicted felons, and therefore he thought it time to abolish the legal fiction. If they abolished the punishment of death in eight out of ten of the cases in which it was now imposed by the statute, and consolidated and assimilated the law of the kingdoms of Great Britain and Ireland, they would have done a good work; and though the noble Viscount might not have passed a Reform Bill he would have had the satisfaction of having, with the assistance of the able law

officers of his Government, carried a measure which would be useful to the country, and which would redound to his credit.

MR. COLLIER said, he was willing to accept these Bills, and would give his best assistance towards improving them in Committee; but he could not agree with the Solicitor General that they had at last hit upon the right way of consolidating the criminal law; and he did not believe that upon the plan now acting upon the Statute Law would be consolidated within our time. He had more than once expressed an opinion which he now repeated — that there was but one mode of dealing with this question, and that was to undertake the consolidation of the criminal and statute law as a whole. The Attorney General had intimated a plan for that purpose, the constitution of a Department of Public Justice, or a Board whose functions should be, first to expurgate and next to consolidate the whole body of law, and then submit it to that House. He believed if the Attorney General would come down to the House prepared to constitute such a Board, he would find that the House would not be illiberal in granting money for that purpose. If such a Board was constituted and composed of able men, he was satisfied that in two or three years the whole statute law might be expurgated and consolidated. If the Roman law, which was much more voluminous than ours, could be codified in four or five years, and the French law in three years, was it to be said that the English law could not be likewise codified? If the Attorney General succeeded in doing that, he would have effected a greater work than had been accomplished in our time.

MR. M'MAHON thought there were good reasons why this Bill should be referred to a Select Committee. A great deal of money had been expended on this and other similar Bills. He had looked through the Bills, and he thought he could satisfy the House that it would be a very serious thing to give them a second reading. By one provision of the present Bill the definition of murder or manslaughter extended to killing any person, whether he was a subject of her Majesty or not. If the House adopted that clause, then it followed that killing a person abroad—a foreigner—not in the dominions of Her Majesty, would be murder. Now, there was an Englishman fighting with Garibaldi in Sicily; if he should be taken prisoner, he might be sent over here and his countrymen would be required to find a Bill against him at the Old Bailey, and we should be called upon to hang him. Take another case. It was said that a great number of his (Mr. M'Mahon's) countrymen were going to some part of Italy, who might have to fight against the King of Sardinia; suppose the Sardinians to take some of them and send them over here to be hung in batches. They would thus be dealing with persons who were not subjects of the Queen, and it would be the whole story of the Conspiracy to Murder Bill over again, and they would be continually troubled with prosecutions of that kind. Then again, as if the law of landlord and tenant were not sufficient already, a very objectionable clause was inserted, making it a punishable offence to assault any one engaged in making a distress. The provision that persons who were convicted under the Act should be bound to find sureties for good behaviour would practically have the effect of subjecting them to almost perpetual imprisonment. The same defect ran through the whole group of Bills. He objected to the clause in the Coinage Bill which empowered any one to whom base coin was tendered to give the utterer into custody on the spot, because a mistake might be so readily made as to the nature of the coin, and also to the provision, that even if, in an action for false imprisonment, the plaintiff obtained a verdict in his favour, the Judge should have power to disallow costs unless he approved the case. In the Larceny Bill there was a provision that if any person should unlawfully and wilfully course, snare, or carry away, kill or wound, or attempt to kill or wound, any deer in an unenclosed part of a forest or chase, he should be liable to a penalty of £50. That was according to the existing law; but the provision went on to say that if any person should be convicted of a second offence of the same kind—namely, attempting to kill or wound any deer, &c., he should be guilty of felony. He doubted whether that could be called an improvement, and if the Bills were read a second time he hoped that at all events they would be referred to a Select Committee.

MR. AYRTON said, great inconvenience arose from their not having any key to the manner in which these Bills were prepared. It was impossible to know what part was an amendment, and what part a mere repetition of the existing law, and it was impossible that hon. Members should ascer-

tain it for themselves by a comparison of the Bills with the statutes. Some of the amendments were not improvements. He doubted the wisdom of providing that if a person fired a gun with a charge in it, but with no cap to it, he should be deemed guilty of an attempt to commit murder. It also seemed a contradiction in terms to say that if any person attempted to procure a miscarriage it should be an offence whether the woman was with child or not. He observed that there was a want of harmony and symmetry of the Bills. A person who was hung for one felony was to be buried in a particular way, but there was no provision as to the burial of the body of a person who was hung for another description of felony. He hoped that the Solicitor General intended to proceed with these Bills, and not to make of the second readings a mere display for a night, as had been done in the last three or four Sessions, because it tended to render consolidation ridiculous.

MR. GEORGE did not think it necessary to discuss the details of the Bill at that stage, and he should not, therefore, trouble the House with any lengthened observations in regard to them. He congratulated the law officers of the Government on the vigorous efforts which they were now making for consolidating the criminal and statute law of England and Ireland, and he hoped that that consolidation would be still further extended in many other respects between the two countries.

MR. W. EWART was also glad to see that the Government had determined upon effecting a consolidation of the various statutes, and thought the country was much indebted to the hon. and learned Gentleman opposite (Mr. Whiteside) for having done so much towards assimilating the laws of the two kingdoms. One great reason, he thought, why all former attempts at consolidation had failed was because the Commissioners had other work to do besides that of consolidation. He was of opinion that the Bill was calculated to introduce improvements in our criminal jurisprudence. It would be a good thing to have a Board appointed that should watch the legislation of the House, codify the statutes, and so simplfy the phraseology of Acts that the plainest intelligence could comprehend them. The objections that had been made to the measure might be considered in Committee. Now that the House had bidden farewell to political reform he trusted there was some prospect of legal reform.

THE ATTORNEY GENERAL said, he could assure the House that it was intended to proceed with these Bills vigorously and earnestly. It would be a poor return for the ready co-operation of the other side of the House in these law reforms if the Government were at all slow or indifferent in the prosecution of them. He should be exceedingly sorry, however, to see the Bills referred to a Select Committee, for he should then despair of seeing them pass into law this Session. All the matters which had been objected to involved formalities on which he should desire to have the sense of the House, and he had much more confidence in the benefit which would be derived from a discussion in the House than in any result to be obtained by a Select Committee. The general consolidation of the statutes was being proceeded with as earnestly as the scanty means at the disposal of those responsible for it would allow, and he hoped before the end of the Session to be able to lay on the table a Bill, which would be the first step towards a general consolidation — towards expurgating the statute book, and removing those things which were impediments to their consolidation—he might even say towards a systematic arrangement and codification of the statute law. The House would then be able to see at a glance what was the existing state of the law, and he thought it would be a surprise to many to learn to within how small a compass the statute law might be reduced.

MR. DIGBY SEYMOUR had to thank the Law Officers of the Crown for the production of these Bills, knowing from experience the difficulties that at present arose in connection with the statutes. He hightly approved the determination of the Government to proceed with them vigourously ; but he thought there were some parts that would require very careful consideration.

MR. BOWYER said he was afraid, although these Bills presented a considerable advantage, that when even these Bills had passed we should be very far from the commencement of a criminal code. There was a great want of scientific arrangement in these Bills, and a great deal of repetition and unnecessary matter might have been spared had there been proper scientific definitions of what constituted certain offences, such as murder and assaults. The whole Bill did not contain a definition of any offence. The language of these Bills was very different from that

of any other codes in the world. Hon. Gentlemen acquainted with the codes of France, Sardinia, and Prussia would see that in them offences and punishments were set forth in very terse language, so that every person could understand what was forbidden and what the punishment was if he committed an offence. Some of the clauses of this Bill ran on to a great length without a stop, such were the long-winded phrases employed in them. This mode of drawing up Acts of Parliament ought to be got rid of as soon as possible, especially in regard to criminal matters He must make an observation regarding the mode of debating these Bills. Bills of consolidation must always to a certain extent be taken on trust by the House, for it might happen in a thin House—a not unlikely state of things when law reform was under consideration—that some Member, perhaps least of all acquainted with law, might introduce and carry an Amendment which would put the Bill into confusion, and render abortive the labours of the learned person who had drawn it. Our form of Government was not favourable to scientific legislation. Law reform had always been prosecuted with the greatest success under despotic Governments—as under Justinian and Napoleon I. In those cases the new body of laws or code had been maturely considered by a select Concil of the most learned and experienced persons. But in this country there was the inconvenience of having to discuss the Bills in two separate large assemblies, composed, for the greater part, of unlearned persons. The only way of dealing with this difficulty, was for the House to defer greatly to the opinions of the learned lawyers who prepared the Bills, and to take such Bills to a great extent on trust, without minutely discussing their details.

MR. BUTT hoped that the Committee would be fixed for some time when there could be a full discussion of the Bills, for very extensive Amendments were required.

MR. HENLEY was glad that the Attorney General had made up his mind not to send these Bills to a Select Committee, because the only chance of their passing them into law was to pass them in the ordinary way through a Committee of the Whole House. The Law Officers of the Crown would then be present to explain the reasons for each alteration of the law, and the House could then decide. He regretted that the Government had not found it consistent with their duty to get rid of the punishment of death for certain offences for which he thought—following the spirit of legislation of late years—it might very well have been abolished. The changes which had taken place during the lifetime of the present generation in that direction had all been successful. Where the punishment was not necessary for the repression of the crime it ought to be got rid of. These, however, were matters for Committee.

Bill read 2° and *committed* for *Thursday.*

Then the Bills following—namely,

(2.) Malicious Injuries to Property Bill.
(3.) Coinage Offences Bill.
(4.) Accessories and Abettors Bill.
(5.) Forgery Bill.
(6.) Larceny, &c., Bill.
(7.) Criminal Statutes Repeal Bill.

were severally read 2°, and *committed* for *Thursday.*

MR. DENMAN thought it would be to the convenience of the House if the Government would adopt some plan by which it might be seen at a glance whether a clause was an Amendment, or alteration, or simply consolidation. That would very much facilitate the progress of these Bills. Those who had drawn these Bills could speedily underscore those clauses that were Amendments of the law, and those clauses could be printed in italics.

ADMIRALTY COURT JURISDICTION BILL.—SECOND READING.

Order for Second Reading read.

MR. DIGBY SEYMOUR said, that at the suggestion of the Government, he proposed to withdraw this Bill, and to introduce another framed upon a suggestion from the Admiralty.

Order *discharged.* Bill *withdrawn.*

LANDLORD AND TENANT (IRELAND) (No. 2) BILL—SECOND READING.

Order for Second Reading read.

MR. WHITESIDE moved, that the Bill be now read the second time, and explained that the Bill was based on a mass of evidence taken by a Commission which sat some years ago to inquire into the subject. Seven or eight years ago an attempt was made by the late Lord Chancellor of Ireland (Mr. Napier) and himself to legislate on this subject by consolidating or repealing every existing law in reference to the law of landlord and tenant in Ireland; but in consequence of the large number of

statutes—for when the Irish Parliament had nothing else to do they appeared to have passed a law on the subject of landlord and tenant—this was found a very laborious and troublesome affair. A number of Irish Members also objected to the Bill which was prepared, though he never could clearly understand why; because, as he had said, the Bill simply consolidated the law. However, another Bill miscalled the Tenant Right Bill having been introduced, the very simple Bill for consolidating the existing law he had brought forward was rejected. The result, therefore, was that the Bill continued in abeyance for about six years. The late Government having been called upon by certain Irish Members to deal with the matter reproduced the Bill after having subjected it to revision and improvement. The Bill was called "No. 2," because the present Attorney General for Ireland also had a measure on the same subject. He ought to say that his Bill dealt with two matters, the law of fixtures and the law of distress, which matters were both omitted from the Bill of his right hon. Friend. The Bill of his right hon. Friend simply proposed that there should be no distress for more than a year's rent; whilst he (Mr. Whiteside) proposed to adopt the Scotch law, reserving to the landlord the right to distrain, but securing the tenant from a hasty sale of his property if he gave security for the rent. As to fixtures, he proposed to make what was put upon the land by the tenant his property, even though the consent of the landlord had not been obtained for putting them there; but he would not have the right to remove them without the assent of the landlord. The landlord was to have the right of pre-emption; but if neither he nor the incoming tenant chose to buy them, the outgoing tenant would then have the right to remove them, which was simply justice to the tenant. If they were placed on the land contrary to covenant, the tenant would have no right to remove, but if there was no agreement there would be power to remove. This clause would probably lead to the making of agreements between landlord and tenant, or to incoming tenants buying the fixtures. These two branches of the law were, he believed, by his Bill, placed on a more satisfactory footing than by that of his right hon. Friend. He suggested to the Government the propriety of adopting this as the groundwork of any measure on the subject.

MR. DEASY said, he had not the least objection to the Bill of the right hon. Gentleman. He proposed, however, to proceed with the Bill which he had himself introduced, though he did not claim any merit for it, but was free to admit that the merit belonged to the right hon. Gentleman and the late Lord Chancellor of Ireland (Mr. Napier). He should be glad to receive any suggestions for the improvement of his Bill, whether from the right hon. Gentleman, or any Gentleman opposite, as his sole object was to carry through a measure of beneficial legislation.

MR. M'MAHON said, that the Bill was one for the consolidation of all the laws relating to landlord and tenant; but then the right hon. Gentleman had told them that Acts were passed by the Irish Parliaments when they had nothing else to do, and it was well known those Acts were all made in behalf of the landlord and against the tenant. Except the provision relating to fixtures he found nothing in the Bill beneficia lto the tenant. By the 108th sec., any farmer who availed himself of nature's provision of the harvest moon would be guilty of misdemeanour. That section declared any one guilty of misdemeanour who was found cutting corn after sunset and before sunrise with an intent to evade payment of rent. With a packed or prejudiced jury any man who availed himself of nature's provision of the harvest moon might be found guilty of such an intent.

MR. WHITESIDE said, the clause referred to was simply to prevent a man availing himself of the moonlight to de fraud the landlord of his just rights.

SIR EDWARD GROGAN said, the question relating to fixtures had always given rise to great uneasiness and agitation in Ireland. Some law was necessary on the subject. A short time ago an Act wes passed for England on that very subject, and the provision was that the tenant should be allowed to remove or sell to the landlord such fixtures as had been erected with the landlord's consent. He objected to the Bill of the right hon. Gentleman (Mr. Deasy), because it did not follow the example of that Act. There was such a thing as improving a person out of his estate.

Bill read 2° and *committed* for *Thursday*.

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.—SECOND READING.

ADJOURNED DEBATE.

Order read, for resuming Adjourned De-

bate on Amendment proposed to Question [15th May],

"That the Bill be now read a second time:" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

THE O'DONOGHUE said, he assumed that from the time that had elapsed since the last debate on the Bill the House had forgotten its objects. The question was, not what it had been alleged to be, one of insuperable difficulty, and the past failures had had their origin in the want of earnestness and sincerity on the part of Cabinets, or of individual Members, or of the Members of the House generally. It was said, with some truth, that those who were conspicuous in their demands for tenant right had made themselves ridiculous in the country—that they were in the habit of getting up two or three demonstrations on the subject in Ireland in the course of the year, and then letting the matter drop. He confessed that the subject was one which he approached with aversion, because he had an honest conviction that it was not the intention of Parliament to deal with the question in a manner consistent with the requirements of the Irish people. He disbelieved in the professions of the late Government, and the Bill of the present Government he regarded as absolutely worthless. At the same time he would vote for the second reading, in order that in Committee it might, if possible, be converted into a *bonâ fide* tenant right Bill. If the efforts to make it so failed he would protest against it being considered a settlement of the question, and he would advise all with whom he had influence to desist from agitation on the subject till such an organization was established in Ireland or in Parliament as would give a fair prospect of success. When they spoke of improving the condition of the Irish people they were told that the sure way to do so was to improve the land; but the truth was that in proportion as the land was improved in Ireland the people were destroyed. The landlords in Ireland had the power to make the people happy if they chose; nine out of ten of them could give leases, and they had the power to borrow money to carry out improvements. The present Bill merely enabled the landlords to do these things in a new way; there was nothing in it of a compulsory character—it left everything to the option of the landlord. Whatever were the novelties introduced into the Bill they secured no advantage to the tenant and the people of Ireland were left in exactly the position they were before. Nothing beneficial to the tenants would come from the present Bill. The landowners would only ridicule its provisions and go on, as hitherto, withholding leases and enlarging farms, to be occupied by Scotch or English settlers. The Bill did not contain one provision to mitigate the evils of which the people of Ireland complained. If they were to accept this Bill it would be an admission that they had been the victims of delusion, and that till the present Secretary for Ireland came among them they never knew what the country wanted. What the tenants wanted was some measure that would guarantee to them security for their outlay for improvements—compensation for the capital they laid out—and unless this were done it would be better not to attempt legislation at all. They must also have protection against unjust evictions; for the ancient inhabitants of the country, who were not colonists, held that an eviction was a gross violation of morality. The people of Ireland held that God made the earth for the use of all men, and not for that of the landlord alone. But he regretted to be obliged to say that, in his opinion, there was very little difference between the position of the tenant at-will in that country and the slave in America; for, although it was true the former could not be tied up and flogged, yet he might, if he disputed for a moment the authority of the landlord, be left without a roof to cover his head or a bit to eat. Now he found in the Bill no remedy for the unbridled power of eviction of which he complained, and he thought he was therefore justified in characterizing it as, to a great extent, a useless measure. It was contended, however, that the landlord was, in accordance with the principles of political economy, justified in selling his property to the highest bidder; but was it right, he would ask, to say to the poor man who could not afford to pay a single penny more for his land without exposing himself to irretrievable ruin, that he must not hope to escape the consequences, inasmuch as some stranger from Yorkshire or Inverness would be found ready to pay a higher rent and occupy his place? Such a principle became unjust and iniquitous, when in order to give effect to it, it was necessary to evict the present occupying population, and thus

The O'Donoghue

consign them to misery and ruin, and oftentimes to death. Why, if the doctrines of political economy were thus to be carried out to their full extent, Ireland would be depopulated in six months. The right hon. Gentleman (Mr. Cardwell) had, in his introductory speech, talked about the prosperity of that country; but he (The O'Donoghue) could not see how she could be regarded as prosperous while discontent prevailed to so large an extent among her people that they were quitting their native shores in thousands. He found from the official returns which had been presented by the Registrar General to both Houses of Parliament, that on the 30th of March, 1851, the population of Ireland had amounted to 6,551,385, and on the 1st of January of the present year to only 5,988,820; while the number of emigrants last year had been 80,599, and the drain from that source continued to show no sign of diminution. Now, what token of prosperity, he should like to know, was to be found in facts which so plainly told their own tale? He might, however, be told that it was not the farmers so much as the labouring class who were leaving the country; but to the justice of that view he must demur, for it was his belief that the farmers and their sons were swelling the tide of emigration in great numbers. The right hon. Gentleman had further, in his introductory speech, stated that the number of evictions was considerably less in Ireland during the present year than it had been ten years ago; but that circumstance only proved that the number of the population had been reduced so low that extermination was no longer held to be necessary to such an extent as before. The right hon. Gentleman had then gone on to point to the action of the Encumbered Estates Court, through the medium of which, he said, £25,000,000 worth of property had been sold, and, for the most part, purchased by Irishmen. What was there to boast of in the Encumbered Estates Court? It only proved that one set of men had been ruined, and that another set had profited by their ruin. That Court only recognized the buyer and seller, and ignored the existence of the tenant. It was a desperate remedy applied to a most disastrous state of things, and it had led to a daily increasing emigration. The people were wretched and miserable, keenly alive to their position; they knew full well that according to law they might be dispossessed in six months, and this power of almost instantaneous eviction was held over them for moral and physical coercion. A Bill which did not apply a remedy to this state of things was not worth acceptance. He would suggest that no landlord, under any circumstances whatever, should be able to evict a tenant unless he held under a twenty-one years' lease; in all cases of dispute as to the fairness of the rent demanded by the landlord, he would send the dispute to be decided before a jury at the assizes or Quarter Sessions, and he would have no appeal from the decision of the Jury. He would allow every occupier to dispose of his interest to any one who offered a fair value, and he would allow him to make any improvements, which, however, should not be chargeable to the landlord if they were not found to improve the letting value of the land. These provisions would remove the feeling of insecurity which was the great source of evil. If adopted, the tide of emigration would be stopped, and the people, who had gone forth in thousands, would be found flowing back to settle in the land of their fathers. He had read an article in *The Times* which stated that the time might come when an English or Scotch agriculturist who took a farm in Galway or Kerry would be obliged to take over Scotch or English labourers with him. Matters, he feared, had a tendency to realize this prophecy; but he trusted he should never see the day. There was hardly any calamity, except war, that he would not prefer. He thought it would be better for the people of Ireland to live under an autocrat who would secure for them possession of the soil and the right to transmit it to their sons, than to live under a Constitution which only gave them a six months' tenure, and allowed them to be victims of class legislation.

MR. LONGFIELD said, he scarcely agreed with one single observation of his hon. Friend who had just spoken, except when he said that a clause limiting the power of eviction to tenants holding leases for twenty-one years, would stop the tide of emigration. That was quite true, for such a clause would induce a tide of immigration to the favoured land, where tenants would be placed in the position of owners. He certainly did not know any position that would be preferable to that of an Irish tenant if he were not obliged, except as a matter of honour, to pay rent unless he had a twenty-one years' lease. He certainly had expected some remarks upon

the merits of the Bill, but he had not been prepared for a disquisition upon extermination and the cruelty of landlords. His own experience, which was greater than that of the hon. Gentleman, enabled him to say that the evictions which had taken place were not simple arbitrary acts on the part of the landlord, and that a better feeling was rapidly springing up between landlords and tenants in Ireland. He denied that the tenants were emigrating because of those evictions, for the cause of the emigration now going on was quite different; it was a desire on the part of the young, intelligent, and energetic, to better themselves. Landlords now cherished their tenants, and tenants respected their landlords. To prove his statement, he could appeal to statistics as well as to experience. Were the pauper lists increasing? Were not the prices of stock and agricultural produce rising? Was there not an improvement in the dwellings, the clothing, and the general condition of the people of Ireland? But those facts would not induce him to refuse to pass a Bill which would tend to ameliorate the relations between landlord and tenant. The great cause of the difference between the state of things in Ireland, and that which prevailed in England, was the want of security. The principles of this Bill were threefold—to enable the tenant for life to improve land and to charge the estate as against his successors, to enable the tenants themselves to improve under certain circumstances, and to charge against the owners; and, lastly, to encourage the granting of leases. All those principles were most useful. The Bill would not give a fee simple to the tenant, but it would enable him to make a fair bargain with his landlord. At the same time he did not think the Bill was effectual in its machinery, or even in its principle, and unless it was greatly altered it would not work at all. He had spoken to many assistant barristers upon the subject, and they all admitted that they did not consider themselves a proper tribunal for the settlement of such questions. These gentlemen, however, were also unanimous in thinking that if those duties should be imposed upon them their salaries should be increased. With respect to the power of charging the estate by the tenant for life, he thought the terms offered by the Bill might be improved, but still he thought the arrangement was sound in principle. With respect to leasing powers, that provision would also be useful; but caution would be necessary in dealing with it, and he thought the powers to be given to the yearly tenant to improve might be more extensive. It was from legislation cautiously and prudently applied that he looked for improvement in the relations between landlord and tenant in Ireland, not from Utopian schemes which were only fit for the hustings, and which were certain to be rejected.

MR. MACEVOY said, the Bill did little or nothing to meet the difficulties which the right hon. Gentleman (Mr. Cardwell) had pointed out so clearly in his speech. It only enabled landlords, who had limited interests, to do that which their marriage settlements or other family arrangements now rendered impossible. That, no doubt, was a useful provision, so far as it went; but it conferred no special advantage on the tenant. He hoped, however, that the warnings of the hon .Baronet (Sir John Walsh) would prevent no English Members from voting for a Bill which in Committee might have engrafted upon it clauses of real advantage to the Irish tenants, and which might thus assist in settling a question of vast importance to the welfare of Ireland.

MR. WHITESIDE said, his objection to the Bill was that it would never become law. He quite appreciated what had fallen from hon. Gentlemen interested on behalf of a section of the peasantry of Ireland, but he denied that the hon. Member for Tipperary (the O'Donoghue) was correct in stating that he represented the sentiments of the people of Ireland generally, because a large class were directly opposed to the opinions of the hon. Gentleman on this very question. No doubt the events which were now passing in Ireland could not fail to make a deep impression on every thoughtful mind, but their causes were not what the hon. Member represented. If a return could be presented of the ejectments from any Irish county he did not believe that any facts would appear to justify the exaggerated picture drawn by the hon. Member, and even in Tipperarary itself he doubted whether there ever were so few ejectments as at the present moment. It was not true, therefore, that the emigration now going on was to be fairly ascribed to the measures pursued by "exterminating landlords." The fact that Irishmen could find £25,000,000 to lay out in the purchase of land, and that the land had fetched so high a price went far to upset the

visionary statements indulged in by the hon. Gentleman. He agreed that the operation of the Encumbered Estates Act had been unjust in its commencement in consequence of its giving no right of appeal; but this Bill would do still greater injustice. The Secretary for Ireland had declared that his object in bringing forward this measure was to deal with the law of landlord and tenant. But the first part of the measure had nothing to do with that question. The right hon. Gentleman from his residence in Ireland must surely have acquired some of the peculiarities of the country. The title of the first part of the Bill was a misnomer. It had nothing to do with landlord and tenant—the parties to whom it referred were only limited owners. It was also irrelevant, and ought to be expunged. Moreover, if any measure of the kind was to be passed at all, it ought to be applicable alike to England and Ireland. The criminal Bills they had previously discussed that night were designed to consolidate the statute law of both countries. They were also to have a Bill introduced for England, carrying out the principles of the Irish Encumbered Estates Court Act. But in this case the Chief Secretary was proposing to make the difference between the law of the two countries greater than it was already. Professing to be a measure to improve the law of landlord and tenant, this Bill began by dealing with that which had no connection with the subject. It gave certain powers over estates to limited owners. He maintained that to do that was quite unnecessary, because by a series of Acts, commencing with the 13th and 14th Victoria, they had given to limited owners, of a different class and a higher *status* than those contemplated by this Bill, the power of working out those improvements of the soil which it was the right hon. Gentleman's object to encourage. By an Act passed the other day, facilities had also been afforded for the erection of labourers' dwellings. The second part of this Bill related to leasing power. It aimed at a useful object; but the contrivances by which it sought to accomplish it were such as would never receive the assent of the other House. The noble Viscount (Viscount Palmerston), himself an Irish landlord, could never sanction the mode in which the power of making leases was to be given to limited owners. The entire machinery of that part of the Bill would produce continual litigation. The assistant barristers of the different counties could not now decide on the price of a poor man's pig without there being an appeal to a Judge of Assize. But under this Bill those learned gentlemen, who might never have had a foot of land, and knew nothing of its value, were to fix the rent under improving leases; and when their sanction was once given to such arrangements it was to be conclusive, both at law and in equity, unless the amount was £100 a year or upwards. That was a most objectionable principle. If a lease was honestly entered into, it should stand. If it was a fraudulent lease, it should be left to the action of the ordinary tribunals to set it aside. The noble Viscount could never have read the third part of the Bill, relating to tenants' improvements. The word tenant was defined as meaning a "tenant from year to year;" and "landlord" as "the person for the time being entitled to the rent payable by the tenant from year to year." The effect of this would be that the middleman of Ireland, who had no interest at all in the land, and the tenant, who had as little, would have the power of making a contract which would have the effect of charging the land with an annuity in respect of any "improvements" they might agree to between them. The Bill he had himself introduced gave leasing powers and the power to make contracts to the person who ought to have them, and established proper limitations. He objected to the Bill introduced by the Government, because the first part of it was irrelevant, the second part was unwise and inexpedient, and the third part allowed two persons who had the least interest in the property to charge it with an annuity. It was a Bill that never could become part of the law of England.

MR. HENNESSY adverted to what he described as the uncalled-for attack made by the hon. Member for Dungarvan (Mr. Maguire) on a previous occasion upon the landlords of Ireland; and observed that he had hoped that the old system of denouncing the landlord class, or any particular class, had been abandoned. He regarded another Bill relating to landlord and tenant which was among the Orders of the Day, and which had been prepared by an Irish landlord, as far better than the present measure; but he trusted that in Committee some practical and useful provisions would be introduced into the Bill of the Government.

MR. BLAKE said, he would not at that late hour trespass many minutes on the patience of the House; but as representing

an earnest tenant right constituency, he did not wish the debate to close without appealing to the Chief Secretary for Ireland to consider, before the Bill went into Committee, the representations which had been made to him in favour of making the measure which he had introduced more useful to that class whose just requirements and expectations had so long remained unfulfilled. As the Bill stood, the great mass of the cultivators of the soil would be left in just as bad a condition as before; as any one acquainted with Ireland would agree with him that, judging of the future by the past and present, that the great majority of the landlords would prefer taking chance to come in for the benefit of the tenant's improvements than undertaking to compensate for them; and the consequence would be that, so far as the tenant-at-will was concerned, that the same state of insecurity would prevail—the land would not be properly cultivated, and neither owner or occupier would be benefited. The right hon. Gentleman who introduced the Bill, appeared to dwell with peculiar satisfaction on the fact of the great increase of fat cattle in the country; but he quite forgot to mention the fearful decrease of human beings in a land capable of supporting twice as many; and he would seriously recommend him to ponder on these lines—

"Ill fares the land, to hastening ills a prey,
Where bullocks fatten, but men decay."

It was not a fact that the emigration from Ireland was composed of the labouring population of Ireland. He represented one of the ports that was a great point of departure, and he could positively say that there were quite as much of the farming classes went away as any other, and latterly the vast majority of the exiles consisted of those who constituted the flower, and strength, and hope of every country—persons from fifteen to thirty-five years of age. He did not expect that the House of Commons would grant much to Ireland merely for the sake of justice, and he would not, therefore, appeal to them on the ground of the benefit Ireland would derive from a just settlement of the land question; but he addressed himself to the English and Scotch portion of the House, if they valued the safety and prosperity of the Empire, not to delay, before it came too late, conceding to the Irish peasant what was asked for him. The hon. Member for Tipperary had shown the fearful decrease of population since 1851. According to the usual ratio of population, Ireland ought to have increased 2,000,000 since that period; but, instead, it had diminished some hundreds of thousands, and this was not caused by famine or disease, but by the people flying from the country. As Imperialists, he asked them to consider the effect of all this. He was sorry the hon. Member for Birmingham was not in his place that night, as he would tell him a fact that would make him a tenant-righter. It was calculated that each person in Ireland consumed, on an average, three pounds worth a year of British manufacture. Now, with two millions of people gone to a land which did not consume much English goods, there was six millions of money every year out of the pocket of the British trader, for which he might thank the Irish landlords, and the Government which combined with them against their best customers. Then, when war threatened and they wanted men, they could not get them in Ireland, though it was once their best recruiting ground. Even the militia regiments that remained at home could hardly complete half their complements. Take the Waterford Artillery as an example—the pay was good, the employment light, the officers popular—and yet he would appeal to the hon. and gallant Member for the County Waterford, who sat opposite, and was one of the most deservedly popular officers in the regiment, whether he ever saw more than 400 men paraded, whilst they ought to have mustered 800 bayonets at least, and such was the case with a great many other corps nearly as distinguished. Every man who left the country carried in his breast a deep feeling of hatred against the Government, whose disregard for the welfare of his country obliged him to exile himself from the land of his birth, which an Irishman loves so well, and the feeling of those who remained behind was just as embittered, and with cause too. They felt it was utterly useless to appeal to the English Parliament to enable them to live by even hard labour on their native soil—and the consequence was that they were looking elsewhere and trusting to other means to obtain that justice which their own Government denied them. ["Oh, oh!"] Hon. Gentlemen appeared to doubt that. Then, why did they not trust the Irish people with arms and enrol them as volunteers? Because they knew well that they had disregarded their grievances, and could hardly expect them to fight for the maintenance of a power under which they became every day poorer and less indepen-

dent. Before he sat down he would tell them another truth, and he addressed it to them as a solemn warning and not in an exulting spirit, because he regretted the deplorable state of things which he depicted, and earnestly wished that there was a cordial union between England and Ireland, founded on mutual interest and the desire to maintain and help each other —they were afraid of a French invasion. ["No, no!"] No doubt they were, or else why all the talking and arming, and other precautions against it? Well, he could tell them, from his knowledge of Ireland, that if they allowed things to go on as at present, and confirmed the Irish peasant in the belief which he now very strongly entertained, that nothing would be done to secure to him the fruits of his toil, that if a French invading force landed in the country, of even thirty thousand men, that the British flag would not be flying in any part of the island in a fortnight afterwards. ["Hear, hear," *and derisive cheers!*] Hon. Gentlemen might laugh, but let them take care that his prediction would not some day be realized; they had it in their power to prevent it; they might by a simple act of justice make Ireland happy, prosperous, and loyal, instead of being as she was a reproach and a cause of dread in the hour of danger; they then had an opportunity of doing a gracious act without the appearance of being coerced into it, and he implored them to avail themselves of it, and they might rely, by so doing, they would benefit every interest in Ireland, strengthen the hands of Government, and add to the strength, security, and greatness of their mighty empire.

MR. CARDWELL said, that when the House went into Committee on the Bill he should be able to discuss at greater length than at present the various objections which had been raised to the provisions of the measure. The right hon. and learned Member for Dublin University had charged him with having introduced a Bill applicable only to Ireland, which, it seemed, was retrogressive legislation, since all measures ought to be applicable to England, as well as to Ireland. Why, the right hon. and learned Gentleman had himself upon a former occasion brought in a Landed Estates Bill applicable only to Ireland, and at that moment he had two measures before the House which were limited in the same way to the sister kingdom. The right hon. and learned Member said that the first part of the Bill relating to landlords was irrelevant:—but the House would not deal with the measure if it dealt exclusively with the tenant; the landlord must be included. He had also stated that the first part of the present Bill—that relating to landlord's improvements, contained a mass of novelties and new ideas which had never been heard of before. Now, the truth was that the clauses thus characterized by the right hon. and learned Gentleman were nothing more nor less than an attempt to give practical effect in Ireland to an Act of the United Kingdom, passed in 1845, enabling landlords to mortgage their estates for the improvement of their land, and to the Montgomery Act, which, as the House had been told, had converted Scotland from a wilderness into a smiling garden. Hitherto, in consequence of the Act of 1845 being worked through the instrumentality of the Court of Chancery there had not been a single application under it in Ireland; and hence his wish to invoke it from a sleep of death and give it life and vitality. In like manner the Settled Estates Act of 1855 was the basis of the second, or leasing, part of the present Bill. That Act also operated through the instrumentality of the Court of Chancery, and consequently was a dead letter, or nearly so, in Ireland. By the third part of the Bill he did not seek to give compulsory or retrospective legislation as against the landlord, but simply established the principle that where a tenant, with the knowledge and approbation of his landlord, had expended his capital or his labour upon the improvement of the road, he should not be liable to be disappointed of his just expectations, but the harvest should return to the bosom of him who sowed the seed. Such a principle he thought could not fail to facilitate and stimulate the improvement of land in Ireland. The right hon. Gentleman concluded by expressing his obligations to Mr. Sharman Crawford, not only for his valuable labours on behalf of the tenants of Ireland, but also for the candid and friendly spirit in which he had spoken of the present Bill.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed*; *considered* in Committee, and *reported;* to be *printed* as amended [Bill 172]; *re-committed* for *Friday.*

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, June 12, 1860.

MINUTES.] PUBLIC BILLS.—1ª Masters and Operatives.
2ª Highland Roads and Bridges.
3ª Petitions of Right; Ecclesiastical Courts Jurisdiction; Malicious Injuries to Property Act Amendment.

DILAPIDATION OF GLEBE HOUSES.

QUESTION.

VISCOUNT DUNGANNON, seeing the Archbishop of Canterbury in his place, was anxious to inquire of that most rev. Prelate, Whether he could afford any information as to the Dilapidation of Glebe Houses Bill, and whether there was any intention of proceeding with it in the present Session?

THE ARCHBISHOP OF CANTERBURY said, that the subject had been brought under the consideration of Convocation, but he was afraid that at this period of the Session there was little hope of any legislation taking place upon the subject.

LIGHT WEIGHT RACING BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DERBY *presented* a petition from the Stewards of the Jockey Club on behalf of a General Meeting of the Club against the Bill, and said that he would make no observations on the subject till after his noble Friend (Lord Redesdale) had given his reasons for the second reading of the measure.

LORD REDESDALE, in moving the second reading of the Bill, said he would in the first place allude to the petition which had just been presented against it by the noble Earl. He believed that in the first draught of the petition laid before the Jockey Club, a great many reasons were urged against the Bill; but it was thought more prudent by those present at the meeting that all reasons should be omitted; and accordingly the petition as now presented to their Lordships only expressed the opinion of the Club that all regulations respecting racing were better entrusted to their authority, and that the passing of the Bill would have a prejudicial effect—though they did not inform the House in what way the Bill would have a prejudicial effect. He had given notice on Friday last that, in consequence of representations made to him by trainers, he meant to reduce the *minimum* weight in his Bill from 7 stone to 6 stone. What then could be the objection of the Jockey Club to the measure? It could not be to its principle, which was that there should be a *minimum* weight prescribed for handicaps—for one of the stewards had announced that it was his intention to propose a higher *minimum* than had been hitherto adopted in such races. The only objection of the Jockey Club, therefore must be, that the Bill interfered with their authority in these matters. This raised the question whether they ought to repose confidence in the Jockey Club in respect to this point. Had that body acted so as to induce the public to trust to them for this reform? That the *minimum* should be raised would be admitted, he thought, even by those who might see it their duty to speak against the Bill. Then, how long was the present system to be allowed to go on without any steps being taken by the Jockey Club in that direction? Shortly after he had brought in the present Bill, one of those gentlemen who had signed the petition declared, through the public journals, that, he meant to propose that the weight should be raised to 5 stone. After some discussion had taken place in the newspapers, it was announced that that gentleman and another distinguished member of the Club intended to propose a *minimum* of 5 stone 10 pounds. Ever since he had raised the question he had declared that if the Jockey Club would take it up seriously, he would not go on with the Bill. But nothing had been done by them. Several meetings of the Jockey Club had taken place since; yet, notwithstanding the declaration of the steward to whom he had referred, not only had nothing been done, but all their proceedings had been in opposition to the present Bill. Their Lordships would, therefore, see that under these circumstances he could not do otherwise than proceed with the Bill. He desired at the same time to inform the House that the Jockey Club was not unanimous in their opposition to the measure. He had had communications from members of the Jockey Club, who stated that they were in favour of his Bill and ready to support it. Therefore the petition before the House could only be considered as representing the opinion of a portion of that body. The principle of the Bill, as he had stated, was to raise the

weights above the standard to which modern practice had reduced them, and particularly to strike a blow at a great deal of the gambling that took place in racing transactions, through means of what were called light-weight handicaps, which Admiral Rous, the steward before mentioned, had openly acknowledged to be injurious to the best interests of the turf, and to encourage trickery of all sorts. These matters had naturally attracted the attention of those who liked the sport, and who were anxious to promote the improvement of our breed of horses. As a specimen of the present system, he would refer to the race that was lately run for the Chester Cup. In that race 29 horses started, and only six of them carried more than 7 stone. The highest weight in the race was 9 stone, carried by a six-year-old horse; the next was 7st. 8lbs., and the other weights ranged down to as low a figure as 4st. 10lbs. An aged horse started with 6st. only, and the winner, a three-year old, had been handicapped at 4st. 7lbs., but carried 5st. 3lbs., being 10lbs. extra for races won after the handicap had been made. Those of their Lordships who knew anything about horses must feel that this system of weights was perfectly ridiculous in so far as it furnished any fair test of what horses could do. In calling their Lordships' attention to the support the Bill had received, he asked them to bear in mind that he had no connection with the turf whatever, and that the support he had received was wholly unsolicited by him, and that on the contrary he had declined to avail himself of some proposals he had received for securing support from certain quarters. A gentleman who owned racehorses, and with whom personally he was not acquainted, had written to him to say that he was in favour of the Bill, and offered to get up petitions from trainers and others for it, but knowing the position in which these trainers stood to their employers, he did not think it desirable to ask from that body of men any opinion on that subject. That expression of opinion, however, which he had thus declined to solicit, he had received spontaneously from the trainers themselves. He had received a letter from one of the Newmarket trainers, embodying the sentiments of many of his class, in which it is said,—

"I can assure your Lordship that the general opinion is that if the Bill passes with a limitation to six stone your Lordship will have conferred a great boon and benefit upon the racing world generally."

THE EARL OF DERBY: By whom is that signed?

LORD REDESDALE: By Mr. Bradley and twenty-four other trainers. That memorial was forwarded to him, and he, therefore, agreed to reduce the *minimum* from seven to six stone. The memorialists also said:—

"We are of firm opinion the present state of weights is productive of serious mischief, in that accidents have several times occurred through boys of such tender age and light weights having little or no command of horses. Bartholomew's accident at Goodwood for instance. We suggest six stone as an Amendment, feeling sure, from the general opinions expressed, that it would give great satisfaction and be a great boon to the turf."

He would ask their Lordships to consider how strong must be the views of those persons who thus placed confidence in him, who was unknown to them, and quite unconnected with racing affairs. Many other trainers had also expressed strong opinions in favour of the Bill as it now stood, and they were more interested in the matter than any other persons, for their livelihoods depended upon a proper system being adopted, and their profits on the number of horses kept in training. Adverting to the dangers attending the light-weight system, he would call their Lordships' attention to what must be the danger of placing a child, weighing little more than four stone, including saddle and bridle, upon a young and fiery horse. Surely their Lordships would acknowledge that that was a danger to which they ought not to be exposed, and that legislative interference was as much called for in their case as in that of factory children. Again, what must be the nature of the process necessary to bring down even ordinary boys to the required weight, and what effect did such training have upon their constitutions? Their Lordships must not imagine that these children enjoyed all the profits received for their riding. They were mostly apprenticed to trainers, and were permitted by their masters to ride, and who received the wages for their efforts, and although the boys of course received some presents for riding satisfactorily, whether for winning or for losing, the fee for riding went into their masters' pockets. There was another reason, he believed, why the trainers as a body were desirous that the *minimum* should be raised to six stone, and that the system of putting up small boys to ride horses should be abandoned, and that was the moral effect it had upon the boys themselves, and

the pernicious habits they acquired, which frequently clung to them through life. He had received a letter from a person who had been formerly a jockey, and is now a trainer, in which he said :—

"How comes it that complaints are so often made to the stewards of meetings, and boys fined. Those who put them up pay the fine, and make them do wrong next time to serve a purpose. Then they get suspended, and all this comes from evil-disposed persons who give them orders to ride in such a manner, knowing they will be punished. But what do they care if the child has served their purpose? Nothing of the kind occurred before light handicaps were the fashion, and during the twenty-eight years I was a jockey I was never called before the stewards for misconduct, nor did such things occur once in twelve months with any jockeys at that time. This is the greatest proof we want reform. These boys do what our laws say shall not be done, but how can you complain against a child that cannot help himself? It is the man who puts him up who is to blame. Allow me on behalf of nine out of ten of my brother trainers and jockeys to thank your Lordship for the good you have already done with your Bill, which we hope will be made law."

Let their Lordships consider what must be the feelings of an honest trainer in putting up a boy who was physically unable to do him justice and to bring out the qualities of the horse, upon whose training he had bestowed his time and attention. He had given one reason for his Bill in the present misuse of boys; another reason was that the present light-weight system was prejudicial to the breed of strong and useful horses. There was certainly some difference of opinion as to whether there had been any deterioration in the breed of thorough-bred horses in the country or not; but he was satisfied that there had been a material deterioration, for, although undoubtedly some superior animals were produced, yet they were by no means in proportion to the number of horses bred, nor were they of so strong and useful a character as those which were formerly bred in this country. He had put the question to a noble Lord not now in his place—a racing man, and in favour of light weights—whether he believed that there were now as many horses capable of carrying good weights over long courses as there were thirty years ago; and he at once said "No," although the number of horses in training had greatly multiplied. Those who, like himself, were hunting men knew how difficult it was to procure strong well-bred hunters, especially those approaching to thorough-bred, or to find thorough-bred stallions in country districts likely to get such horses, and there were complaints from all quarters of the injurious effects produced by the present system of breeding more with a view to speed than stoutness. There were several precedents for legislative interference in regard to the breed of horses, racing arrangements, and for the prevention of gambling. All racing must be more or less attended with gambling; but it was nevertheless permitted and encouraged, upon the ground that it tended to promote excellence in our breed of horses, but when a system prevailed which tended to promote gambling, and at the same time to discourage the breeding of stout horses, a ground for legislative interference was established. Some of the Acts for encouraging the breed of horses probably arose out of the great destruction of these animals in the wars of the Roses, the first being in the time of Henry VII. In the reign of Henry VIII. Acts were passed in relation to this subject, and also in that of Edward VI. and Elizabeth. As a precedent for legislation on racing matters, he would specially call attention to the 13th *Geo.* II., cap. 19, which was the foundation of the present Bill, by which the weights were limited to 10 stone for five, 11 for six, and 12 stone for seven-year old horses. That Act was passed in 1740, at a time when the turf was greatly patronized in this country and when its interests were carefully watched. That may be considered the period when our thorough-bred stock was being perfected, being half-way between the birth of *Flying Childers* in 1715 and that of *Eclipse* in 1764; and he would ask any advocate of the present system whether he believes that our breed would have attained its present excellence, if, instead of the weights prescribed in that Act of *Geo.* II., the light weights of to-day had then ruled on our race-courses? It was said that they ought to avoid indiscriminate legislation; and he too was entirely against such legislation—but Parliament ought to see whether this was not a matter requiring attention, and one in which their interference would not be productive of much benefit. A noble Earl had written to him through a public paper, saying—"Suppose a Bill were passed compelling you to place your home farm in the hands of trustees, with Mr. Mechi as manager thereof, would not that be just as reasonable as the Bill you have introduced?" Now, he was glad that the noble Earl in advancing this argument had reasoned by analogy, for that enabled him to point out

Lord Redesdale

the noble Earl's mistake. When you reasoned by analogy it was necessary that the things compared should be analogous. He presumed that the noble Earl considered both cases analogous because both were an interference with private concerns; but he forgot that the character of the interference must be similar, or else the cases were not analogous. If he were to bring in a Bill declaring that the noble Lord's stud should be placed in the hands of trustees, who should name the trainer, that would be an analogous interference to the one the noble proposed for his home farm; but to provide that when his horse was entered for a public stake he should run under certain conditions was only the same kind of legislative interference with private concerns as that which prescribed, when he brought his corn to market, that it should be sold under particular regulations with regard to weights. The noble Lord appeared to be unable to discriminate justly between what is private in racing and what is public. When a man entered a horse for a public stake he was not the only person concerned. There were others who entered their horses, some with the intention of running them honestly, and others, he was sorry to say, who entered them with a dishonest object. Again, there were persons who ventured their money on the performances of these horses. If, therefore, any measures could be adopted by the Legislature to check dishonest practices on the part of owners or others in a public race, he contended that it became a matter of public concern and a justifiable subject for public interference. There were a great many private matters in which the Legislature thought it right to interfere. For example, it interfered in the most sacred of all private relations, marriage, declaring that the ceremony should only take place in certain hours of the day; and he certainly thought that to regulate the weight which should be put upon a horse in a public race was nothing like so violent an interference with private concerns as to prescribe the hours for a man's marriage. In point of principle, therefore, if you could show that the Bill was likely to be of public advantage there could be no ground of objection to it on the ground of its being indiscriminate legislative interference. The question was one which the Jockey Club ought to take up, but if they did not do so it was one which called for legislation. The Jockey Club was moreover not omnipotent, and any steps it might take to check the practices of which he complained might not be universally accepted. There were thus good grounds for proceeding by Act of Parliament, instead of leaving the matter in the hands of the Club. Some five months had now elapsed since the introduction of the Bill; and yet, though the attention of the Jockey Club had been called to the Bill, and though, knowing the objection entertained to it by some leading members of that body he had offered to withdraw it if they would promise reform, they had held meeting after meeting without taking any steps in the matter. Among the large number of trainers in favour of the Bill, Mr. John Scott, who might be regarded as the head of the profession, strongly advocated the introduction of a six-stone regulation, and declared that with such a provision the measure would confer great benefit. On these opinions he greatly relied, and with such testimony in its favour he begged to move the second reading of the Bill.

Moved, That the Bill be now read 2ª.

The DUKE of BEAUFORT rose to move that the Bill be read a second time that day three months. Notice had on two occasions been given by advertisement that this question would be brought before the Jockey Club. On the first occasion they were unanimous, and on the second there was but one dissentient to the opinion that this was no fit subject for legislative interference. The noble Lord had urged the second reading of the measure on three grounds—first, that it would tend to improve the breed of horses; secondly, that it would prevent rascality; and, thirdly, that it would dispense with the employment of young boys in riding. On the first point he differed entirely from the noble Lord. He thought that carrying heavy weights would be much more likely to deteriorate the quality of horses than carrying light weights — carrying heavy weights would break down half the horses before they arrived at maturity. He assured the noble Lord that he should be most happy to assist in putting down rascality on the turf; but he could not see, and a great many others could not see, how you were in any way to attain that end by introducing a different scale of weights. It seemed to him that there would be as much rascality if the riding weight was 6 stone as if it were 9 or 10. With regard to the misuse of boys, he did not believe that they were so liable to accident as the noble Lord had represented. He was sure

that many of the trainers who had signed the memorial had done so under a misapprehension. He had a conversation the other day with Mr. John Scott, who told him that he was in favour of a Bill that the *minimum* weight should be 6 stone, because his horses would then be better ridden. He then said to Mr. Scott, "Suppose you had a valuable horse in a race, with 11 stone on his back, what would you do?" to which the reply was, "Scratch him at once." Mr. Scott was not the only trainer who entertained this opinion; he had spoken to many others who expressed the same views. There was no doubt that attempts were made to orrupt the boys engaged as riders, but he thought that all such cases could be better dealt with by the Jockey Club than in any other way. No accident, he believed, had ever happened at a race to a boy under 6 stone. That was a remarkable statement, but he understood that there was no doubt of its correctness. He could assure their Lordships that it was the almost unanimous opinion of the Jockey Club that the Bill of the noble Lord would do a great deal of harm, and would do little or no good of any kind.

Amendment *moved*, to leave out ("now") and insert ("this Day Three Months").

THE EARL OF WINCHILSEA said, he did not think there was any ground for bringing against our present racing system those severe charges which the noble Lord the author of the Bill had advanced. He (the Earl of Winchilsea) felt persuaded that the Bill would hold out a premium for bad horses, because under its operation such a crushing weight would be imposed by handicappers upon good horses that no owner would run them. The noble Lord was merely theorizing upon a question, of the practical working of which he knew nothing. There was nothing to justify the imputation of the noble Lord that our breed of horses was degenerating under our existing system of racing, and in reply to such an allegation it was only necessary to point out the eagerness of foreigners in competing for the successful runners on the English turf. England, indeed, had not only given race-horses to the world, but also laws and regulations for racing; and he did not think that the present Bill, which would be the severest blow the turf had received since the time of Charles the Second, came with a very good grace from their Lordships. It was impossible to deny that racing in this country was made the subject of extravagant gambling, but the extent of that evil was, he thought, frequently exaggerated; and he should also express his belief that the freedom from *émeutes* and revolutions which England enjoyed in the most critical periods was, in some degree, to be attributed to the fact that racing afforded to persons of restless temperament a much more innocent excitement.

THE MARQUESS OF CLANRICARDE rose to tender his thanks to the noble Lord who had introduced this Bill, and to express his sincere hope that their Lordships would pass it into law. He felt even more strongly than the noble Lord apparently did the call of humanity upon this subject, if humanity was to be deemed a motive for legislation. He had always viewed with considerable dislike any restriction upon what might be called the rights of labour, but many such restrictions had effected a great amount of good, and he had no hesitation in saying, from what he had himself observed at races, that the present Bill was as much required as any Factory Act ever passed by Parliament. It was terrible to see the children who were put upon horses and exposed to the most fearful accidents for nothing in the world but what might be called the supposed pleasure of others. It was said if crushing weights were put on horses no man would run first-class animals—but such magnificent horses as *West Australian* and the *Flying Dutchman* were never put into handicaps. He was not aware, for example, that any horse had ever established its reputation by winning the Chester Cup. These prizes fell to the owners of horses that carried mere "feather weights," and which were in many cases kept back merely for the purpose of succeeding in such contests. The noble Duke opposite had talked of the cruelty of running a young horse upon hard ground with 11 stone upon its back. Why should 11 stone be put upon its back because they were not to be allowed to put less than 6? If the merits of horses were fairly put before the handicappers, there never would be animals started with a difference of 5 stone between them. Such a difference would be found only where a deceit had been practised. The noble Lord who had introduced the Bill did not intend that horses should run with 11 stone upon them, nor would such be the effect of his measure. His own impression was that the root of the evil lay in horses being

brought out too young. What good could be attained by running horses when it was impossible to have a fair trial of their bone and muscle? The late Lord Jersey, who had often carried off the "blue riband" of the turf, never ran a horse until he brought him out for the Derby, and if the only effect of the present Bill should be to put a check upon running horses of two years old it would prove a good and useful measure. With all deference to the noble Duke, it was not uncommon for the poor children who were at present put on horses to meet with serious accidents. Upon one occasion, at Northampton, he saw a boy killed by the mere stumbling of a horse; though he was not thrown, the mere concussion of the brain was fatal, and he believed a similar accident happened a few years back in the south of England. It stood to reason, indeed, that if children were put upon horses accidents would occur. He had always approved of plates being given by the State for the enouragement of the breed of horses, and therefore it was from no dislike to the turf that he supported the present Bill, which he trusted would receive the assent of their Lordships and of the other House of Parliament.

Earl GRANVILLE: I do not think the question now before your Lordships can be called a party question; and in rising to make a few observations upon it I wish to be understood as expressing my individual opinion only. I have listened very carefully to the speeches which have been delivered in the course of the discussion, and I must say they have been amusingly consistent with the nature of the subject and with the character of the different speakers. The noble Lord who moved the second reading of the Bill took a steady heavy-weight gallop over the old Beacon course. The noble Duke who followed, preferred a short half-mile run, while the noble Earl who spoke on the same side was as light and as frolicsome as a fresh two-year old. I do not mean myself to enter into any elaborate discussion of the general merits of the Bill—it deals with details which I do not think it necessary your Lordships should discuss—more particularly since it appears from the speech of the noble Earl that the Jockey Club have the intention of taking the question into consideration. I am not going to discuss at length the question raised by the noble Marquess, whether it is desirable in handicaps that the handicappers should go down as far as four stone, or such low weights. The noble Marquess stated some objections of detail, with regard to those great races into which I need hardly enter, and which I think had better be left to the Jockey Club than be dealt with by your Lordships. My noble Friend the Chairman of Committees reproached the Jockey Club with being so exclusive that they would not permit the interference of laymen upon any question which came before them. If the Jockey Club had legal power which enabled them to control all matters connected with racing, and it was shown that they acted in opposition to the opinions of every one who took an interest in racing or in the improvement of the breed of horses, then a case might be made out for interference on the part of your Lordships. But the Jockey Club has no legal power whatever. They are the landlords of a part of Newmarket Heath, on which races are run, and are therefore able to insist upon the observance there of any regulations which they choose to make; but with regard to other racecourses, they have no power whatever, and the adoption of their regulations in other parts of the country is an entirely voluntary act on the part of those who have the management of race meetings. What is the composition of the Jockey Club? Are its members exclusively of one class, and so bound up in one amusement that they may be considered entirely to exclude from their consideration all matters which are not connected with it? The list of the Club includes fifty-four members, some of whom are members of agricultural societies; some are cavalry and yeomanry officers; ten, I think, are masters of foxhounds, and twenty are Privy Councillors. Of these twenty Privy Councillors, one has been President of the Poor Law Board, two have been Postmasters General, two have been Viceroys of Ireland, seven have been Cabinet Ministers, and two have been Prime Ministers of this country twice in their respective lives. This is the constitution of that eminent body; and if they are backed up by a large part of the population, by the owners of horses and by those who take an interest in the amusement of racing, I think it is but fair to infer that they are not so exclusively absorbed in the pursuit of racing as to be likely to exclude from consideration all the collateral advantages which may be derived from it. I now come to the reasons why I do not think that your Lordships ought to take legis-

lative action upon this subject. Two of the reasons for this measure are contained in the preamble of the Bill, and the third is that upon which great stress has been laid by the noble Marquess—humanity to the boys who are put upon these horses. Upon this last reason I cannot lay great stress. I think it is impossible to compare legislation of this sort, even if effectual, with legislation applied to great masses for the restriction of the hours of labour, or for preventing the employment of young children in mines. If you enter upon the course contemplated by the noble Lord in this Bill, you must pass an Act to prevent boys going bird's nesting, or venturing into the water before they are able to swim. [*A laugh.*] Noble Lords may laugh, but I remember being in a country in which a similar precaution was enforced. I wanted to bathe in the Danube, and before I was allowed to do so I was obliged to exhibit in a small pond before two gentlemen in uniform, who had to be officially satisfied of my power of swimming before they allowed me to enter that noble river. Such an amount of interference I imagine that your Lordships are not prepared to adopt. The next object of the noble Lord is most laudable—namely, the diminution of gambling and dishonest practices. Now, no one in this House—not even my noble Friend who spoke so warmly—will contend that there are not many malpractices and a great deal of gambling of an injurious character connected with the Turf; but does any one suppose that this Bill will put an end to those evils?—that some trifling regulations as to the weights which horses are to carry will put an end to gambling and to the malpractices which are connected with the turf? The idea that it would do so is perfectly futile; and I believe that if you wish to protect young and inexperienced persons against those fraudulent practices, you can take no more unwise course than by an unwise Act of Parliament pretending to do that which no legislative enactment can effect. With regard to the breed of horses, I totally disbelieve that there has been any deterioration in it. I think that it is impossible to walk through the streets or parks of this Metropolis without seeing that no such thing has occurred. The noble Duke (the Duke of Beaufort) referred to a conversation which he had had with an eminent trainer; probably your Lordships will not think it irrelevant if I state the result of conversations which I have had to-day with one of the greatest dealers in the Metropolis, and a large job-master. The dealer sells horses of all kinds, hunters, hacks, and carriage horses, and it is of course his interest to represent that there is extreme difficulty in procuring good horses, and that it is, therefore, necessary to ask very high prices for them. He told me that there was at present a greater demand than at any previous time for a very beautiful class of horses with very high action, and that any price could be got for them; but he said, "If you ask me for a fair opinion whether you find fewer horses than you used to do combining great strength with high breeding, I believe that, notwithstanding the drain for the foreign market, there are quite as many to be obtained as formerly." The jobmaster to whom I intended to apply for information was not at home when I called; but his foreman said, "Oh, complaints that you cannot find good horses are universal; but it is fair to say that I have been a long time in the job trade, and I never remember a period at which exactly the same complaints were not made." This is confirmed by the observation of the noble Chairman of Committees that so much as 120 years ago complaints were made that there had been a frightful deterioration in the breed of horses. This is, in fact, one of those complaints which are constantly made, but which, when examined into, prove entirely without foundation. As far as I can see, there are no precedents whatever for such a measure as this. The clause to which my noble Friend referred as furnishing such authority was repealed a few years afterwards, and in the Index to the Statutes I can find no reference to any proposition of a similar kind connected with the subject of racing. For these reasons I certainly am not inclined to support the Bill of my noble Friend. Without professing to give an opinion that it may not be desirable that the Jockey Club should fairly consider this question, at any rate I do not think it is one with which your Lordships ought to interfere. There has lately been too much desire to legislate upon every possible question, and I am persuaded that that desire ought to be checked rather than encouraged. There is an old maxim, *de minimis non curat lex,* which I think may fairly be translated, "Do not legislate for feather weights."

THE EARL OF DERBY: Doubtless your Lordships have received a great deal of edi-

fication and amusement from the speeches that have been delivered in the course of this debate, and no doubt my noble Friend who introduced this Bill has likewise received a great deal of edification and instruction on this topic; but I hope your Lordships will not think it disrespectful on my part, on a subject of this kind, to say that I think your Lordships as a body are hardly competent to judge of the merits of the question, notwithstanding that you have received so much support in your deliberations by so full a bench of the right rev. Bishops—we are hardly, I think, so competent to deal with such a question as the present as those who have devoted more of their attention to the subject, and who take a deeper interest in the pursuits of the turf. I am anxious to state in a few words how far I concur and how far I differ from my noble Friend the Chairman of Committees in the objects which he seeks to effect by the prevention of malpractices, the improvement of the breed of horses, and, to a certain extent, the protection of the jockeys themselves, both low weights and high weights. These objects I conceive most desirable ones; but, on the other hand, I think I can show my noble Friend that his Bill will not in the slightest degree attain them. I concur with my noble Friend the President of the Council that unless a very strong case is made out it is most undesirable that your Lordships and Parliament should legislate upon a subject of this description. No doubt if there is a great object to be attained, or a great and gross abuse to be put down, and legislation will effect the object or put down the abuse, that would be a justification for the interference of the Legislature even with such a subject as this. But is that the case? My noble Friend believes that there is a great deal of gambling, especially that species of gambling produced by handicaps. Now, I so far concur with my noble Friend that I very much regret the increase of handicaps compared with weight-for-age races which has recently taken place. At the same time, I see that in the present state of the turf it would be impossible entirely to abandon handicaps without putting an end to many county meetings, and thus losing a great deal of harmless amusement. I do not deny that handicaps afford considerable facilities for fraudulent practices; but that does not at all depend upon the more or less weight which the horses are to carry. The object of those who subscribe to and enter their horses for handicaps is to deceive the handicapper, not with regard to the positive, but with regard to the relative weight-carrying qualities of their horses. My noble Friend said that horses are kept in training for these handicaps which would not continue in training if they did not exist. That may be so; but, on the other hand, if my noble Friend examines the statistics of the turf he will find that horses are now kept in training for a much shorter period than they used to be, and that a comparison between the young and old horses formerly and at the present day shows a considerable difference. Some days ago, with reference to this Bill, I looked up some statistics, and they will be interesting, as enabling us to compare the ages of the horses that ran in 1829 and 1859. I have only the ages of those that ran and won in 1829, and of the running horses in 1859, but the figures enable us to compare the ages of the horses. In 1829, of the winning horses there were of two-year-olds fifty-five, of three-year-olds 194, and of four-year-olds and upwards 279. The total was 528 horses. The proportion of two-year-olds to three-year-olds was as two to seven, and the proportion the two-year-olds bore to the whole number was one to nine and a half. I find that, in 1859, 1,666 horses started for the different races, of which number 588 were two-year-olds. 504 were three-year-olds, and 574 were four-year-olds and upwards. While the proportion of two-year-olds to three-year-olds was as to two to seven in 1829 it was in 1859 as eight to seven. The proportion of two-year-olds to those above them, which was in 1829 about one to nine, was in 1859 more than one to three. I mention these facts to show that there was a much larger proportion of old to young horses formerly than at the present time. My noble Friend objects to these handicaps that they tend to discourage the good horses, and to give great advantages to bad and inferior horses. Now, the very character of a handicap is, that you must frame your handicap so as to give a moderate three-year-old as fair a chance of winning as a superior five or six-year-old. If, therefore, you began with 7 stone, the consequence would be that in all handicaps the superior old horses would have to carry 11 stone and 12 stone, and the handicaps run would be left to inferior horses, which would have the advantage of being ridden by jockeys instead of boys. The good

horses would then be excluded from handicaps, while at present they have a fair chance. But when my noble Friend says that horses that cannot carry 6 stone ought not to be kept in training, and are good for nothing, I assure him he is quite mistaken, for I could mention horses that with 6 stone on their backs cannot live at a racing pace for three minutes, but yet are competent to carry my noble Friend over a cross country for hours, and to keep up with the hounds. You cannot, in all cases, have lasting qualities accompanied by the enormous effort and great speed of racing; but it does not follow because a horse cannot carry 6 stone in a mile and a half race and live, that he belongs to an inferior class of animals, and is incapable of being made useful for hunting purposes. My noble Friend says it is more difficult to get good hunters now than it used to be; but I must remind him that hunting is a very different thing now from what it formerly was. Perhaps my noble Friend would like to turn out at six in the morning, go on a long, slow drag before he found his fox, and then ride after it at six or seven miles an hour for the remainder of the day. If he wants a class of horses suited for that kind of work, I admit he would not find them in handicaps. But if he inquires how horses can best combine bone, blood, speed, and endurance, I believe that the character of English horses never stood higher, and that in these qualities they are unmatched by any country in the world. If my noble Friend thinks that to prevent gambling on the turf all that is necessary is to do away with light weights, let him go to a steeplechase. I never saw but one, and never wish to see another. But there they have heavy weights, old horses, and long courses. No boys are put upon horses in these steeplechases, the lightest weight put up being 8st. 7lb. A steeplechase, therefore, combines all my noble Friend's requirements; and yet I will venture to say that, with regard to the character of the horses, the gambling, the fraudulent practices, the danger to horses and men, and the number of serious accidents, there is no comparison whatever between the ordinary racing with boys of light weight and steeplechasing. I do not deny that there are evils inseparable from handicaps; I regret their prevalence; but they do not depend either on the lightness or the heaviness of the weights, but on the character of the horses themselves. That which is really the cause of a great deal of the

The Earl of Derby

evil and the deterioration in the breed of horses is the way in which the animals are forced forward, owing to the vast preponderance of two-year-old races. The consequence is that young horses are called upon for exertions far beyond their strength, and great numbers of horses are broken down, while others are entered without reference to their carrying light weights, or to their competency to stand the work, because being brought out as two-year-olds they may, over a long course, have an advantage and answer the purpose of gambling, and winning the large stakes which are attached to these two-year-old races. I do not wish to put down all two-year-old races by legislation, but I should like to induce members of the turf, in the interest of the turf and of the breeders of horses, to see if some intervention and regulation are not possible. If not, your Lordships would do much better absolutely to prohibit all two-year-old races than to raise the weights of the jockeys. One reason why it is desirable that practically the weights should be somewhat higher than they are at present is not on account of the danger to little boys or the argument which my noble Friend has brought forward, but on account of the great difficulty you have in procuring jockeys to ride old horses in the present competition with the light-weight system. As soon as a jockey arrives at the weight of 8st. 7lb. he has comparatively little opportunity of riding, for the great amount of riding is monopolized by boys of from 6st. 5lb. to 7st. 12lb. When jockeys arrive at 8st. 5lb. the labour they have to undergo to bring themselves down to racing weights has cost the life of many respectable men, and is attended with great danger to others. I will only say that this matter is under the serious consideration of the Jockey Club. Notice has been given of a motion at their next meeting for raising the weights on the Derby and some other races from 8st. 7lb. to 8st. 10lb. A proposal is also under the consideration of the Jockey Club, which has my cordial concurrence, to enable them to raise the weights on handicaps to a *minimum* of 5st. 7lb. I assure your Lordships that many boys can ride as well as any men, and would be perfect masters of their horses under circumstances where my noble Friend would find himself in a considerable "fix." The improvement of the breed of horses and the prevention of gambling are very desirable objects; but

I do not think they will be touched or promoted by the measure of my noble Friend. I think that he has not established such a case as will induce your Lordships to enter upon legislation where all previous legislation has proved a failure. I assure my noble Friend that the subject is under the consideration of the Jockey Club, and that this year will probably not pass without some legislation in the direction of his wishes. I therefore trust, after the opinions expressed by your Lordships, that my noble Friend will not give us the trouble of dividing, but will consent to withdraw the Bill.

LORD REDESDALE replied. He thought no better proof of the necessity for increasing the weight could be given than the returns quoted by the noble Earl. They proved most clearly that a system equally injurious to the breed of horses and to the best interests of the turf had sprung up of late years in connection with the light weight handicaps; that the evil was increasing, and that reform in racing matters was urgently required. He considered the noble Earl's speech to be in fact favourable to his proposition; but after the promise he had given that if the Jockey Club would take the matter in hand he would not persevere with it, he had no choice but to act in accordance with that promise, after the assurance which the noble Earl had given to him and to the House on the part of the stewards of the Jockey Club, who had selected him to present their petition, and empowered him to enter into that engagement on their behalf. He would, therefore, ask leave of the House to withdraw his Motion for the second reading, and if the Amendment was also withdrawn, he would then, with the permission of the House, withdraw the Bill. He might be permitted to say, however, that there was strong evidence that the introduction of the Bill had led to the serious consideration of this subject, and therefore he should always feel satisfied with himself for having brought it forward. He would add, that none of the arguments which had been brought forward proved that the subject was one with which the Legislature ought not to interfere. If the Jockey Club should by new rules put down the abuses complained of, and if what they proposed met with universal submission from the racing world, legislation would be both unnecessary and undesirable. But the interests of the dishonest members of that society were opposed to the establishment of a sound system, and he feared not only that the Club rules, if carried to the required extent, would be resisted in some quarters, but still more that the Club may be deterred from doing all that they ought from an apprehension of such resistance. If such should be the case, he trusted they would not hesitate to apply to Parliament for a law to enforce their rules, and he was satisfied that whatever they asked for would be granted.

Amendment and original Motion, by leave of the House, *withdrawn*, and the Bill also *withdrawn*.

DUCHY OF CORNWALL (LIMITATION OF ACTIONS) BILL.

COMMITTEE.

THE DUKE OF NEWCASTLE moved that the House go into Committee on this Bill, and stated his belief that the Bill would have the effect of placing the Duchy of Cornwall and landed proprietors in the neighbourhood, on the best possible footing.

LORD VIVIAN said, he could assure the noble Duke that great jealousy existed in the minds of those holding property within the bounds of the Duchy, in consequence of the sharp practice exhibited by those charged with the management of its affairs. Those who held lands "in charge" thought that they had been very hardly treated by the agents of the Duchy, and unless these lands held "in charge" were exempted from the operation of the Bill he should move clauses to effect that object.

House in Committee.

Clause 1 (9 *Geo.* III., cap. 16, to extend to the Duke of Cornwall.)

On the Motion of Lord KINGSDOWN the following addition was made to the clause.

("Subject nevertheless as to the Property and Possessions included in this Act to the Provisions contained in Sections Seventy-two and Seventy-five of the Act of the Seventh and Eighth Years of Her Majesty above referred to with respect to the Property and Possessions included therein.")

LORD VIVIAN complained that a case had occurred in which parties were refused access to the records of the Duchy, except on condition that they would not oppose this Bill.

LORD PORTMAN said, that there was a sharp practice in manner and a sharp practice in action. They were not pleasant words to use in any case, but few men were able to conduct public business in the soft and oily way which would probably satisfy the noble Lord. He certainly de-

nied that there had been any sharp practice on the part of the Duchy in action. It had been found most difficult to recover and maintain the rights of the Duke of Cornwall, which in past times had suffered material damage.

Lord CHURSTON stated that cases had come to his knowledge, and things were said to be done by order of the Duchy, which, if they did not actually amount to sharp practice, certainly savoured of it.

The Duke of NEWCASTLE observed, with regard to the inspection of Duchy records, that in the case of Crown records, any person who asked to examine them was called upon to state whether he wished to do so for the purpose of opposing the rights of the Crown, and unless he stated that that was not his object, he was not allowed to inspect them. He believed that if an inquiry were instituted by impartial persons into the management of the Duchy property, it would be found that, so far from sharp practices having been resorted to, there had been a desire to act with the greatest possible leniency in maintaining the rights of the Duchy, which, in some instances, had been sacrificed for noble Lords and hon. Gentlemen, who now came forward to complain. The noble Lord said that there was a feeling of uneasiness in Cornwall on the subject, and no doubt if a person had got property which did not belong to him, he might feel uneasy when the rightful owner came forward to claim it. With regard to the present Bill, if the opponents of the measure thought it no boon, let them say so, and he would at once give it up; but it was not fair towards the managers of the Duchy estates, nor to the illustrious Prince, who was about to come into the property, to make accusations of "sharp practice." If any persons had such charges to make, let them bring those charges forward distinctly before the Duchy Council, and they would be investigated, and, if found substantial, the grievance would be remedied.

The Earl of CAMPERDOWN said, he could bear testimony to the fact that "sharp practice" did not always originate with the managers of Crown property, but was very often practised against that property. He believed his Royal Highness the Prince of Wales to be justly entitled to every farthing that could be properly obtained from the property assigned for the maintenance of his dignity.

Lord VIVIAN said, he should be rejoiced to see his Royal Highness receive every farthing to which he was entitled. He had spoken on behalf of others, and not from any interested motives of his own.

Lord KINGSDOWN did not believe that during the twenty years he had been a member of the Council of the Duchy, upon any one occasion, upon any one subject, in reference to any one appointment or other act, there had been a single object in view except that of discharging honestly and faithfully the duties imposed upon the members.

Lord PORTMAN acknowledged that there had been a strong expression of feeling in the Duchy, but he was sure it was not well founded.

Clause, as Amended, *agreed to.*

Lord VIVIAN then moved to inser the following clause.

"Provided always, That Section Seventy-two of the said Act of the Seventh and Eighth Years of Her Majesty shall be and the same is hereby incorporated with this Act, and shall be read as Part thereof; provided also, that no Manors, Lands, Tenements, or Hereditaments, or the Rents, Revenues, Issues, or Profits thereof, shall be deemed to be or to have been duly in charge to the Duke of *Cornwall* so long as any Person or Corporation shall be or shall have been in possession of such Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, or in the Receipt of the Rents, Revenues, Issues, or Profits thereof, adversely to the Duke of *Cornwall*."

The Duke of NEWCASTLE said, he must oppose the clause.

Motion, by leave of the Committee, withdrawn.

Remaining clauses *agreed to.*

The Report of the Amendment to be received on *Friday* next.

UNION OF BENEFICES BILL.

COMMITTEE—(ON RE-COMMITMENT).

Order of the Day for receiving the Report of the Amendments read.

The Earl of ELLENBOROUGH suggested that as notice had been given of many Amendments it would be better that the Bill should be re-committed, in order that the new clauses should be considered.

Order *discharged;* and Bill *re-committed* to a Committee of the whole House *forthwith;* House in Committee accordingly.

Clauses 1 to 11 *agreed to.*

Clause added to enable an exchange of patronage.

Clause 15, (Site of Church to be pulled down not to be sold or let without certain Consents.)

The Bishop of OXFORD moved an Amendment. He had no objection to sell

the sites of the removed churches; but there were certain cases in which the ground itself under the churches had been consecrated for the burial of the dead. He contended that where the Church had pledged herself in the most solemn manner to maintain for ever a certain parcel of ground it was monstrous that she should afterwards come to Parliament and ask for power to break her pledge, for the purpose of taking advantage of the increased value of the land so consecrated. The deeds of consecration of a church and of a burial-ground were essentially different. One consecrated a building for the purposes of worship, the other set apart a portion of ground from all profane uses for ever. He saw no objection to selling the site of a church to which no consecrated burial-ground was attached, because the occasion for which the consecration of the building took place having passed away, and it being for the glory of God and his increased worship and service that the church was to be removed, he did not see any objection to selling the ground on which the church stood. But it was different with the churchyards in which the dead were buried. It might be said that the same objection applied to churches in which dead were buried in the vaults; but his Amendment did not touch them, because in the first place the vaults being constructed in the ground under the church, and the church alone being consecrated, there could be no objection to the removal of the coffins, as they would have to be removed in any case should this Bill pass; but at all events it would throw on those who objected to the sale of such sites the *onus* of proving that the ground was consecrated, which would be almost impossible.

Amendment *moved*, after ("Department") to insert ("nor if it shall have been consecrated for the Burial of the Dead.")

EARL GRANVILLE said, he was quite at a loss to know how any objection could be raised to the sale of the sites in question, when it was notorious that ground of a similar character had been sold to railway companies; and surely, when the sole object of the Bill was to provide increased facilities for the worship of God, the most tender conscience could not object.

THE BISHOP OF CASHEL could not see any difference between selling the site of a church and a burial-ground, seeing that both were consecrated.

THE BISHOP OF OXFORD thought that his right rev. Brother misapprehended the question. In the one case it was the church and not the site that was consecrated, and in the other it was the ground itself. The church might be removed, but the bodies of the dead remained in the churchyard by which it was surrounded.

THE BISHOP OF LONDON said, that the distinction drawn by his right rev. Brother was so very fine that he could hardly understand it. He could understand the Church being held to the strict performance of all her contracts, but he could not comprehend why she should be allowed to depart from them in the case of churches, and be prohibited from doing so in the case of burial-grounds. His right rev. Brother had no objection to the sale of the site of a church under which hundreds of corpses might have been buried, but the consecration of which for burial it was impossible to prove. The operation of the clause would, therefore, on his own statement, be nugatory. He looked upon this as an insidious attack intended to destroy the whole of the Bill, for if it were carried the good effects of the measure would be rendered entirely nugatory.

THE EARL OF POWIS supported the Amendment. This point had been settled in a Bill which was passed five years ago. They ought not for a few thousand pounds to shake the confidence of the people in the permanence of these sites for burial-grounds.

THE BISHOP OF ST. DAVID'S did not think the argument of the right rev. Prelate who moved the Amendment had been at all shaken. This was a Bill for Church purposes, and the question was, would the advantage arising from the sale of these sites, cover the loss arising from the violation of the contract created by the consecration of these burial-grounds?

LORD CRANWORTH said, that it would be extremely difficult for any one to prove that a particular piece of land had been specially consecrated as a place of burial; and the result of the adoption of the Amendment would merely be to raise uncertainty as regarded the title, and persons would not purchase unless at a diminished value to cover the risk.

THE DUKE OF MARLBOROUGH said, if there was any great public necessity for the sale of these sites, he should not object to the measure; but when he found that no such necessity existed, he was disposed to support the Amendment.

THE BISHOP OF OXFORD said, that in

order to meet the objection of the noble and learned Lord, he had no objection to add the following words, "Provided also that the validity of such sale should not be questioned by reason of any allegation that the ground had been consecrated." It should be recollected that this was a Bill for Church purposes, and it was not for the Church to propose to disturb these contracts, which were made by the Church, and consecrated by her.

THE EARL OF ELLENBOROUGH said, the sale of a church or a burying-ground was as repugnant to his feelings as a layman as it could be to that of a clergyman, and he would only consent to it in cases of extreme necessity; but the Amendment of the right rev. Prelate would, in point of fact, put an end to the practical working of the measure. He regretted that such a Bill as the present should not have been taken up by the Government, as without their assistance the right rev. Prelate would never be able to carry such a measure as would produce the full effect desired. Surely, if they were willing that these sites should be sold for the benefit of railway companies, they would not object that they should be sold for purposes of a purely religious character. The Bill would to a certain extent be useful, but this great question could never be fully settled till it was taken up by the Government.

THE ARCHBISHOP OF YORK said, that believing that the measure was one of great public necessity, he would support the clause as it stood.

THE BISHOP OF SALISBURY was opposed to the removal of any churches. Let the pews be removed, and good clergymen placed in them, and congregations would be drawn thither.

After a few words from EARL GRANVILLE,

On Question, Whether the said Words shall be there inserted? Their Lordships divided:—Contents 10; Not-Contents 21: Majority 11.

CONTENTS.

Marlborough, D.	Oxford, Bp.
Carnarvon, E. [*Teller.*]	Salisbury, Bp.
Powis, E. [*Teller.*]	St. David's, Bp.
Romney, E.	
	Denham, L.
Hutchinson, V. (*E. Donoughmore.*)	Lyttelton, L.

NOT-CONTENTS.

Campbell, L. (*L. Chancellor.*)	Somerset, D.
	De Grey, E. [*Teller.*]
Newcastle, D.	Ducie, E.

The Bishop of Oxford

Granville, E.	London, Bp.
St. Germans, E.	Ripon, Bp.
Bangor, Bp.	Cranworth, L.
Carlisle, Bp.	Dartrey, (*L. Cremorne.*)
Cashel, &c., Bp.	Harris, L.
Derry and Raphoe, Bp.	Kingsdown, L.
Durham, Bp.	Wensleydale, L.
Lincoln, Bp.	Wodehouse, L. [*Teller.*]

Clauses 15 to 21 *agreed to.*

Clause 22 (Providing Funds for Payment of Expenses of carrying Act into execution).

THE EARL OF POWIS said, he thought it extremely undesirable that when a sum of money had been raised by the sale of these sites, a portion of it should be locked up to remain as a fund for future speculative alterations. It would be merely a temptation to the schemers who surrounded the office of the Ecclesiastical Commissioners, to propose useless plans for making away with this money.

THE BISHOP OF LONDON submitted that the objection would be met by an alteration, of which he had given notice; and after a short conversation,

Clause *agreed to.*

Clause 27 (Appropriation of Seats in Church of United Parish).

THE BISHOP OF OXFORD objected to the power given to the Ecclesiastical Commissioners to meddle with pews. He believed the right rev. Prelate had no objection to the Amendment which he had proposed, namely, to leave the Bishop to deal with them by faculty.

THE EARL OF ELLENBOROUGH said, the opinion he held on this subject might be unpopular, but he objected to pews altogether. It was the old custom, before the Reformation, that there should be no pews at all; and in the church which he attended they had been swept away. Whenever he went to church, he sat with the rest of the people, without the smallest distinction; and it appeared to him that nothing could be so inconsistent with the feelings with which a man ought to attend Divine worship as that he should box himself up in a pew. Take power by all means to knock pews down, but do not provide for building them up again.

Then it was moved to add the following Schedule.

"The Metropolis (including all Places comprehended in that expression, as defined in the Act 18 and 19 *Vict.* Cap. 120, intituled 'An Act for the better Local Management of the Metropolis").

"Cities of——

"York,	Exeter,
"Lincoln,	Norwich,"

The same was *agreed to.*

The Report of the Amendments to be received on *Thursday* next.

LORD REDESDALE gave notice of some further alterations which he would move on the third reading. Amongst them was a proposal to give powers for re-seating churches without a union of benefices. There were a great number of sacred edifices in the City, in which there was no provision whatever for those casual visitors, of whom there were always many in London. Last Sunday, however, he was at one (St. Michael's, Cornhill,) that had been admirably restored, and there he found exactly the arrangement which he thought desirable. There was a large congregation; and it appeared to him that if a similar course were adopted at some other of the larger and handsomer City churches—Bow church, for instance—the same result would follow.

ECCLESIASTICAL COURTS JURISDICTION BILL.

THIRD READING. BILL PASSED.

Bill read 3ª (according to Order).

THE BISHOP OF OXFORD proposed an Amendment rendering it penal to be guilty of any indecent behaviour in a church, whether during Divine service or at any other time. This was intended to meet the case of persons staying behind after service to sing hymns, which was one of the forms which indecent conduct had lately assumed.

LORD CRANWORTH said, that the Bill was aimed against indecent behaviour in churches at any time; and therefore he did not see the utility of the proposal.

Amendment *withdrawn.*

LORD WENSLEYDALE proposed a clause somewhat mitigating the penalties imposed by the statute of Philip and Mary, but re-enacting the power which was given by that Act to any person to seize and convey before a magistrate any one offending in church.

LORD CRANWORTH did not propose to repeal the Act of Philip and Mary, so that any portion of it which remained in force would continue to do so; but he begged their Lordships not to be led by their indignation at what had recently been taking place to enact a provision so little in accordance with the general spirit of our law as to give any person power to seize any other person—not *in flagrante delicto,* but at any time—and to convey him before a magistrate on a charge of misbehaviour in a church. It had been said that "hard cases made bad law;" but let them not make bad legislation.

THE LORD CHANCELLOR also opposed the Amendment, saying that, although he was as anxious as anybody to put an end to such disgraceful scenes as had recently occurred, he did not think that this was the proper way to attempt it.

Amendment *negatived.*

Amendments made.

Bill *passed,* and sent to the Commons.

House adjourned at Ten o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, June 12, 1860.

MINUTES.] PUBLIC BILLS.—1° Criminal Lunatic Asylum; Passing Tolls; Burial Grounds (Ireland).

3° Councillors of Burghs and Burgesses (Scotland).

ANNUITY TAX ABOLITION (EDINBURGH) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 *agreed to.*

Clause 2 (Annuity Tax abolished).

MR. BLACKBURN said, he thought that power should be given to the Commissioners to recover the arrears of the tax, and he would therefore propose in line eight, after the word "imposed," to add, "and all arrears of the said tax then due shall be payable to the Commissioners hereinafter appointed, who shall have power to collect and recover the same." He did not know whether the hon. Member for Edinburgh (Mr. Black) was still in arrear, but he believed that he was so some time ago.

THE LORD ADVOCATE said, he was opposed to the Amendment, inasmuch as it would have the effect of making it obligatory on the Commissioners to recover the arrears. He was of opinion that the recovery of the arrears should not be dealt with at all by the Bill, but left to the discretion of the Commissioners.

MR. BLACK said, it was perfectly true as had been stated that he had for a considerable time refused to pay the annuity tax, and his object in thus acting was to

make the condition of the clergy so uncomfortable that they would be ready to agree to any reasonable proposition which might be made for the settlement of this question. He considered the proposition made by the present measure was a very fair one, and, therefore, he should not continue to withhold the payment of the tax. He had no objection to the principle involved in the Amendment, but he believed that if they left the collection of arrears in the hands of the Commissioners, they would consider themselves bound to secure every farthing of arrears from the inhabitants of Edinburgh, which would have the effect of continuing the irritation in regard to this question. On this ground he should oppose the Amendment.

MR. DUNLOP said, that he thought that if the object was really to promote peace, it would be much better not to press the Amendment.

MR. MURE observed that he was of the same opinion.

MR. BLACKBURN said, that as the feeling of the Committee was opposed to him, he should not press the Amendment.

Amendment *withdrawn;* Clause *agreed to.*

Clause 3 (Commissioners appointed).

MR. CAIRD said, he objected to the composition of the Commission, which was to administer the affairs of the churches, on account of the undue preponderance given to the legal bodies. The three legal bodies of Edinburgh, who contributed only a very small proportion of the tax, ought to have only one representative instead of three. The other two representatives should be conferred on the Kirk Sessions. He should propose an Amendment by which the appointment of one Commissioner would be placed in the hands of the three legal bodies in Edinburgh, and to leave three to be appointed by the Kirk Sessions.

MR. BLACK said, he agreed with the hon. Gentleman that those legal bodies contributed a very small proportion of the tax, but on the whole he would be better pleased to have the Commissioners elected by the legal bodies than by the Kirk Sessions.

THE LORD ADVOCATE said, he held that the legal bodies, being now liable to the impost, were entitled to three representatives on account of their weight and intelligence.

MR. DUNLOP observed that he was in favour of the Amendment.

MR. MURE said, he had placed a notice on the paper to amend the constitution of the Commission by declaring that one of such Commissioners should be elected by the Kirk Session of the Tron Church.

THE LORD ADVOCATE said, he was prepared to modify the clause, and to place the appointment of the Commissioners in the hands of the legal bodies, the Merchant Companies, and the Kirk Sessions. The legal bodies to appoint one, the Merchant Companies to appoint one, and three to be appointed by the Kirk Sessions, who were to be composed of all the parochial churches of Edinburgh. In that way the total number of Commissioners would be raised from ten to eleven.

Clause, as amended, *agreed to;* as was also Clause 4.

Clause 5 (Commissioners to appoint an Agent and Secretary).

MR. BLACKBURN said, he wished to move as an Amendment, to insert the word "property," after the word "of" in line fifteen, in order that the property in the churches should be transferred to the Commissioners as well as the administration of them. He thought it quite clear that those who ministered and maintained the churches ought to be the proprietors of them. Why should the churches remain in some anomalous way the property of the town council, to be quarrelled for hereafter, and to give the council a right of interference.

Amendment proposed, in page 3, line 15, after the word "of," to insert the word "property."

MR. BLACK remarked that he should oppose the Amendment. The churches were all built by the inhabitants of Edinburgh, who had laid out immense sums upon them, and it was not because they gave up their administration that they should be divested of their rights of property.

SIR JAMES FERGUSSON remarked that the inhabitants would be represented in the Commission as well as in the Council.

THE LORD ADVOCATE said, he thought it advisable to allow the property of the churches to remain vested in the Corporation.

MR. MURE admitted that the churches had been built by the inhabitants, but thought it was absurd to suppose that the Commissioners would do more to deteriorate their value than the Town Council, in whom they were at present vested.

Question put, "That the word 'property' be there inserted."

The Committee *divided:*—Ayes 40; Noes 78: Majority 38.

Clause *agreed to.*

Clause 6 (Property of the City Churches transferred from the Magistrates and Council to the Commissioners).

MR. LOCKHART said, he proposed in line 34, after "respectively," to insert "with the exception of not less than one-tenth of the number which shall be reserved as free sittings for the use of the poor." His object was to secure a certain amount of accommodation for the poor.

MR. BLACK said, he opposed the Amendment. He thought if such a proposition were assented to the Commissioners might be prevented from raising the funds necessary under the Bill.

MR. BLACKBURN observed that at present the seats were let by the magistrates, but their authority was much disputed. The Bill gave to the Commissioners the right of letting the seats, and it certainly ought to provide that a certain proportion should be reserved for the poor, who were unable to pay for accommodation.

THE LORD ADVOCATE said, that while thoroughly sympathising in the object which the hon. Member had in view, he believed it would be better attained by leaving the matter to the discretion of the Commissioners than by allotting a limited number of free seats to the poor. He might add that he was not aware that in any of the churches in Scotland there was a want of seats set apart for the poor. If, however, it were the general feeling that the Amendment was necessary he should not oppose it.

MR. LOCKHART said, that as he read the clause, the Commissioners had no alternative but to let the whole of the seats.

COLONEL SYKES said, he should at all times support any proposition for giving proper accommodation to the poor in churches.

SIR JAMES FERGUSSON remarked that they ought to establish in the Bill the principle that a certain portion of the seats in the various churches should be set apart for the use of the poor as free seats.

MR. CUMMING BRUCE supported the Amendment, in order to establish the principle that a certain portion of each church should be devoted to the use of the poor.

THE LORD ADVOCATE said, the principle which ought to be adopted was not the distinctive allocation of so many pauper seats, but the exemption of a certain class of persons from the payment of seat-rents. There was a strong feeling in Scotland against the poor being limited to a certain part of the church.

MR. BLACK submitted that in the churches of Edinburgh, at all events, there had never been any complaint of want of accommodation for the poor, although it was true in the church of St. Andrew there were no free sittings.

MR. CUMMING BRUCE said, it appeared to him that the example quoted by the hon. Member for Edinburgh was a sound reason for the adoption of the Amendment. He was desirous of extending the operation of the clause to the church of St. Andrew.

SIR JOHN TRELAWNY said, he would vindicate the rights of the poor to free sittings in the churches of Scotland as well as in those of this country.

MR. HOPE remarked, that the system of free seats worked very well in England, and also in the country districts of Scotland. There was no reason why, if it were tried, it would not also operate beneficially in the towns of Scotland.

THE LORD ADVOCATE said, he would suggest the omission of the words "for the use of the poor."

Amendment, with this alteration, *agreed to;* Clause *agreed to;* as was also Clause 7.

Clause 8 (Commissioners to provide for the Repair of the Churches and other Expenses out of the Surplus of the Seat Rents, and to invest the Balance remaining).

MR. BLACKBURN said, he could assert that after paying £600 a year to thirteen ministers of Edinburgh, the funds provided by the Bill would leave no margin whatever for the expenses of the Commission, and the possible, indeed during the next year or two, almost inevitable diminution in the amount of the seat-rents. There ought also to be some provision for the two suspended parishes. He would therefore move an Amendment to the effect that the amount of annuity tax to be raised should be £5,000, instead of £4,200.

Amendment proposed, in page 4, line 37, to leave out the words "four thousand two hundred," and insert the words "five thousand,"—instead thereof.

Question proposed, "That the words 'four thousand two hundred' stand part of the Clause."

THE LORD ADVOCATE said, he should oppose the Amendment, as contrary to the whole spirit of the Bill. The principle of the Bill was that it was a fair

settlement of the question to make provision for thirteen ministers; but if the Amendment were adopted, it would entirely set aside that arrangement.

MR. MACKIE suggested as a compromise that the sum to be raised should be £4,500.

MR. BLACK said, the Town Council of Edinburgh complained that £4,200 was too much, and thought £4,000 would be quite sufficient.

MR. MURE said, that the provision made by the Bill was wholly inadequate to secure a salary of £600 a year for each of the thirteen clergymen whose interests were affected, and at the same time to defray the expenses of the Commission. The people of Edinburgh ought not to object to raise £5,000 a year when the object for which it was raised would relieve them of a tax which at present amounted to £15,000 a year.

MR. BLACK said, the people of Edinburgh believed that the amount to be derived from seat-rents was considerably underrated, and that more than ample provision was made both for the clergy and for the expense of the Commission.

MR. MURE said, he was confident that under the present arrangement there would not be enough money to pay the salaries of the ministers for the first few years of the new system. The proposed addition to the tax was so very trifling, not a farthing in the pound, that he hoped it would be conceded.

MR. BLACK called in question the *data* upon which the hon. Member (Mr. Mure) based his calculations. He thought that any attempt to increase the amount proposed would have the effect of occasioning irritation among the people of Edinburgh.

THE LORD ADVOCATE said, he had no doubt that, even if there were any deficiency at the first, the Established Church would find no difficulty in raising the £300 or £400, which might be required. The seat-rents might be increased, and the expenses of collection might be reduced, and the congregation might come forward to take upon themselves the expense of repairing the churches. On the other hand, the Amendment, if insisted on, would have the effect of defeating the settlement which they were on the eve of accomplishing, and which, he was sure, all parties must desire.

MR. DUNLOP said, he thought that the Church had no right to complain of the proposed arrangement. The sum provided was already too large. Nor was there any risk of the clergymen being deprived of the salaries proposed. On the contrary, he was of opinion there would be a considerable augmentation of the funds from the seat-rents.

MR. BUCHANAN said, he was in favour of the suggestion which had been made by the hon. Member for Kirkcudbright (Mr. Mackie) — namely, that the sum should be increased from £4,200 to £4,500.

SIR JAMES FERGUSSON said, the Church of Scotland had already made a great concession in consenting to the reduction of the number of the City clergy; but there was a point beyond which they ought not to go, and that was the point of ensuring the thirteen ministers who were retained a salary of £600 a year. He was of opinion that it was impossible, with a due regard to principle and propriety, to fix less than £4,500 as the settlement.

MR. BLACKBURN said, he would withdraw his proposition in favour of the suggestion of the hon. Member for Kirkcudbright (Mr. Mackie), so that the sum should be fixed at £4,500.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, to leave out the word "two," and insert the word "five," instead thereof.

MR. HADFIELD deprecated the principle of paying the clergymen £600 a year, besides providing means for the collection of the funds.

Question put, "That the word 'two' stand part of the Clause."

The Committee *divided:*—Ayes 89; Noes 58: Majority 31.

Clauses 8 and 9 were then *agreed to.*

Clause 10 (Assessment to be collected along with the Police Assessment).

MR. MURE moved, that the following Amendment be added to the Clause:—

"That the tenants or occupiers of any property liable in payment of the said increased police assessment, shall be entitled, and they are hereby authorized, in making payment of the rent of the said property, to retain from such rent the amount of such increased assessment, except in the case where the said property shall, prior to the passing of this Act, have been let for a term of years, in which case the said increased assessment shall be borne by the occupier till the expiry of the period for which the said property was let."

MR. BLACK stated, that every Act relating to this tax that had been passed distinctly provided that it should be levied on occupiers. It would be unjust to the proprietors of Edinburgh to transfer the incidence of the tax to their shoulders. He was, therefore, opposed to the proviso.

MR. BLACKBURN said, he believed that the proposed Amendment would tend to promote peace in the collection of the tax.

SIR WILLIAM DUNBAR observed, that he was of opinion that the Amendment would be an entire departure from the compromise that had been agreed to.

Question put, "That those words be there added."

The Committee *divided*—Ayes 53; Noes 85: Majority 32.

Clause *agreed to;* as were also Clauses 10 to 13 inclusive; House resumed; Committee report progress; to sit again on *Friday*, at Twelve of the clock.

ITALY.—THE SICILIAN INSURRECTION.

QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to increase our Naval Forces in the Sicilian waters, in order the better to afford aid and shelter to such persons as may claim protection from the English Flag; whether it is intended to communicate to the Court of Naples the abhorrence of Her Majesty's Government of such acts as the recent bombardment of Palermo; whether it is intended to accompany such communication with a recommendation to conduct the War in future upon the rules recognized in civilized warfare; and whether it is the intention of Her Majesty's Government to protest against, and, if necessary, vigorously to endeavour to avert, the interference of any non-Italian Power in the struggle now pending between the King of Naples and his subjects?

VISCOUNT PALMERSTON: Sir, in answer to the first question of my hon. Friend, I have to state that my noble Friend at the head of the Foreign Department has requested the Admiralty to station one ship of war at Marsala, one at Messina, and one at Palermo, and four ships are to be stationed in the Bay of Naples, all for the purpose of affording shelter to the British subjects who may require it. I hope that distribution will be sufficient and satisfactory. With regard to the second question, we understand that the Government of Naples has sent a diplomatic agent to Paris and London, who may very shortly—within two days—be expected to arrive here, for the purpose of making certain communications to the two Governments of France and England. I trust the House will not for a moment doubt that in our communications to that envoy we shall express to him those feelings which Her Majesty's Government, in common with everybody in this country, entertain with regard to the barbarities which have been perpetrated at Palermo—barbarities which are really disgraceful to the present age and civilization. With regard to any expectations that such a representation may have any beneficial effect on the future conduct of the Government of Naples, I cannot venture to lead the House to entertain any very sanguine hope. That Government is far more likely to do that which happened at the sack and massacre of Perugia, where the officer who committed those atrocities received promotion at the hands of the Papal Government. It is more likely, I apprehend, that the naval and military officers who conducted the operations at Palermo, instead of reprimand and punishment, will receive tokens of reward from the Royal Government of Naples. With regard to the last question we know that the Government of Naples has applied for assistance to its foreign allies—assistance in the shape of a guarantee to the King of Naples of the possession of the Two Sicilies. Austria has peremptorily and positively refused to interfere in the affairs of Naples. We have every reason to believe that the determination of the Government of France is similar to that of Austria, and I need not say what is the feeling of the British Government upon a matter of that kind. It is the fault and fortune of Governments like those of Rome and Naples, when, by the cruelties and atrocities committed under their authority, their subjects have been driven to desperation and have revolted, that they appeal to all friendly Powers for assistance to remove the men who are the authors and instigators of the revolution. Those Governments forget that they themselves are the real and original authors and instigators of those revolutionary movements, and if their prayer were granted, and steps taken to accomplish the object they desired, unless, which is very unlikely, they were prepared to alter their own courses, the first, most effectual, and only necessary step would be their own removal.

MILITIA DESERTIONS.

QUESTION.

LORD BURGHLEY said, he rose to ask the Secretary of State for War, Whether

a Militiaman absenting himself without leave does, in addition to the loss of his day's pay, necessarily forfeit a portion of his bounty; and, if such is the case, whether it may not be advisable to modify this portion of the Militia Act, so that the interference with the bounty should be left to the discretion of the Commanding Officers of the several Regiments?

MR. SIDNEY HERBERT said, the rule now was that if a militiaman absented himself during the whole time of training he forfeited his whole pay; if he were only absent for a portion, it was left to the discretion of a Board of Officers, under the sanction of the Commanding Officer, to decide whether he should forfeit the whole or a portion only. He did not think it necessary, therefore, to make the alteration of the law suggested by the noble Lord.

ELECTION COMMITTEES.

QUESTION.

MR. WARNER said, he would beg to ask the First Lord of the Treasury, Whether it is intended to introduce any measure for amending the constitution or procedure of Election Committees?

SIR GEORGE LEWIS said, that the whole subject of the hon. Gentleman's question had been considered at some length by the Committee appointed to inquire into the Corrupt Practices Act. A good deal of evidence—of very valuable evidence—was taken by them on the matter, which evidence was now on the Table of the House. The result of the deliberations of the Committee had been not to recommend any alteration in the constitution of Election Committees. Therefore he was not prepared to state on behalf of the Government that they had any intention of proposing a Bill to that effect; but it would be necessary before the end of the Session to deal with the question of renewing the Corrupt Practices Act.

COLONIAL MILITARY EXPENDITURE.

QUESTION.

MR. CHILDERS said, he wished to ask the Secretary of State for War, Whether Government will propose to refer to a Select Committee the subject of Colonial Military Expenditure?

MR. SIDNEY HERBERT said, that the subject had already occupied the attention of a Committee of the department, which had not been unanimous, but had sent in two Reports, embracing both sides of the question; the Government would deal with the subject without referring it to a Select Committee.

HIGHLEIGH PREBENDAL GRAMMAR SCHOOL.—QUESTION.

MR. FREELAND asked the Secretary of State for the Home Department, When the Return from the Rev. Thomas Brown, with reference to the Highleigh Prebendal School, for which an Address was ordered on the 9th day of February last, would be presented?

SIR GEORGE LEWIS said, in consequence of the Address to Her Majesty for a Return, a communication was addressed to Mr. Brown soon after the Address was presented, but no notice had been taken by Mr. Brown of the letter of the Secretary of State. No doubt there was an intentional omission to notice the letter, and therefore no further application had been made to the rev. Gentleman.

MILITARY ATTACHES TO FOREIGN COURTS.—QUESTION.

MR. O. STANLEY said he rose to ask, Whether it is true that Colonel Hamilton has been appointed Military Attaché to the Court of Prussia, and whether it is the intention of the Government to appoint Military Attachés to the other Courts of Europe?

VISCOUNT PALMERSTON: The Government of France have appointed Military Attachés to the missions at almost all their Embassies at the principal Courts. The British Government have long had a Military Attaché to the Embassy at Paris, and it has also been thought expedient to appoint one at Berlin. I am not prepared to state the extent to which my noble Friend the Secretary for Foreign Affairs intends to carry the system.

SIR JOHN PAKINGTON: I should be glad to know whether the Government of France have lately appointed a Naval Attaché to their Embassy here, and whether Her Majesty's Government intend to appoint a Naval Attaché to the Embassy at Paris.

VISCOUNT PALMERSTON said, the French Government have attached a Naval Officer to the Embassy here. I do not know whether my noble Friend has decided on taking a similar step in respect to our Embassy at Paris.

THE ORGANIZATION OF THE INDIAN ARMY.—QUESTION.

SIR HENRY WILLOUGHBY said, that in adverting to an answer given by the Secretary of State for India on the subject of the Indian Army on Friday evening, he would beg to ask, Whether the deliberations which the right hon. Baronet then spoke of were those of the old Council of India in England; and if so, whether they expressed any opinion contrary to the opinion of the Council in India as to the organization of the Local Army?

SIR CHARLES WOOD said, he was glad that the question of the hon. Baronet had given him an opportunity of re-stating, the answer he had given to a similar question a few nights ago. It was quite true that the Report of the Commissioners upon the organization of the Indian Army had been referred to the Military Committee of the Indian Council, and their Report was among the papers laid upon the Table of the House. He had not taken the opinion of the Council of India collectively upon that Report. As he stated the other night, he had been in constant communication during the whole of the autumn, with almost every Member of the Indian Council upon the subject of the amalgamation of the Indian forces with the army of the Line, and he was well acquainted with their views. Whilst the question was pending before the Cabinet he did not think it desirable to take the opinion of the Council collectively, or to bring the subject before it in a formal shape—for two reasons. In the first place, he undoubtedly thought that he ought to remain unfettered by any discussion of the Council, in which he could hardly avoid taking a part in his discretion as a member of the Cabinet Council of the Empire, by whom the question must ultimately be determined; and, in the next place, no discussion of the Council could lead to any result, because no action could be taken upon it. It seemed to him very undesirable to bring the question before a body by whom action could not be taken, while if the decision of Her Majesty's Government had been in the other sense, no action would have been necessary. The day after the decision had been come to by Her Majesty's Government he stated it to the India Council, and proposed to them to take a formal step, which would give any of them who chose the opportunity of recording their dissent from the decision of Her Majesty's Government. They thought at the time that it was too late for them to do so; and they declined to avail themselves of the opportunity. He was still of opinion that they might fairly and properly have done so, and he gave them the first proper opportunity in his power of dissenting from a decision of the Secretary of State in Council, to be taken by him consequent on the determination of the Government of the country. They said, at the same time, they wished it to be understood, as he knew before, that their opinions were adverse to the amalgamation. He had stated this to his colleagues in the Cabinet at the time, and he stated it to the House the other night; but in justice to the Indian Council he was glad to add that they expressed themselves perfectly ready to abide by the decision of Parliament and of Government, and that, however much they might be opposed to the measure, they would do their best to carry it out.

BOARD OF ADMIRALTY.

COMMITTEE MOVED FOR.

ADMIRAL DUNCOMBE said, he rose to move for a Select Committee to inquire into the Constitution of the Board of Admiralty, and the various duties devolving thereon. He was not insensible to the responsibility attaching to the course which he was about to take, or the differences of opinion existing as to the constitution and duties of the Board of Admiralty. It was not his intention to make any observations which could be supposed to imply a censure upon the mode in which either the present or the past Boards of Admiralty had discharged their functions. His endeavour would be merely to show that some alteration and modification might be made with a view of strengthening the naval administration of the country. He believed that the Gentlemen composing the various Boards of Admiralty had all endeavoured, as far as circumstances permitted, to do their duty. Their term of office was so short that, as "new brooms swept clean," they would naturally endeavour to discharge their duties faithfully. It was with the system, and not the individuals, that the faults lay to which he desired to call attention. The various articles which had appeared in the newspapers of every shade of politics, adverting to the shortcomings, the miscalculations, and the enormous outlay in the Admiralty department, could not fail to

have attracted attention. Formerly, and for the many years that he had the honour of a seat in that House, the Naval Estimates, with the exception of the statements made by the Government officials, and the remarks of those naval officers who might happen to be Members of Parliament, were allowed to pass without comment. But at present the interest taken in the subject was very great. His right hon. Friend the Member for Oxfordshire (Mr. Henley), the hon. Member for East Surrey (Mr. Briscoe), the hon. Member for Ripon (Mr. Warre), and other hon. Members, none of them connected with the navy, had manifested great interest in the Naval Administration of the country. In fact, there existed throughout the country a desire that our Naval Administration should be as perfect as it was possible for human wisdom to render it. Whatever might have been the causes of this increased interest in the subject, whether it had been created by the events of the Russian war, by the complaints made of the transport department, by the recent shipment of a force to China, by the large and inevitably expensive repairs of our steam fleet, or by the discovery of the defective state of the gunboats—certain it was that a great desire had been awakened for inquiry into our naval system, and to remodel it in accordance with the requirements of the present day. Committees having been granted in reference to the transport service, and the construction of the gunboats, it would be unpardonable in him to occupy the time of the House on those points; but he might express his surprise that more effective supervision had not been exercised, and that if the time of the dockyard officers had been too fully occupied, the services of officers who, from their experience afloat, were good judges of materials and workmanship, had not been rendered available for this purpose. When, some short time ago, an hon. Gentleman moved for leave to introduce a Bill relating to the construction of piers and harbours, the noble Lord the Secretary to the Admiralty opposed it, on the ground that the Board was already overworked. That, he thought, was not a valid reason for the opposition. The different departments, if properly organized, could never be overworked; for the strength would be increased or diminished, as circumstances required. If the Admiralty were, nautically speaking, "undermanned," it was necessary to adapt the institution to the requirements of the country. In 1832

Admiral Duncombe

the right hon. Gentleman, the Member for Carlisle (Sir James Graham) when First Lord of the Admiralty, abolished the Navy Board. Great evils had admittedly arisen from the conflict of authority, and he did not question either the policy or the ability of the right hon. Gentleman. Affairs had gone on smoothly for a number of years, as long as there was no pressure on the department; but during the last six or eight years, when the reconstruction of the navy, and the difficulty of manning the fleet, had forced themselves upon our attention; and when the novelties which modern science had introduced into every department, entailed the necessity of increased supervision and expense, it became evident that the machinery of the Board of Admiralty must undergo extension and adaptation to the altered circumstances. It was with the object of discovering what improvements or modifications were required, and with a view of accommodating the system to the sentiments of the nation in the present day, that he brought forward this Motion. The noble Lord might say he had no right to make objections, without being able to show that what he proposed would be an improvement. If his opinions had any weight in the Committee, he thought the suggestions he should be disposed to make would be improvements of the present system. He would recommend that the First Lord of the Admiralty should be a Minister of Marine, and be placed on the same footing as the Minister of War. Of course he would have a seat in the Cabinet, and would conduct the political and diplomatic part of the business connected with that office. The Board of Admiralty should be entirely a Naval Board; he said this without any disparagement of the present civilians on it; he knew from experience that many points came before them for decision, on which decision was very difficult, without some knowledge of naval matters. He would also make it a *sine qua non* that the Comptroller of the Navy should have a seat at the Board of Admiralty, and be the immediate means of communication between his own department and the Board. It should be borne in mind that the largest expenditure took place in the Comptroller's department. Ships were ordered to be built, and great outlay might be incurred without the Board, as a Board, knowing any thing about it; and he ventured to say that it frequently happened that the first knowledge which the Lords of the Admiralty obtained of a certain ship—the *Algiers*,

for instance, being launched, or the *Princess Royal* laid down on the same slips the next day—was from seeing the announcement in the newspapers a few days afterwards. That was not as it ought to be. It could not occur if the Comptroller had a seat in the Board, and laid the business of his department regularly before it. All matters relating to building ships, and their steam machinery, should be brought immediately under the notice of the Board, and all representations of the Comptroller could be directly considered by it. As the Comptroller was at present overworked, he should have under him a Board of Construction, composed of three individuals, thoroughly competent to superintend the building of ships, who might prevent an enormous expenditure on certain vessels, and their inefficiency after being lengthened and altered. As to the expenditure in that way, it would be curious to know what had been spent on the *Princess Royal*, which had been commanded by the noble Lord opposite, for repairs and alterations. He should like to know what had been the expenditure on that ship since the noble Lord had hauled down his pennant. The expenses of the screw fleet had been enormous, especially through straining at sea. His opinion was that although steam must of course be used when expedition was required, yet that in such cases as the voyage to Lisbon, which was, in familiar language, merely a man-of-war cruise, the ships might have gone under sail, and not have incurred the strain arising from the forcing such enormous masses through the water by means of the screw. Another cause of complaint, and which required investigation, was the building of the steam rams, which he believed would be of no more use than the old *Trusty*, which had just had a shot sent through her sides. He believed that the cost of these vessels, nearly £600,000, would be entirely thrown away. Having stated his views, he did not wish to trespass at any length on the time of the House; but he thought the present was a very favourable moment for considering a change of system. The noble Duke at the head of the Admiralty had had experience of the House of Commons, and his calm discrimination was such, he was sure he would consider fairly any suggestion on this subject. The First Naval Lord (Admiral Dundas) was unrivalled in the list of officers in which he stood. There was the noble Lord the Secretary of the Admiralty, who had with so much candour, good nature, and talent conducted its business this Session, and the noble Viscount, himself the head of the Administration, had at all times shown a deep interest in the naval affairs of the country. He proposed the Committee solely with the object of improving naval administration, and not in any way as a party question. If any crisis should unfortunately occur, England would expect much of its navy; he hoped it would find every man ready to do his duty; and that every man in office had already done his duty also. The hon. and gallant Member concluded by moving the appointment of a Select Committee to inquire into the constitution of the Board of Admiralty, and the duties devolving thereon.

Motion made and Question proposed,—"That a Select Committee be appointed to inquire into the constitution of the Board of Admiralty, and the various Duties devolving thereon."

LORD CLARENCE PAGET: Sir, I must give the hon. and gallant Member great credit for the tone of his observations; the spirit in which he had pointed out what he considered defects in the Administration of the Admiralty with a view to their removal was anything but unfriendly. I do not think it can be said of the present Board of Admiralty that it has been at all anxious to avoid inquiry into the various branches of the administration under their care, inasmuch as they have agreed to no less than four Committees and Commissions of Inquiry. I would remind the House that at this moment there is a Committee sitting on a very important branch of the Admiralty business—the Committee on the Piers and Harbours Bill. My hon. and gallant Friend is mistaken if he supposed that the Board is averse to that Bill. The Bill is for giving facilities for the erection of piers and harbours. It is one which has many things to recommend it, for there can be no doubt that if the vast expense of preliminary inquiries into such erections could be saved, a great service would be rendered to the public. I admit that I objected to the Bill; but the objection was not to its principles, but the details. A vast amount of work has already been thrown on the Board by the construction of piers and harbours, and it would add materially to that work, and be very unadvisable to impose upon it the responsibility which now devolves on Select Committees of this House as to the construction of all the har-

bours that may be required for the whole of the United Kingdom. I think the public would object to such powers being given to the Admiralty. That was my only objection to the Bill on Piers and Harbours. There is another Committee about to sit, also on an important branch of the Admiralty business—the transport of troops. The Committee was moved for by the hon. Member for Sunderland (Mr. Lindsay). From that inquiry I think much valuable information may result. There is another Committee carrying on an inquiry into the question of the gunboats. To the Motion for that Committee the Admiralty had no objections to offer, on the contrary, it thought the subject a very fair one for inquiry into by this House. All the difference of opinion between the Admiralty and the hon. Member for Sunderland was this—the Admiralty had, at the time the Motion was made, taken steps for commencing legal proceedings in reference to the gunboats, and thought till those proceedings were decided it would be unadvisable to prejudge the question by commencing an inquiry. I, for one, am glad that it has been appointed, for by its means all the parties concerned are likely to be dealt with in the best and fairest way. I have now pointed out three inquiries into business connected with the Admiralty, which are at present being prosecuted, and to the institution of no one of those inquiries has, I may add, the slightest opposition being offered by the Board. There has, moreover, been a Royal Commission appointed to investigate that vast department of the Admiralty relating to shipbuilding, to which my hon. and gallant Friend has alluded. That Commission will have a considerable amount of labour to go through in the discharge of its duties, and I need hardly say that it will receive from the Admiralty all the facilities which it is in its power to afford in their performance. I believe that great improvements may be effected as the result of the investigation, and I need scarcely assure the House that if I should be called upon to give evidence before it I shall do so with the utmost readiness and in the sincere hope that it may be productive of good. Here, then, as I have said, we have four important inquiries being prosecuted into the various branches of the Admiralty business, and that, too, with the full approbation of the Board; a fact which clearly proves that it does not shrink from the examination.

My hon. and gallant Friend, however, is not satisfied with what is taking place, but wishes that an inquiry into the constitution of the Admiralty itself should be instituted. Now, I would beg to remind him that an inquiry into the constitution of the War Office, and military departments is at present in progress, and that so far as I can learn from rumour there are many great authorities on the subject who would appear to be rather favourable to the assimilation of the constitution of the new office to a certain extent to that of the Admiralty. ["No, no!"] I speak merely from general rumour, but be that as it may, it is, I think, advisable to await the Report of this Committee, which has been charged with the duty of making inquiry into the management and control of the army, and from which, no doubt, many valuable hints as to both services may be gathered, before we take any step such as that which my hon. and gallant Friend seems to wish us to adopt. I may further observe that I did not gather from his remarks that he has any particular fault to find with the Admiralty beyond that which relates to the branches to which I have already alluded, so that all his subjects of complaint are already under inquiry. He would appear, indeed, to be of opinion that the navy should be governed exclusively by naval men.

ADMIRAL DUNCOMBE: I said I should like to see a Board composed of naval men and also a Board of Construction. I did not say that the First Lord should be a naval man.

LORD CLARENCE PAGET: — That sounds very well, and I am sure I need not say that I, as a naval man, have the highest respect for my brother officers, who, I think, would be found equal to the performance of their duties in any position in which they might be placed. I would, however, observe that the strictly naval duties of the Admiralty form but a small portion of the general business which it has to discharge. My hon. and gallant Friend seems to have overlooked the circumstance that it has a vast amount of business of a purely civil nature to perform; and, without troubling the House with any very great detail, I will endeavour to point out what are the civil duties which belong to the Admiralty, irrespective altogether of those purely naval duties, such, for instance, as the manning and disciplining the fleet. I would first mention its duties in connection with piers and harbours, and no one who has not been connected with

the Admiralty can imagine the vast amount of business arising from the necessity of dealing with all the tidal waters of the United Kingdom. Now, business of this nature nobody, I imagine, can seriously contend to be beyond the capabilities of a civilian to transact. I may add, that until lately the Admiralty had also the entire of the duties connected with packets to perform; duties from which it is now, however, very advantageously, as I think, relieved. I shall next proceed to advert to its civil duties in more immediate connection with the navy. First of all we are merchants. We purchase vast masses of raw material in the shape of timber, iron, copper, coals, and a variety of other articles. [An hon. MEMBER: But you do not sell.] Yes, we also sell sometimes, as in the case of old stores, for instance. We are in addition great manufacturers in almost every trade, from the construction of great anchors to the making of the minutest nail; some of the articles which we require being manufactured by contract, and many in our dockyards. We are shipbuilders on a very extensive scale in our dockyards, and we purchase vessels built by private contract, including engines, boilers, and "all the appurtenances thereunto belonging." These are matters, I may add, each of which is under the control of a particular Lord of the Admiralty; so that my hon. and gallant Friend is mistaken in supposing that the shipbuilding is not under special control. The fact is, that it is under the superintendence of the First Sea Lord, who is in daily communication with the Comptroller of the Navy, and is familiar with all those details to which the hon. and gallant Gentleman alluded. I must, however, admit that this suggestion of a Board of Construction has much in my mind to recommend it. Besides the civil functions of the Admiralty which I have enumerated, we are victuallers. We purchase an immense amount of provisions, not only for the navy but also for the army and other public departments. It is our duty to provide all the medical necessaries for the fleet as well as to supply them to all the distant stations. These are duties, as I think the House will admit, of a civil nature. In a scientific point of view we are astronomers, inasmuch as with us rests the preparation of all the scientific works for the guidance of mariners. We are hydrographers, inasmuch as we have to survey every sea all over the globe; and, finally, we are architects. It is our duty to construct vast docks, warehouses, barracks, hospitals — in short, buildings o every description. Now, these are functions of a civil character, and I cannot concur with my hon. and gallant Friend in the opinion that the existence of a Board composed of exclusively naval men is necessary for their efficient discharge; while from my brief experience at the Admiralty, the working of which I have watched narrowly, and which I have compared with the Ordnance Board, to which I have had the honour to belong, as well as with others, I am disposed to think, that although it is far from perfect it possesses many advantages when the system is properly worked, which they do not enjoy. There are many who, no doubt, will say they object to the system of governing the navy by a Board—to those Gentlemen I would answer that the whole of the duties, to which I have adverted, together with a vast mass of other business to which I have not referred—are so interwoven one with the other, that if the heads of the several departments did not meet daily and discuss the various measures proposed to be carried into effect, you would have one member prosecuting works of which his colleagues would have no knowledge, and thus great inconvenience might be caused.

The Board of Admiralty has two very important principles belonging to it—one is, that it has the power of acting with suddenness and secrecy in all matters where suddenness and secrecy are required; and in all matters where deliberation or ventilation is necessary, the Board of Admiralty has equally the power of deliberating carefully on all matters which appear to call for careful deliberation. Take the military duties of the Board—no doubt I shall hear that if it were necessary to-morrow in time of war or trouble to act with promptitude, we have not the means of insuring such action at the command of the Admiralty. It is perfectly within the constitution of the Admiralty that the First Lord should order the movements of the fleet—he can take any steps he thinks requisite for the movements of the fleet. He also has in his hands a very important privilege, and when my gallant Friend means to touch the constitution of the Admiralty, I would have him to bear in mind that in the navy, from the beginning to the end, from the top to the bottom, with the exception of flag officers, and certain Board promotions for distinguished service—all promotions and ap-

pointments to ships of every description are in the hands of the First Lord of the Admiralty. I would ask him would you place that extraordinary power in the hands of a naval man, or would promotions then fall into the hands of the Board? I am arguing in the dark. I do not know what my gallant Friend would wish. I only tell him what is the present constitution of the Board of Admiralty, and how difficult it will be to alter it. I wish him to bear this in mind that, whereas in the army promotion goes by purchase, and in certain branches of it by seniority, in the navy the whole of it is by choice. Now, I maintain that if you were to put that in the hands of a naval man, you would be running a very great risk. I am far from saying or supposing that there are not many naval officers who would conduct that patronage and the business connected with it with the strictest impartiality. But I do maintain that we naval officers who have spent our lives in the service must necessarily have a great number of personal friends and followers, and, if you had for the First Lord a naval man, he would be pressed by many considerations of that nature which he is entirely clear of now. I would add—but this is my private opinion, not as Secretary to the Admiralty—I think it is of very great importance that he should be a Peer, in order to be far away from any pressure as regards Parliamentary influence. I am stating frankly my opinion in regard to these matters. A very strong opinion has been given lately in favour of Board meetings of the officers of the dockyards, by the Committee on Dockyard Economy. It was found that there was not sufficient personal communication between the officers of the dockyards, and it was recommended that they should have morning meetings at the dockyards precisely similar to Board meetings, with the view of arrangements for carrying out in common the duties of the office. If such meetings are necessary in the yards they are equally so at the Admiralty. I have now touched as far as I could on the objections which have been and may be urged to the present constitution of the Board of Admiralty. I hope that my hon. and gallant Friend, having given his observations to the House, will not push this matter to a division. Taking all things into consideration, having several inquiries going on at this moment into various branches of the Admiralty, having got a very important inquiry going on as to the constitution and government of the army, the Report of which may be of use hereafter, especially considering the time of the year at which this Motion is brought on, I am afraid I must, on the part of the Government, oppose the Motion of my gallant Friend.

MR. BERNAL OSBORNE: I think my noble and gallant Friend, the Secretary to the Admiralty, has altogether misunderstood the speech and the purport of the Motion of the hon. and gallant Admiral on the other side. I must say, I never heard a more practical or more sensible statement made by any naval officer in this House than has been made by the hon. and gallant Admiral. The gallant Admiral never raised any question about altering the system of promotion by the Admiralty; he never made any suggestion that the First Lord of the Admiralty must necessarily be a naval man; he expressly, as I understood, guarded himself against any recommendation of that kind. His Motion is a very simple one; it is for a Select Committee to inquire into the constitution of the Board of Admiralty—as simple a Motion as could be brought forward by any man. And what is the answer of the noble Lord? He says that already, so much is the Board of Admiralty suspected by the House and the country that they have been obliged to agree to four Commissions or Committees of inquiry in regard to it. The gallant Admiral steps forward and says your constitution is not satisfactory, give us a Select Committee to inquire into the constitution of the Board, and the noble Secretary enumerates all the trades which the Board performs. That is just what the country says, the Board is "Jack of all trades and master of none." The noble Lord says, "Here are all these Commissions of Inquiry." Yes, you are not trusted; and if you are not trusted, let me ask who is to blame? The noble Lord himself has done more to discredit the Board of Admiralty in the House and the country than any other Member of the profession. Did I not hear the noble Lord in the last Parliament impeach the Admiralty for having wasted £11,000,000 in five years? and having made that statement, and having adhered to it, although he could not prove it, the noble Lord ought, of all people in the world, to have seconded the Motion of the gallant Admiral for a Committee of Inquiry. I shall support the Motion of the gallant Admiral. I think it will do a very great deal of good, and disabuse the public

mind of many accusations that have been made. Let us have the Comptroller of the Navy before that Committee; and that is the way to get at the truth of the charges. The charges made against that excellent and upright officer have never been retracted to this day. When the noble Secretary thus attempts to trail a red herring across the path of the gallant Admiral, and speaks of the Board being merchants, chemists, and sailmakers, I say that is no answer to the Motion at all; it is one of the very best reasons for the inquiry. He tells us we have got four Commissions; well, I say, go a step further; we want a fifth; give us an inquiry into the fountain head of all this mischief, the Board of Admiralty itself. With regard to the present constitution of the Admiralty the noble Lord is so anxious to remove the suspicions of an unjust tampering with promotion, that he wishes to remove the First Lord altogether from the public view —he wishes to make him a sort of Japanese First Lord—never to be seen. I do not agree with that view. But the gallant Admiral has made an excellent suggestion with regard to the Comptroller; he is in a most anomalous position. He is one of the most eminent officers in the whole service, and yet he has not a seat or a voice at the Board. Then, again, the noble Lord tells us that matters of shipbuilding are discussed at the Board. If that be the case, things are greatly altered since I was at the Admiralty. At that time nothing about shipbuilding ever came before the Board. The noble Lord said the First Lord was in daily communication with the Comptroller, but all the information he derived from him is strictly private and confidential. The whole business is done in the First Lord's room, and I defy the noble Lord to produce a single instance of a Board meeting at which anything was done relating to shipbuilding. The noble Lord asks what are you going to do? He says if you take one stone out of the edifice of the Board of Admiralty, the whole will fall to pieces. I say if it cannot bear examination it ought to fall to pieces. I am surprised the noble Lord should take this line, because, if I remember, on a former occasion he used very strong language as to the necessity of inquiring into the Board of Admiralty.

LORD CLARENCE PAGET: I beg the hon. Gentleman's pardon — I never said anything about that.

MR. BERNAL OSBORNE: Why, did the noble Lord not say that there had been eleven millions sterling wasted? Then he ought to support this Motion. I know there are people at the Admiralty who are very anxious for inquiry; and unless you do reconstitute that Board in a more satisfactory form you will be always liable to have these charges made, but not substantiated, for they never have been substantiated. I am sure that one of the recommendations of the gallant Admiral—namely, giving the Comptroller a seat at the Board, would introduce a most beneficial change. The business of that officer has attained such gigantic proportions that no single person, however able, can be equal to its discharge. It is not fair to Sir Baldwin Walker that he should hold so responsible a position without having a seat at the Board, and without having further assistance. The Navy Estimates are enormous, but the country will not grudge them if they are well administered. With a view to the better working of the system I have no hesitation in supporting this Motion.

COLONEL DICKSON said, the noble Lord had stated, as a reason for opposing the Motion, that there was a Commission already sitting in "another place," and that he had heard in the street there was some idea of that Commission issuing a Report in favour of assimilating the control over the army to the same kind of Board which now ruled over the navy. On such a decision he for one would look with the greatest dismay. He had seen with deep regret the changes that were attempted to be introduced into the administration of the army. All these so-called improvements went in the wrong direction, and he should be very sorry if the command of the army were entrusted to a body like the Board of Admiralty. He had spent much time on different naval stations, and mixed much with naval men, but he had never gathered from a single naval officer that he approved the system of management pursued under the Admiralty. The noble Lord had himself given a strong reason for granting that inquiry. The number of the duties imposed upon the Board of Admiralty far exceeded what any Board could possibly discharge. An inquiry was, therefore, needed to see whether many of those duties might not be committed to separate departments with advantage to the service and economy to the public. No man could manage the affairs of a department so well as those who were directly interested in them; and if a naval officer was at the head of the

Board he would fulfil its duties and distribute its appointments with as much justice and impartiality as any civilian, and even with less regard to family connection and more regard to professional qualifications than had been recently exhibited in some branches of the public service. He must, however, dissent from the statement that the noble Lord had at all contributed to bring discredit on the Admiralty. He should regret if the noble Lord allowed the sweets of office to seal those lips which had formerly uttered such vehement denunciations on the abuses existing in the navy; for he believed there was no man better fitted to confer honour and dignity on the gallant profession to which he belonged than was the noble Lord the Secretary to the Admiralty.

SIR JOHN PAKINGTON: The hon. Member for Liskeard (Mr. B. Osborne) has stated, I must say with a great deal of truth, that the disposition which has existed in this House of late to distrust the conduct of the Board of Admiralty may be attributed in no very inconsiderable measure to the language of my noble Friend opposite (Lord C. Paget) in the last Session of Parliament. Although the noble Lord's motives were very laudable, the part he took and the allegations and imputations he made did a great deal to excite doubts in this House with regard to the mode in which the business of the Admiralty was conducted. I have never hesitated to express my regret at the course which the noble Lord then pursued, and at the allegations which he then brought forward — allegations which he never has substantiated, and which I have always believed are incapable of being substantiated, in the shape, at all events, in which he couched them. At the same time, I think he will admit that I have never refused to do justice to the frank and agreeable tone in which he has always fulfilled his official duties in this House as Secretary to the Admiralty; and I believe he has never deserved more credit for that tone than he does to-night, when speaking under some degree of personal difficulty, from the fact that he is not only the Secretary to the Admiralty, but also a naval officer. He is entitled, therefore, to praise for the calm, urbane, and dispassionate manner in which he has met the present Motion. I refer with considerable diffidence to this subject, because my official experience as First Lord was limited to less than a year and a-half; but I must frankly confess that my noble Friend has gone rather further in his estimate of the efficiency of the Board of Admiralty as an administrative machine than I am disposed to do. My experience impressed on my mind the conviction that theoretically the constitution of that Board might be improved. I think the suggestion of the gallant Admiral that it would be well for the Comptroller of the Navy to have a seat at the Board is an excellent one, and I doubt if it would not further improve the constitution of the Board if the Accountant General was also a member of it. Although I do not think the machinery of that Board is perfect, yet, having regard to the enormous amount of multifarious and complicated business which it has to transact, and the extreme difficulty of deciding in what shape that body ought to be constituted, I should be sorry to see such a question handed over to a Select Committee of this House, the great majority of whose members would probably be wholly inexperienced in the details of this important Department. But after the opinions that have been frequently expressed both in the last and in the present Parliament as to the necessity of some inquiry into the constitution of the Board of Admiralty I venture to suggest to the Government whether it might not be well for them to take upon themselves the consideration of that question. I am inclined to think it could be much better dealt with by the Government than by a Select Committee. But if the investigations of the Government should lead them to think that the matter ought to be further examined into, with a view of making any material changes in so complicated and important a machine, I would again suggest to them that the same course should be adopted with regard to the navy as was adopted with regard to the army, and that the inquiry into the constitution of the Board of Admiralty should be referred to a well selected Commission. I therefore hope the gallant Admiral will not press his Motion, but if he does I shall not be able to vote with him.

Notwithstanding the experience of the gallant Admiral for a few months at the Board of Admiralty I am bound to say that he has fallen into some mistake in matters of fact. The first statement which struck me was, that the First Lord only heard of a launch from reading the newspaper. [Admiral DUNCOMBE: I said the Board, as a Board, had no previous in-

formation.] Well, if the gallant Admiral likes, that the Board only heard of the launch of a ship by reading in the newspapers of it having taken place some few days previously. With my experience, I can say that that is an entire error on the part of the gallant Admiral. While I was at the Admiralty no launch ever took place without due and ample notice being given in the most formal manner, sometimes to an extent which occurred to me was beyond the necessity of the case, and without the notice being read at the Board. But I only allude to this statement with regard to a ceremony comparatively unimportant for the purpose of noticing another statement upon a much more important subject. The gallant Admiral certainly implied, if he did not make the statement, and the statement was broadly and distinctly made by the hon. Member for Liskeard, that the question of shipbuilding is never discussed by the Board of Admiralty. [Mr. B. OSBORNE: Hear, hear!] I am sure the right hon. Baronet who was for some time First Lord of the Admiralty, and now holds the office of Secretary of State for India, will bear me out in saying that it is no more consistent with his experience than with mine. [Sir CHARLES WOOD: Hear, hear!] I do not know what rule prevailed when the hon. Member for Liskeard was at the Admiralty, or when the gallant Admiral was a member of the Board. But this I know, that while I had the honour of a seat at the Board, the Comptroller of the Navy—the Surveyor of the Navy, as he was then—attended regularly on one day in every week and went into every matter connected with shipbuilding which he was pleased to bring before us. He came as regularly as the heads of other departments, either at a Board at Somerset House or at the Admiralty, and he communicated upon all points connected with shipbuilding, the importance of which in the transactions of the Admiralty every one must admit. The hon. Gentleman said that the Board had no cognizance of the building of ships. [Mr. B. OSBORNE: Hear, hear!] I again say that no shipbuilding of importance, or of any extent, or of any class of vessels, was carried on without being discussed and decided upon by the Board while I had the honour of presiding over it. I state this in the most distinct manner. It appears to be a question of the difference of practice between one Board and another, rather than a question of the constitution of the Board, and of course I can only speak of the practice during the time I had the honour to hold office. The gallant Admiral fell into a considerable error with regard to the cost of the iron-plated ships. Perhaps the decision to build one of them was one of the most important decisions to which the late Board of Admiralty came, and I am glad to see that it has been followed up by the present Board. The gallant Admiral called them rams. They were never designed or intended as rams, but are, in fact, iron-cased ships, intended to resist shot, and, notwithstanding what he says of experiments made upon them, they must be far more capable of resisting shot than an ordinary wooden-sided ship. I trust and believe that they will be a valuable addition to the navy, but as to their costing £600,000 each, as the gallant Admiral has stated, I believe I am right in saying that that is much nearer the cost of the two, if it does not exceed it. I do not think the gallant Admiral distinctly stated it, but if he implied a doubt whether I had taken upon myself to give the important order for building the ship, or whether it was done by the Board, I can only say that one of the last things I should have thought of doing would have been to give an order of such magnitude and importance without the knowledge and sanction of the Board with whom I had the honour of acting. I do not think that I need detain the House any longer. I have explained some statements which might lead to a misapprehension. I have stated the views which I entertain on the general question, and under the circumstances I am not able to vote in favour of the Motion.

MR. LINDSAY said, though, when he entered the House that evening, he had not made up his mind what course to take, he thought, from the statements on both sides, that he could have no doubt about voting for inquiry. It was evident there was something wrong in the administration of the navy, otherwise why should the Admiralty resist inquiry? That inquiry was needed was further shown by the able speech of the noble Lord, by which it appeared that the variety of duties to be discharged by the Board was so great, that he could not conceive how any Board, constituted like the Admiralty, could conduct all those vast and various interests with advantage to the public. There was also another important point. They were expending something like £13,000,000 on the navy, and there was

a common impression on men's minds that, with different management, £10,000,000 might be made to go as far as the £13,000,000. He believed that the question of building large ships was never brought under the attention of the Board, but was left entirely to the Comptroller of the Navy, and it was in those things that the large expenditure was incurred. The Comptroller ought, he thought, to have a seat at the Board, and all these matters should be brought regularly under their notice. The right hon. Baronet (Sir John Pakington) had said he should not vote for the inquiry; but if the question before the House had been simply for inquiry, he would not have supported it; his difficulty was, whether the inquiry should be gone into by the Government or by a Commission. It came then to the question, should the inquiry be carried out by a Commission. To that he (Mr. Lindsay) said decidedly, no. The House and the House alone could furnish the proper tribunal to inquire into such a subject as the constitution of the Admiralty. Surely among the 654 Members of the House, there could be found fifteen Gentlemen quite as competent to inquire into that question as any outside it. With regard to the charges which had frequently been made in that House against the noble Lord (Lord C. Paget), he thought it right to say that he (Mr. Lindsay) had a certain share in the responsibility of the noble Lord's statement, for he seconded his Motion. He had a distinct recollection of what the noble Lord stated at the time. The noble Lord did not bring any charge against Sir Baldwin Walker, or indeed against any one connected with the Admiralty. He stated that on going over the expenditure for a certain number of years, he observed that there were about five millions of money the mode of expenditure of which he could not see from the accounts laid before the House. His charge really referred to the imperfect form of keeping the accounts. His allegation was that they were so kept that it was impossible to trace how that five millions of money in the course of some eleven years had been expended. He felt bound to say this much in justification of the noble Lord, who had, immediately that he came into office, taken in hand the improvement of the accounts; and he had laid upon the table of the House a Return with which the House had never been favoured before, and by which they would be able in future to trace in what manner the money had been expended. Upon the general question, he (Mr. Lindsay) had nothing more to add, except that he trusted the Admiralty would, upon consideration, not oppose the Motion, considering the temperate spirit in which it had been brought forward.

Mr. BENTINCK said, the question before the House was of vital importance, and ought to be settled at once. Therefore, he thought the House were much indebted to his hon. and gallant Friend for having brought it before them, although he did not agree with him in every detail. He concurred with his hon. and gallant Friend in thinking that there was no reason for attaching blame to any particular Board of Admiralty, or for the introduction of anything like party spirit in discussing a Motion of this kind—nay, further, he would admit that if they were to have a civilian at the head of the department, they could not have a better man than the Duke of Somerset; while as regarded his noble Friend opposite, he should think his retirement from the office he now held a national misfortune. His hon. and gallant Friend complained that the result of the present constitution of the Board was a wasteful expenditure of money. He (Mr. Bentinck) admitted that to a certain extent, but he felt that there was a much greater evil—a want of efficiency in the service; and he had always contended that so long as there were civilians at the head of the Board of Admiralty, the whole system must be imperfect, nor could they depend on that rapidity and certainty of action which was necessary to meet great and sudden emergencies. It was not to be expected that men who undertook a particular branch of business for the first time would understand it thoroughly; and there was this disadvantage attending the system, that the moment the person appointed became competent, he was, in all probability, by some freak of the House of Commons, turned out of office, and a fresh man, as ignorant as he was at first, brought in. Thus it was that one of our most important public departments was left to the management of men who were no doubt adepts in political warfare, but very tyros and schoolboys in the business of governing the navy. The gunboats had been alluded to, and he wished to ask the right hon. Gentleman the Secretary for India (Sir Charles Wood) whether the order for hauling them up at Haslar, and leaving them there for a long time dry and unexamined, had not emanated from him? He had heard the naval

men of the Board disclaim any responsibility as to that order, which had cost the country £70,000, and its only effect had been to increase the progress of the dry rot in the vessels, which had been germinated by the green state of the wood of which they were built. If it was true that the right hon. Baronet was the author of that absurd scheme, that was in itself a strong argument against having a civilian at the head of the Board. His noble and gallant Friend had said that the duties of the Admiralty were in many respects of a civil character, as merchants, shipbuilders, chemists, &c.; but he (Mr. Bentinck) did not see why naval men could not qualify themselves to deal with such matters as well as the civilians who were appointed under the present system, and who, as far as he had ever heard, were not selected because of their practical knowledge and experience in such pursuits, but from motives of a very different kind. The fact that there were four different Inquiries going on already was no answer to the present Motion. Those Commissions and Committees to which his noble and gallant Friend (Lord Clarence Paget) had called attention, did not go to the root of the evil, which was the constitution of the Board; and even if they did, the Board of Admiralty, after all, might not adopt the recommendation of the Commission. The only object in appointing a civilian to the Board of Admiralty was to give the Minister of the day the means of appointing an important Member of the House of Commons to a place. The noble Lord advocated the appointment of a civilian to the head of the Admiralty because he said a naval man would be prejudiced. Now, there were two grounds on which a naval man was better qualified than a civilian to select officers for promotion. In the first place, he would necessarily have better opportunities of being acquainted with the professional merits of those who sought promotion; and in the second, he would be less fettered by those political ties which attached to a civilian, who owed his appointment to distinguished ability in the party conflicts in that House. He quite agreed that if the First Lord was to continue to be a civilian he should be a peer, as that would to some extent get rid of the influence of the House of Commons in the direction of the patronage of the navy, which would always, while it prevailed, be applied more with regard to political than professional objects. He concurred in the praise which had been awarded to the present Secretary for the Admiralty, who, he fully admitted, had done his best since his accession to office to remedy the evils he found existing; and if he had been unable to remedy them effectually, that was only an additional proof that there was something wrong in the constitution of the Board. He considered the suggestion of the right hon. Baronet below him (Sir John Pakington)—that the Inquiry should be conducted by a Commission appointed by the Government instead of by an independent Committee—was much about the same as if the prisoners awaiting their trial at an assize were to propose that they should be tried by a Commission selected by their own body. Those who sat on the front benches on both sides looked upon the patronage of these public departments as the political prizes to which they in turn succeeded, and were not disposed willingly to give them up, and, therefore, this suggestion of the right hon. Baronet had been made; but until the House of Commons took up the matter with a strong hand and determined to act for itself, they could not hope for the application of any efficient remedy.

SIR CHARLES NAPIER said, he wished to congratulate the gallant Admiral on having brought forward this question, and to express a hope that his efforts would be attended with more success than those which he himself had made on the same subject. He would not follow the noble Lord the Secretary to the Admiralty through what he would call the rubbish which he had spoken about Lords of the Admiralty being architects, shipbuilders, masons, painters, and members of every other trade; but would confine himself to offering a word or two on the military duties of the First Lord. From the time that he entered the service a general complaint—whether right or wrong—had been always made against the Admiralty, and a general distrust of their administration was felt throughout the country. Since 1850 there had been been constant changes at the Board. The right hon. Member for Portsmouth (Sir Francis Baring) was followed by the Duke of Northumberland; the right hon. Baronet the Member for Carlisle (Sir James Graham) his successor, was replaced by the right hon. Baronet the Member for Halifax (Sir Charles Wood); then the right hon. Baronet the Member for Droitwich (Sir John Pakington) succeeded to office, and now they had the Duke of Somerset. How was it possible

to maintain the efficiency of a service on which the safety of the country depended, or to carry out any regular system where the First Lord was so often changed, and where the Board of Admiralty changed nearly as often as himself? Then, who were the Lords of the Admiralty chosen from? It was not necessary that they should be men of talent; it was only requisite that they should have a seat in the House, be well-connected, and friendly to the Minister of the day, and they were morally certain of enjoying a place at the Admiralty. A Board thus constituted, and with a civilian at its head, could know nothing either of the discipline of the navy or of the character of officers and seamen; how, then, could it give satisfaction to the country at large? Formerly all the patronage of the navy centred in the First Lord. In order to prevent this power from being abused, Parliament, having the good of the service at heart, limited the rule of promotion to one in three. But these were all grasped by the First Lord. All the appointments of the present Admiralty had been to officers who had held several and successive commands. One officer, to the perfect astonishment of the whole service, had been passed over by different Governments sixteen or seventeen times, ever since the period of the Burmese war, in which he performed his duty to the great satisfaction of the country and of the Board of Admiralty itself. He had just been passed over again for an officer who was his senior, but who had only recently struck his flag from a previous command. He was not the only one who had been passed over. There were a great many others who had not been employed. He did not find any fault with those who had been employed; they were all good officers, but how was it possible for the others, who never stood any chance of hoisting their flag in time of peace, to be efficient in case war were to break out. There was another thing he had to complain of, and that was the manner in which orders were given by the Admiralty, often contradicting each other. As an illustration of this, he might state that when in command of the Channel fleet he was ordered by the Admiralty to remove the guns from the upper deck of the *St. Vincent.* He did so, and immediately he received another order to put them back again. Again, when the *Albion* was under trial, he received an order to send her home without delay; it was done, and then came out a letter stating that their Lordships regretted that the *Albion* had not been thoroughly tried. Legally, all orders ought to be signed by two Lords, but the Secretary of the Admiralty had stated to-night what he never heard before,—that the First Lord himself could issue an order if signed by the Secretary. The six Lords worked in separate rooms, dividing the business of the different departments between them. They met in the board-room at twelve o'clock for general business. This sounded well enough in theory; but it was not good in practice. A Lord of the Admiralty, after doing his business at the Board, went down to Somerset House, where a whole heap of papers was placed before him. It was impossible for him to read them, and he signed them as fast as possible, so that in fact the actual duty was performed by the department. Officers in command were often in a difficulty, in consequence of having three masters. When he was in command of the Baltic fleet, he received orders from two Lords of the Admiralty, and from the Secretary of State for Foreign Affairs. When he sailed he had orders from the Admiralty to proceed to Wingoe Sound, and wait there for further instructions. When he arrived there he was informed the ice in the Baltic was breaking up; but he had orders not to enter the Baltic. The Earl of Clarendon, however, had had the same information, and sent him out a letter which showed his judgment. It was an order to proceed, as the ice was disappearing, to a position that would prevent the Russian fleet from entering the North Sea. The orders from the Admiralty and the Secretary of State were exactly opposed to each other; but he had no hesitation about them. The Earl of Clarendon's order quite agreed with his own information, and he immediately passed through the Belt and got up to Copenhagen. He believed he did quite right; and he thought the country owed a great deal to the Earl of Clarendon; had he (Sir Charles Napier) followed the orders of the Admiralty, a northern confederacy might have been established by Russia in the Baltic. But by the next packet came despatches from the Admiralty, stating that "My Lords" were astonished at what he had done, as he had acted without the concurrence of the Board. The next packet had brought him out a letter from the First Lord of the Admiralty, which, as it had reference to public affairs and contained no secret, he

Sir Charles Napier

supposed he might read to the House. However, on reflection, he thought it better not to read it; but it was quite clear that if the Russian fleet had got into the North Sea he could not plead the orders of the Admiralty as an excuse, for the Board would have immediately turned round on him and asked why he had not conformed to the instructions of the Secretary of State, which he had, as it happened, been wise enough to follow. The next complaint which he had to urge against the Admiralty, as at present constituted, was that it had never struck out any efficient plan for manning the navy, which it might have done if it had only set zealously about carrying into effect the recommendation of the Royal Commission, while those, he contended, who read the Report which had recently been published in reference to Greenwich Hospital, must be, as he himself was, perfectly astonished at the manner in which that establishment was managed, and at the want of attention in the case of the widows and orphans of the men by which the action of the Board had for a series of years been marked. Now, he had often heard it stated in that House by First Lords of the Admiralty that the Board as a body decided on all the matters of importance which came under the control of the department, but the fact nevertheless was, that when the First Lord did not want to take the opinion of the Board on any particular point, he retired with the Senior Naval Lord, or such other member of the Board as he pleased, into his room, and there came to the conclusion which he deemed to be most expedient. In corroboration of that view he might relate a story which was well known at the Admiralty, although it might not be in that House. It was said that when the Government of the day desired to supersede Lord Hood in his command, because he complained that the fleet was badly managed, Lord Spencer had gone down to the Admiralty and placed a minute on the table of the board-room directing that Lord Hood should be superseded. He then turned round to the senior Lord, and asked him to sign the order, but the request was declined. The second member of the Board who was asked also refused, and Lord Spencer thereupon threw the order down to the bottom of the table to the Civil Lord, observing, that if it were not signed at once the Admiralty would exist no longer. The result had been that Lord Hood, one of the best officers of which the country could boast, had been superseded in his command. Now if the Board of Admiralty was to be continued, it was, he contended, most desirable that the Comptroller of the Navy and the Acountant-General should be among its members. He might add that as matters were at present arranged, the mode of inspecting the fleet was extremely unsatisfactory. Two members of the Board might go down perhaps to Portsmouth or elsewhere for that purpose dressed in private clothes, but they carried no weight with them under those circumstances, and produced no impression on the men. Now, in the case of the army —which, if military gentlemen wished it to be placed under the same sort of superintendence as the navy, all he could say was, God forgive them—whenever there was a display of want of discipline, the Commander-in-Chief sent down the Adjutant-General to Plymouth or Aldershot, or any other place in which a mutiny might have occurred, and that officer made his inspection in uniform, turned out the regiment, and instituted the strictest investigation into the whole affair; while, if that were not sufficient, the Commander-in-Chief prosecuted the inquiry in person. Then there were in the army inspectors of infantry, who made frequent visits to the several stations, while there was no Adjutant-General or no inspector in connection with the Board of Admiralty to examine into the causes of a mutiny, if it arose on board a vessel or to ascertain the state of discipline of the men. There was a simple remedy. There were the sinecure offices of Vice-Admiral and Rear-Admiral in the gift of the Prime Minister. If, in future, the Prime Minister would constitute the First Naval Lord of the Admiralty Vice-Admiral of Great Britain, and the second Lord the Rear-Admiral of Great Britain, and attach the Comptroller of the Navy and the Accountant-General to the Board, a great improvement would be effected; but instead of the First Lord, he would have a Minister of Marine, and let each Lord of the Admiralty have his own distinct duties to perform, for which he should be held responsible. The Comptroller of the Navy had nothing to do with timber, and knew no more about the quantity in store than he himself did; nor had he any authority to send for the storekeeper to inquire about it. He believed there was not more than two years' stock of timber in the yards; and was that a state of things that ought to exist? The whole of the store

department should be under the control of this officer. He would say nothing of the statements made by the noble Lord the Secretary of the Admiralty. It was quite true that he did not accuse or complain of Admiral Sir Baldwin Walker, but it was said there was a loss of £5,000,000 in the course of eleven years—it had not been properly accounted for. Sir Baldwin Walker was called on to state whether this was true or false. He went into the whole concern. He answered every statement article by article, and proved that during those eleven years every accusation was inaccurate. Therewas only a sum of £4,000 or £5,000 expended for some other purpose than had been intended. Yet, notwithstanding all this, the stain remained on Sir Baldwin Walker and the Accountant-General, who were supposed to know about it. He thought that unjust, and had given the Secretary of the Admiralty the opportunity of stating in the House that, after examining the statement of Sir Baldwin Walker, the whole had been regularly accounted for ; but until the matter was investigated by the Commission sitting on the dockyards the stain would remain. With regard to the gunboats, they were a shame and a disgrace to this country. It had been said that the Board of Admiralty were perfectly aware when orders were given to build them that they were to be built of green timber, for no other was to be found in the yards, but the contract was that they should be built of sound timber. An investigation was now going on into the whole matter, and no doubt the truth would come out. Another fault had been committed by the Admiralty, and it was a grievous one. They had a fine fleet after the Russian war. A great part was paid off, but there remained seven, eight, or ten sail of the line, which, however, were paid off, and the men sent adrift. The consequence was they had never been able to recruit the navy since, or get a fresh supply of proper petty officers. There had been no economy whatever in that, for the saving of pay was more than counterbalanced by the expense of putting the ships again into commission. He implored the House to grant this Committee of Inquiry. If the Admiralty were well conducted, a Committee to examine all the departments would produce a most satisfactory result. If the Admiralty thought themselves guilty, of course they would not submit to inquiry. But he trusted the House would make a thorough and searching investigation.

Sir Charles Napier

Mr. WARRE said, he had come to the conclusion, not without the most anxious consideration, that it would not be advisable to press the Motion to a division. Enough, however, had been elicited to lead to this result, that out of the discussion must come—it might be a little sooner or it might be a little later—very valuable results to the public service. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had admitted that the Board might be improved in its construction ; and this admission would not be thrown away. The iron-plated vessels were, it was true, untried, and little could therefore be said in their defence. But if other powers were making vast and costly experiments, experiments only though they were, in the construction of vessels of a novel description, but which perhaps would prove to be exceedingly formidable in a state of warfare, was it not our duty to proceed *pari passu* with them in such experiments? Some small experiments had been made of a similar kind in the Russian war ; but the Russian artillery was not considered powerful enough to render the trials conclusive. Since that time artillery had been invented of extreme power, and the trial of their strength in warfare might not be a far distant event. We ought, then, to be prepared. He trusted, however, that the gallant officer would not press his Motion to a division.

Sir JAMES ELPHINSTONE said, he concurred in the hope that had been expressed by the hon. Gentleman who had just sat down. He thought that the discussion would exercise a very beneficial effect on the Admiralty, and as there were four Committees sitting already it would be practically impossible to go into a full investigation of the question this Session. If the gallant Admiral would content himself for the present with the discussion which had taken place, and re-introduce his Motion at the beginning of the next Session, he (Sir James Elphinstone) would be happy to assist him to the extent of his power in an endeavour to obtain an investigation into the abuses which he was afraid existed in the Board of Admiralty. What he principally objected to in the Admiralty was, its entirely political complexion. The discontent which this cause produced in the navy was deep and well founded. Favoured individuals rose from one rank to another, and were qualified by continual employment for flags, while officers of the highest professional attain-

ments remained in the lower grades of the service without any prospect of promotion. The system was quite different in the army, where if a man stuck to his profession, he eventually obtained promotion. The late Sir Henry Havelock was placed in almost a hopeless position in India. He had no means to purchase promotion; but he stuck to his duties, and advancement came at last. Nothing of the kind occurred in the navy. Again, it was a grave question whether the functions of the Admiralty ought not to be curtailed. The jurisdiction which it possessed over the tidal waters of the empire was not always exercised for the public good. The ships, too, which it constructed, were not built with a due regard to the stowage of dead weight; and their designs were not thrown open, as they ought to be, to the examination of those best qualified to judge of naval architecture. Almost the same remarks applied to their steam machinery. Steam machinery had risen to its present position in a few years; but it was introduced by officers not so well skilled in the science as they ought to have been. Then as to the wood department of the navy, he believed that we had only sufficient seasoned timber for two years' consumption; but the Admiralty seemed to look upon this state of things with a great degree of complacency. They had the teak forests of Burmah at their command, as well as a variety of other timber fitted for shipbuilding; but they took no steps to make these sources of supply available. The quantity of seasoned timber in the market at any one time was always very limited, and it was as difficult to procure more the moment they wanted it, unless they had laid in a large store beforehand, as it was to lay their hands upon 10,000 able seamen in any emergency. He thought they ought to have in store a supply which would be sufficient for at least ten years. What would be said of a gentleman who laid in only one year's store of claret in his cellars? The Comptroller of the Navy was the most important man in the Admiralty; and yet he had no seat at the Board, and it was said had no voice whatever in the construction of ships. So, the surveying department was not provided with proper vessels for the work to be done; and the management of the transport department ought to be taken away from the Admiralty. The House knew nothing more of the interior economy of the Admiralty than it did of the inside of the mosque at Mecca. There would be great difficulty in placing a naval man at the head of the Board as long as the political element remained attached to it. With four inquiries relative to the Admiralty, however, going on, he thought the most prudent course would be for his hon. Friend to withdraw his Motion, with the understanding that next Session an inquiry should take place.

SIR CHARLES WOOD said, it is perfectly true that there is nothing connected with the naval service which does not depend upon the constitution of the Admiralty. Yet I cannot see how a great portion of the observations which have been made to-night can very much tend to enlighten the House upon that subject, and I very much doubt whether a Committee of fifteen Members of the House would be likely to form a sound opinion as to how the Board ought to be constituted. I think that, if inquiry is necessary, a Commission is far better than Committee; but I believe that those who have successively occupied the post of First Lord must know better than any other persons what defects exist, and what measures will most conduce to the efficient working of the system. The hon. Gentleman the Member for Norfolk has repeated a statement which he has made on more than one occasion—that the naval Lords were not consulted by me about the gunboats and about hauling them up at Haslar. With regard to the gunboats themselves, I do not recollect any statement being made to us that the contractors were not in possession of seasoned timber. My noble Friend says that one small builder represented that he had not sufficient, but no general representation to the same effect was made by the large builders. Nevertheless, if that had been the case, I should still have ordered the gunboats to be built of the best timber which the country could afford. It was indispensably necessary that the gunboats should be built within a limited time. I should not have hesitated a moment to authorize their construction of the best timber which could be procured; but I do not believe that any general representation was made by the contractors, with the exception which my noble Friend has mentioned, that they could not furnish timber adequately seasoned. My noble Friend has said truly that what the Admiralty complained of more particularly was the defective bolts, which was clearly a fraud upon the Admiralty, and what is worse, a crime of the gravest character, as it might

have perilled the lives of the men who were placed in the gunboats. Let those who find so much fault with the building in the Government yards remember that these gunboats, turned out in such a state as they were, came from the private yards of the first shipbuilders in the kingdom. The hon. Member for Norfolk asked whether I consulted the naval Lords as to hauling up the boats at Haslar. I have stated before, not only that I did so, but that it was perfectly impossible orders could have been given for the purpose without consulting the Board. It involved expense, and it must therefore necessarily be done at a Board and by a Board order. I have not taken notice of assertions rashly made, without cognizance of the facts, but in this case not only I did not, but I could not give the order without the sanction of the Board. I did consult the Board, and they entirely concurred in the expediency of trying the experiment. Then we are told that hauling them up took away all chance of their lasting, and that if they had been left afloat there would have been no dry rot. But the first boats which showed symptoms of dry rot were two in the Mediterranean, which were never taken out of the water, and in which the dry rot appeared long before it appeared in those which were hauled up at Haslar. It is notorious that a vessel left on the stocks will last an indefinite time. There may be a difference if she has once been in the water, but as it was exceedingly desirable to clear Portsmouth Harbour, I was led, in concurrence with the Board, to try the experiment, and to direct sheds to be built, where a certain number of these gunboats might be drawn up. The experiment of hauling up had been tried, and succeeded with some yachts, which were habitually drawn up at Cowes, and there was no reason to anticipate any different result. It was also intended to take out some streaks of timber to let the air through, so that they might be the better preserved. The shipwright officer objected to take out the streaks of wood, and before any decision was arrived at, I was succeeded by the right hon. Baronet opposite. These are the reasons why that course was taken with the entire and full concurrence of the naval Lords of the Admiralty. The hon. Gentleman is mistaken in supposing that the First Lord takes the responsibility which is imputed to him without consultation with the members of the Board. The hon. Gentleman talks of promotions by the First Lord. No doubt, he is personally responsible, but I can say most solemnly, that I never made one promotion or appointment without consultation, and the complete concurrence of the Board. I had to administer the Admiralty in time of war, and it is no doubt a much easier task to make appointments in time of war than in time of peace. I do not, therefore, claim any credit for myself which I am not ready to give to others who have filled the same office ; but I declare on my honour as a gentleman that I never made a promotion or appointment in my life from any motive or belief other than that the recipient was as fit a man as could be found for the purpose, and I never made an appointment without the full concurrence of the Board. I say distinctly that there is an advantage, generally speaking, in having a civilian at the head of the Admiralty. I do not say that there are not many naval men perfectly fit and competent to take the post, but I entirely concur with my noble Friend, and I was glad to hear him say it, that naval men have necessarily friends or followers in the navy, and are apt to look with more favour on those whom they have seen and with whom they have served than upon others. It is quite natural and right that they should do so. The advantage of having a civilian at the head of the Admiralty is that he is able to hold the scales equally and upon the whole, as far as the navy at large is concerned, to make appointments more fairly than a naval man, who is liable to have his judgment warped by his feelings. A good deal has been said about matters not being brought before the Board. I am sorry to entirely differ from my hon. Friend who was Secretary to the Admiralty at the time I was First Lord. He may not have been present when questions of ship-building were discussed, and I quite agree that it is not a very convenient or easy mode of doing business to have very long discussions at the Board on matters of detail. The details were generally settled by the Surveyor of the Navy. The naval Lord who superintended that department was very frequently in communication with me, "in my room" if the hon. Member pleases, but no matter of importance could be settled without its being brought before the Board. The lines of every ship were not only brought before the Board but invariably approved and signed by two Lords and the Secretary. It was the same, the

right hon. Baronet says, in his time, and I suppose in every First Lord's time, because all orders must issue from the Board. I think a great deal of misapprehension exists as to what fell from my noble Friend as to the necessity of giving an entirely naval character to the Board. I think it is of great advantage that there should be many naval Lords at the Board. But my noble Friend stated truly that a large proportion of business required no naval knowledge at all. A man of business and sense is just as qualified to buy beef and butter and to judge of the quality of clothing as if he had been to sea, and I remember at one Board at which I presided I kept an account of the naval matters considered, the result of which was that I found that nineteen out of twenty cases might just as well be decided by a civilian. Of course, *cæteris paribus*, it is of advantage also to have naval knowledge. Of the five junior Lords four are naval Lords, and looking to the amount of civil business it does not seem desirable to insist that the whole character of the Board should be exclusively naval. I do not think a Committee of the House the most convenient mode of investigating the constitution of the Board of Admiralty, and allow me to add that the multiplication of those Committees and Commissions does very seriously interfere with the business of the department. If members of departments, their officers and clerks, already pass too much time in examinations before these four or five Committees or Commissions on naval subjects, it is, I think, a very good reason against appointing another Committee. The necessity of attending all these Committees is a serious interruption to public business. As to the Controller of the Navy and the Accountant General having seats at the Board, you may depend upon it if these officials had to attend daily at the Board for three or four hours a day, it would be perfectly impossible for them to discharge their special duties. Add another naval Lord or lay Lord to the Board to attend to such business, to the accounts and such things, if you like, though I do not think it is at all necessary; but if you turn your executive officers into deliberative officers you will seriously interfere with the discharge of their duties. The person who is responsible for the discharge of the duties of First Lord is more interested in having an efficient Board than any one else possibly can be, and, with all respect to this House, I do not think that fifteen gentlemen selected out of it, without experience, can be half so fit to conduct an inquiry into the best mode of forming the Board as those who have had long experience of its working. I was five years Secretary of the Admiralty, and three, First Lord—I have been at the Treasury, at the Board of Control, and am now at the India Office, and I can conscientiously say that the transaction of business at the Admiralty is more rapid and satisfactory than at any other Board of which I have had experience.

LORD LOVAINE said, he hoped the Motion would not be pressed to a division, but if it were he should be compelled to vote against it. If for no other reason he should be compelled to do so because he observed those who were most disposed to comment on the shortcomings of the Admiralty while out of office were often obliged to recant when they got into office. He entirely concurred with the right hon. Gentleman as to the manner in which the business of the Admiralty was conducted, and also as to the inexpediency of requiring the Comptroller General and the Accountant General to attend the sittings of the Board. It might often happen that they would have to decide on matters which were entirely foreign to their departments, and on which they were, perhaps, not so well fitted to judge as those who now disposed of them. No doubt it would be an advantage to the Board if some of its members enjoyed a longer tenure of office, for the continual changes of the naval officers who sat at the Board was a great evil. So far as his experience went, it was by no means the rule to select the junior members of the Board solely with a reference to their political opinions, with the exception, perhaps, of a certain number, whose presence in the House was desirable, and whose absence had occasionally been felt as a great disadvantage. The strongest reason for granting a Committee of this kind would be that it would dispel many misapprehensions which were afloat with regard to the Board, arising entirely from ignorance. He was astonished to hear hon. Gentlemen recommend that the patronage of the Admiralty should be assimilated to that of the Horse Guards. Why, the cry in the House a little while ago was that the patronage of the Horse Guards should be assimilated to that of the Admiralty and exercised on the principle of selection. He trusted that the gallant Admiral would rest satisfied with the expression of opinion he had elicited from the House and withdraw his Motion.

SIR MICHAEL SEYMOUR said, there was a strong impression in the navy that a political bias had long existed at the Admiralty which was adverse to the efficient administration of the service, and the interests of the most deserving officers. The Admiralty was a ministry of five or six members, without individual responsibility, and liable to continual changes. In France the various Admiralty departments constituted a collective body, responsible to the Minister of Marine, who himself was solely responsible to the State for all acts done. Such matters as the organization of the fleet, the Works Department, provisioning of the fleet, and the selection of officers for promotion or employment were all considered by a Committee, on whose Report the Minister as a rule acted, though of course he had the right of overruling it if he thought fit; and the result of this system of administration was very satisfactory to the officers. He was bound to say in candour that he agreed with those who argued that it was preferable to have a distinguished civilian at the head of the Admiralty, but still it was most important that under him a naval opinion should have greater weight and be brought more to bear on matters connected with the navy than was now supposed to be the case. In this direction some inquiry might be very advantageous. He was not altogether disposed to admit that it was necessary that the Naval Lords should be in Parliament, and he could easily conceive that many officers, whose knowledge and experience would be most useful at the Board, would object to going there under the condition of being turned at the same time into political characters. He had great pleasure in bearing testimony, from his own experience, to the able and honest manner in which successive Boards of Admiralty had discharged their important and difficult duties. Where the state of business rendered it advisable, it might be well that the Comptroller of the Navy should attend the meetings of the Board; but otherwise he would be satisfied with its present constitution. He trusted that the discussion which had taken place might have the effect of enlightening the public mind with regard to naval affairs, and perhaps it might ultimately lead to the appointment of some such Committee as was desired. If the unfavourable impression of Admiralty political influence which prevailed in the service could be removed, a great object would have been achieved, and the effect would be to add to the zeal and gallantry of the members of the profession.

ADMIRAL DUNCOMBE, in reply, said he could truthfully assert that nobody could have been more desirous than the right hon. Gentleman the Secretary of State for India, when holding the post of First Lord of the Admiralty, to consult the interests of the service or to promote deserving officers. As a proof that he was not actuated in his selections by any political bias, he might state that on one occasion he had asked him to recommend a flag officer for a command. The noble Lord the Secretary to the Admiralty admitted that he spoke very much in the dark, and the forms of the House had not permitted him to show him the way to the light; but in introducing this Motion he had never suggested either that the First Lord should not be a civilian, or that promotions should be taken out of his hands and placed in those of the Board; for he knew that on most, if not on all occasions, the Board was consulted. It was merely on the supposition that the number of Lords of the Admiralty would not be increased that he had advocated the addition of the Comptroller of the Navy to the Board. He did not deny that points of detail, such as the noble Lord had referred to, might very well be managed by civilians; but it was a singular thing that for thirteen or fourteen years Sir Alexander Milne, now the commander on the West India station, was continued in office under different Administrations from the success with which he had conducted that department. It would ill become him to detain the House by insisting on a division, and as it was impossible that any practical result could follow in the present state of public business from the appointment of a Committee, he should withdraw his Motion, on the distinct understanding that he was to be allowed to renew it at an early period next Session. It only remained for him to disclaim all intention of injuring in any way the naval administration of this country.

Motion by leave *withdrawn.*

EUROPEAN FORCES—INDIA—LEAVE.

SIR CHARLES WOOD: I rise, pursuant to the notice I have given, to move for leave to introduce a Bill repealing the powers possessed by the Secretary of State for India to raise men in this country for the local service of Her Majesty in India.

The Bill I propose to introduce contains only one simple clause for this purpose; and I have adopted this mode of bringing the question before the House, in order to test its opinion on the principle of the measure, without encumbering it with any details that might distract attention from the main question. In the execution of the measure a great number of details will have to be carefully considered. Indeed, if the House refers to papers now on the table, it will find among them a letter addressed to me from one of the ablest officers now serving in the Indian army, suggesting the necessity of appointing a Commission or Committee of experienced officers, to go into the numerous and minute details that will arise when the measure is brought into practical operation. I will therefore state generally the principle of the plan that I think must be adopted, and avoid entering into a statement of the details. I adopt this course also for another reason:—I stated earlier in the evening that the Council of India did not concur with the plan. But they have stated fairly and frankly, that if the decision of the House confirmed that of Her Majesty's Government, they would faithfully endeavour to carry that determination into effect. I did not think it fair to ask the Council of India to prepare any plan, or consider any plan, till that decision had been come to; but I shall be most anxious to have the benefit of their advice on the details of any plan for carrying out the determination of Government and of Parliament. I think there can be no great difficulty in carrying a plan with this object into execution. Even among the papers on the table of the House there are no less than three detailed plans of the kind. Two of them are drawn up by officers of the Indian army, and one by an officer of the Queen's forces, now serving in India, Sir William Mansfield. I have received a fourth detailed plan, also drawn up by an officer of the Indian army; and in principle all these four plans are much the same; if they differ it is on points of detail. They, therefore, show a general concurrence of independent authorities, all intimately acquainted with the subject with which they deal.

Before going farther, I will state what the military forces in India have hitherto been. It is generally known that the India Company had in India three large armies—those of the three Presidencies, Bengal, Madras, and Bombay. Each of these consisted of Native regiments, comprising artillery, infantry, and cavalry. The Company have had besides these, from the earliest times, a number of European troops—the Company's troops, they were called—raised in Europe. They consisted of artillery and infantry. There have been also in India, for many years back, a considerable number of Queen's troops, which comprised only infantry and cavalry. The European infantry was therefore common to the Line and the local forces; the European cavalry was exclusively that of the Queen's army; the artillery was exclusively the Company's. Before the breaking out of the mutiny the Native armies amounted to near 250,000; but I need not refer further to them, I will confine myself to the Europeans. Without going very far back, I may state that in 1830, the Company's European forces consisted of artillery, and one regiment of infantry, in each Presidency. About 1840 a second, and in 1854 a third, European regiment was added in each Presidency. During the mutiny three regiments of infantry and five of cavalry were added in Bengal, but the infantry was not trained, and the cavalry regiments hardly formed. After the Sepoy mutiny, discontent arose in the local army, and a large proportion of it obtained their discharge. The Queen's troops in India have for many years been in the proportion of about two to one of the Company's European troops. In 1820 the Queen's troops were 20,000, those of the Company 10,000; in 1839 Queen's 17,000, Company's 8,500; and in 1852 the Queen's troops were 28,000 to 14,000 of the Company; but during the mutiny the number of the Queen's troops was about 90,000, to 24,000 of the Company's European force. This number was the *maximum* which the Company's force ever reached; but they were not all fit for service. After the discontent manifested by the Company's local troops, about 11,000 of them took their discharge; and this force was reduced to about 12,000 men. Now, the only question on which I wish to take the opinion of the House is this,—whether we shall continue to maintain a separate European force for local service in India, or whether all the European troops in India shall form part of the Queen's general army. I must say that this question is one on which I long entertained the most serious doubts. I stated last Session that we were prepared to maintain to a certain extent a local army in India; and it is only in consequence of events that have taken place since, and

longer and more careful consideration, that my Colleagues and myself have arrived at the conclusion that it is not expedient to continue that separate local force. I wish to state, before I go further, what the chain of circumstances and arguments were by which we arrived at this conclusion,—not only to relieve ourselves from the appearance of inconsistency, but because the same arguments may weigh with others, and tend to induce the same conclusions.

When India was governed by the Company this question was not brought to my notice. The only military question connected with India which I had to decide was the addition of one regiment to the local force, which I assented to with the concurrence of Lord Hardinge; and the substitution of irregular for regular cavalry, which was under discussion with Lord Dalhousie, when I quitted the Board of Control. When my noble Friend (Lord Palmerston) introduced his Bill for transferring the government of India to the Crown, I was asked whether the disposal of the Indian army would not be an insuperable obstacle to the change. I answered him that, though it would be a difficulty, it formed no insuperable obstacle, as I thought the Native regiments might be officered by officers from the Queen's troops, placing them on an unattached list for Staff appointments. Before this question could be brought to a decision the matter was taken out of our hands by a change of Government. When in last June I was appointed to the office which I now have the honour to hold, I found that my noble Friend who preceded me had decided on maintaining a local army in India to the extent of two-fifths of the *minimum* European force in that country, and I am not ashamed to confess that I was extremely unwilling to disturb the decision in this respect at which my noble Friend had arrived. I well knew the single-mindedness with which he formed his conclusions on all subjects connected with India which came under his notice, and that he had carefully considered this particular question. I felt, therefore, the strongest anxiety to carry his views into effect. I may, however, remind the House that at that time the mutiny of the European troops in India had been only recently reported in this country, and that its more grave features had not been brought to our knowledge. It was under these circumstances that I made the announcement in August last to which I have referred, and I was not a little surprised to hear on that occasion the strong opinion expressed by the gallant Officer opposite (General Peel) against this course as I had understood that Lord Derby's Government had concurred in it. I then, as appears from the papers which have been laid before the House, submitted to a member of the Council of India, who came over to this country charged with the views of Lord Canning on the subject, and who certainly is one of the ablest advocates of the maintenance of a local army, the determination at which my noble friend who preceded me in office had arrived on the subject. I stated to Colonel Durand that that determination was to keep up the local army to the extent of two-fifths of the *minimum* European force in India. Now, it is desirable, as the House will not fail to perceive, that the amount of the local army should not be a varying, but a fixed amount, because any variation in the amount of force would be more easily made in the Queen's troops serving in India, who may be moved to any part of the world according as their services might be required. The force in India was then upwards of 90,000. I was, however, in hopes—though my hopes were not perhaps quite so sanguine on the point as those which others entertained—that the European force in India might be diminished to an extent which I do not at present deem expedient. I took the numbers which General Hancock in his Report suggested should be 60,000 men, and I asked Colonel Durand, assuming that to be the *minimum* number required for India, how he would dispose of 24,000, two-fifths of that number. As will be seen by his letter, which is amongst the papers on the table of the House, he said that it must be a mistake to take that number as two-fifths of all the force, and that any such arrangement should have excluded the artillery and engineers, and concluded by observing that there was no alternative between the adoption of Lord Canning's proposal, supported in the main by the Report of the Military Committee of the Indian Council, and a new Act, leaving it to the wisdom of Parliament, which would then assume the responsibility to devise whatever it might deem expedient. Now, Lord Canning's proposal was that there should be an army of 80,000 Europeans, two-thirds of which should be a local force. The Military Committee of the Council of India concurred substantially in that view, fixing the total at 78,000 instead of 80,000, so that I

looked upon Lord Canning's proposal as being supported by the Report of the Military Committee. The local force, therefore, in accordance with the opinions of its principal advocates, ought not to amount to less than two-thirds of whatever number of European troops we maintained in India, whether that number were 40,000, the two-thirds of 60,000, or 53,000 some odd hundreds, the two-thirds of 80,000. It was also contended that a small local force would not occupy that equality of position as compared with troops of the Line which everybody seemed to regard as indispensable. The amount of local force to be maintained on the determination of my noble predecessor satisfied nobody. These views, I confess, took me somewhat by surprise, and tended very much to shake my confidence in the propriety of the determination which I had announced to the House. While the question was pending a succession of letters, extracts from which are on the table of the House, arrived from India, pointing out how much more grave and serious the conduct of the European troops who had mutinied was than had been supposed in the first instance. The mutiny began to assume the appearance not of being the work of young men who had just gone out to India, but of an organized combination among their older comrades, and this new aspect of affairs as represented by Lord Clyde and Sir William Mansfield, furnished ground for serious consideration.

In dealing with this subject, moreover, the question of expense had always presented one of the greatest difficulties. I myself was under the impression that the additional expense of Queen's troops would be very much greater than that of a local force. This, however, was a point with respect to which it was not easy to procure any impartial opinion, those who took opposite sides with respect to it being disposed to regard their own facts and figures as the only accurate *data*. I referred to the Registrar General under these circumstances, and he suggested a civilian not likely to be biassed by military views in order fairly to investigate the question. The Report of this gentleman has been laid upon the table, and the result is that the additional expense of maintaining Queen's troops is found to be much less than the Indian authorities supposed. Later in the course of the autumn, we received accounts of the number of men who took their discharge from the Indian army, and that in consequence that army was reduced from upwards of 24,000 to 12,000. The question, therefore, which we then had to consider was not whether we should maintain the Indian army, such as it was, but whether we should raise a new army—not to the extent of 24,000 men, for that number would not be satisfactory to the advocates of a local army—but to the extent of at least 40,000. It seems to me that after what has been reiterated by the advocates for maintaining a local army, we may dismiss altogether from our notice the proposal for maintaining a small local army in India, which is a course which everybody who pays regard to the efficiency of such a force seems to condemn. That was the question which we had to consider last June or July, but such is not the case at the present moment. Circumstances have altered within the ten or eleven months, and we are not therefore open to the charge of inconsistency, if we have now apparently come to a different decision from that at which we some time ago arrived. A small local army would be inefficient, a large one seemed to us to be dangerous, and we therefore came to the only possible conclusion, that a local army ought not to be maintained.

I have made this brief statement in order that the House may see the reasons by which our policy has been guided, and I shall now proceed to state more fully the grounds on which our decision is based. In doing so I think I may avail myself at the outset of an admission which was made in the discussion on the Motion of my hon. and gallant Friend behind me to the effect that *à priori* the argument is now in favour of our having only one army in India. During the period of the existence of the Company's government, there were many reasons which might be advanced in support of the maintenance of a Company's army. It was many years ago contended that it was necessary the army should belong to the governing power of the country, although even then many high authorities differed on the subject. Since, however, the transfer of power from the Company to the Queen has taken place, I think the force of argument lies entirely the other way. I dismiss altogether, for the reasons I have stated, the idea of a small local force. No person of authority advocates that there should be only one army in India, and that a local army. The question is between a large local army

as well as troops of the Line, or only troops of the Line maintained in India. I would ask, in the first place, whether it is desirable to raise in the same country, and from the same class, two bodies of men for the same purpose, but ruled by different authorities and guided by different forms of military discipline. That is the first question which I call upon the advocates of the maintenance of a local army to answer in the affirmative, and if they cannot do so upon any reasonable grounds, then I contend the *à priori* argument is against the view which they take. If, then, they are not able to substantiate their view in this respect, they must either show that the local reasons are so strongly in favour of a double army as to overbalance the general disadvantages connected with such a system, or that it is impossible with justice to put an end to the existing army as it stands.

Now, I am prepared to admit that much ought to be conceded to the wishes of the Indian army, and that its interests ought to be carefully protected in dealing with this question. I should feel very differently if it were proposed simply to put an end to the Indian army; but the proposal is that they should be united to and form part of the Imperial army. I admit fully that nothing can be prouder than the recollections of the old Indian regiments of the three Presidencies; but we propose that they should form part of an army not less glorious than themselves, and on whose standards are emblazoned many of the battles from which they derive their own renown. Seringapatam and Delhi are not only on the standards of the Indian army, but on many of the standards of the English army. The victors of Arcot and Plassey would be associated with those of the Peninsula and Waterloo. What are the wishes and feelings of many of the Indian officers on this subject? I admit that the older officers are generally for the maintenance of the Indian army, but the greater part of the younger officers are in favour of amalgamation. Among the papers you will see statements to that effect. I would beg to call attention to the letters on the subject of Lord Elphinstone contained in these papers, because they contain the most reasonable and well-considered views on the whole question, without any prejudice of any kind. What does Lord Elphinstone say? I was constantly in communication with him on this subject, and in a letter to me Lord Elphinstone says:—

Sir Charles Wood

"With regard to the local army, I think that people in this country, with the exception of a few of the senior officers, are fast coming round to the view which I have always taken of the subject. If the local army has no exclusive privileges and advantages, it must of necessity sink into a secondary and inferior force. This conviction is now forcing itself upon the more intelligent of the local officers. They see that in amalgamation with the British army lies their only chance of continuing upon a footing of equality, or, perhaps, I should rather say, of maintaining the superior status which they have hitherto enjoyed."

The same observations are made by a very able and well-known Indian officer in this country. I asked him "What do the officers in the Indian army think of amalgamation?" He said, "Every officer above the rank of a major is for the continuance of the local army; of those under that rank nine-tenths are for amalgamation." It is not unnatural that the older officers should be attached to the proud recollections of the service with which they were connected; and, on the other hand, it is also natural that the younger and more active officers should be glad to have the chance of service in connection with their brothers in arms elsewhere than in India; and why should we damp that spirit from which the efficiency of our future army in India is to be derived?

I must now, Sir, perform what is certainly the most painful part of my duty to-night, which is to call the attention of the House to some of the extracts of the letters on the table, which I must say appear to me to furnish the strongest grounds for the course we are about to take. It would be exceedingly unbecoming in me, a civilian, to venture to give an opinion on the efficiency, or discipline, or conduct of a regiment or of an army; but those most competent to form such opinions have given them. Their opinions have influenced us, and I think they ought to influence this House. I shall give no opinion of my own; I shall simply read extracts from the letters which are before the House, containing the views of persons well acquainted with the circumstances, well acquainted with the facts, well able to form an opinion, and which will, I have no doubt, have great weight with this House. Of the gallantry, bravery, and endurance of the Indian army no one has ever expressed a doubt; but there does seem to be, I confess, a most unanimous concurrent testimony of all officers of the Queen's troops that the discipline of the Indian army is not what it ought to be. To a considerable extent this has been admitted by their own officers.

I do not mean by discipline being well set up, or smartness on parade; but I mean what has been so well expressed by Sir John Lawrence when he said:—

"While I admit that the tone and interior economy of a Royal regiment may on the average be somewhat superior to that of a local regiment, the difference is not so marked as may be supposed."

[*Opposition cries of* "Hear, hear!"] All I seek to establish by that extract is that the interior economy of a Royal regiment is superior to that of a local regiment. But I was anxious to quote the words which so well express what I mean by the short expression of discipline. It may be said that the Queen's officers are partial witnesses; but when I find them saying that the discipline of a Queen's regiment remaining long in India deteriorates to a considerable extent, they may be admitted to be just to both services. What does that prove? It proves that there is some cause acting upon both local and English regiments to deteriorate the discipline of troops remaining long in in India, and it is not difficult to assign a reason. I use the word discipline as the shortest. I mean by it the interior economy of a regiment and the relation subsisting between its officers and men. I believe it has been generally observed that a local colonial corps which cannot come under the general supervision of the higher military authorities is apt to degenerate, more especially if they serve in a climate where exertion and energy are not likely to carry them on for a very long time, unless under the stimulus of war. Officers, after ten or fifteen years in India, are not so active and energetic as they might have been in a cool climate, or had they been in India for a shorter period. Sir James Outram, an experienced Indian officer, speaks of a Queen's regiment, after ten or fifteen years in India, being in the same state as a Company's regiment; and he speaks of the system of the Indian army being such that it is a wonder there is any discipline at all. That discipline in that army is sadly deficient, we have the direct testimony of Lord Elphinstone again. He speaks both of the system of Native and European forces. He says:—

"The same system, resulting in the total want of all influence over their men in the regimental officers, has led to both. The organization of the late Bengal army was as faulty as its discipline was lax."

There can not be a more impartial witness on this subject than Lord Clyde. He has served in India for a great part of his career, as well as in all parts of the world, and is a most competent authority on military matters. What does Lord Clyde say?—

"It is clear from what we have now seen that it is absolutely necessary not to trust to local corps, and that we can alone put faith in a discipline which is constantly renovated by return to England, and the presence of officers with their regiments who look on them as their homes."

In a letter to the Duke of Cambridge, Lord Clyde says:—

"As your Royal Highness knows, I have always been strongly of the opinion that it is impossible, as shown by practice and experience, to maintain discipline in a local corps, such as we expect in one of Her Majesty's regiments, but it did not occur to me that the loyalty of local corps might suffer."

Sir Hugh Rose, not a martinet soldier, goes at great length into the question, I will only read one paragraph; but the whole letter turns on the same point:—

"Nobody has mixed more with Indian officers than I have. I have never had a shadow of a difference with them because I was a Queen's officer and they were Company's or Indian officers. I know the state of their feeling. They admit to me that the disorganization and undiscipline of the Bengal army, and in a lesser degree of the Indian army in general, were the causes of the mutinies. They admit, especially since the mutinous conduct of the European Indian army in the discharge question, that amalgamation is necessary for the better discipline of the Indian army."

Such is the opinion of these high authorities. I am quite aware that there is much to palliate the conduct of the younger soldiers. But it is not true that the mutiny was confined to the younger soldiers. We thought at first that this had been so, but what says Lord Clyde upon the point?

"I beg leave again to draw your Royal Highness's attention to the fact of the passive participation of the non-commissioned officers and so called good men of the Bengal Artillery in the evil intentions of the younger and bolder men who were so near the commission of the worst crime."

Again he says:—

"Even in the old regiments the men have not confidence in their officers. And further in my mind I must accuse the old soldiers of the Bengal Artillery of having been the prime movers and ringleaders in all this bad business."

It is perfectly obvious from his letters that, while Lord Clyde did not attach much importance to the outbreak of the recently enlisted soldiers, the deepest possible impression was produced on his mind by the disaffection of the veterans of the Bengal

army. He thought, in fact, that a just appreciation of the state of that army as it was disclosed during the summer, particularly in its older soldiers, was perfectly fatal to the maintenance of a local European corps. A much more serious subject of reflection, however, presents itself in connection with what then took place —namely, the power of combination possessed by an army permanently located in India with a separate interest from the rest of the Queen's troops. All history tells us of the danger that may result from a large body of men with arms in their hands having such a separate interest and a power of combining together; for that the combination which took place on the occasion to which I have referred was extensive and perfect is abundantly clear. I do not insist upon this with the view of dilating on the faults of the men who took part in the movement; but I do wish strongly to impress it upon the House as a warning for the future. And here I will read only one paragraph from Sir William Mansfield's letter:—

"I have observed in *The Times* and some Parliamentary speeches which arrived by the last mail a disposition to slur over and make little of the misconduct in the local European army in this country. I venture to impress on you the gravity and danger of the crisis which we have tided over, and that it was impossible to exceed in completeness and wickedness the combination which threatened us in May last. Such was the feeling throughout the Bengal Artillerymen that, though the old soldiers and non-commissioned officers were too wary to commit themselves to overt crime, not one of them in any part of the country came forward to warn their officers of what was impending; their combination and conspiracy in this respect being more thorough than that of the Sepoys themselves in 1857."

That suggests matter for very serious consideration, and the view which may be taken of it is forcibly expressed in a further extract from Lord Clyde's letter, which says:—

"Whatever may now be done, the recollection of this strike or mutiny will never die out in the Indian local army. It will very possibly affect Her Majesty's army also in a minor degree; but in the former—namely, the Indian local army—it will live for ever, and be a precedent to which the minds of the men will always revert when they are dissatisfied whith their work or the regulations affecting them. I am, therefore, irresistibly led to the conclusion that henceforth it will be dangerous to the State to maintain a European local army. . . . . I feel I should be wanting in my duty were I to remain silent, now that the strongest conviction has arisen in my mind that from henceforth we should have no local Europeans whatever."

Sir Charles Wood

Now, be it remembered that Sir William Mansfield was originally in favour of the maintenance of a local European army. He had stated that opinion very decidedly, but the result of what occurred on this unhappy occasion entirely converted him to the opposite view. This is explained at length in the correspondence, but, as I do not want to trouble the House with more quotations than are fairly due to the importance of the subject, I will read only one more extract penned by him. He says:—

"I reiterate that the experience of the last six months forbids us to entertain the idea of a local European army of any size, if we value the existence of the empire."

Sir Charles Trevelyan, who has taken the greatest possible interest in all military matters, says:—

"The Royal army is one which, under all the various contingencies to which an empire like ours in India is subject, is more to be depended upon for loyalty to the mother country."

As I said before, I do not wish to dwell on these circumstances with a view to exaggerate the misconduct of the men, but I think we should be wanting to ourselves if we did not take warning by what has happened, and did not adopt such measures as human foresight can suggest to prevent the recurrence of such combinations among our troops to demand from the State whatever they might claim as their right. What took place on that occasion ought, as General Mansfield expresses it, to be to us like "the handwriting on the wall," and ought to induce us to use all the precautions in our power against the possibility of its repetition. Now, Sir, I take it to be as clearly demonstrable as anything can be, that the danger of combination is far less in a moveable force which is constantly changing its situation, which is stationed in India at one time, in some other part of our dominions at another time, and which at regular intervals renovates itself by a return to its native country, than in a force permanently located in India. In the Queen's army, if discontent appears in a regiment it may be moved away almost in the ordinary course of duty, but if it appears in part of a force permanently stationed in the country, it may soon spread, may leaven the whole mass and imperil the stability of your empire. The conclusion, therefore, at which we have arrived from the correspondence is that, for the sake both of military efficiency and political

safety, the army of India ought to be one and the same with the Queen's.

I certainly was a little struck at finding that in the Military Committee of the Indian Council it was urged that the misconduct of the local troops was a powerful reason for maintaining a mixed European force. I was not only astonished, but sorry to see such an argument used. One more dangerous and fatal could hardly have been advanced. That there are, and would continue to be, jealousies between the two corps I think no man can doubt who reads this correspondence. I have heard that the Queen's officers complain that, having to serve in India, and to go through the same hardships as the local army, they were excluded from the rewards which it enjoys; while, on the other hand, the Indian officers complain, and perhaps not unnaturally either, that they should be shouldered out of the monopoly of good things which they have hitherto possessed. Those jealousies are strongly stated both in Sir James Outram's Minute, and by Lord Clyde. Lord Elphinstone also mentions these jealousies, the differences which exist between the two forces being, in his opinion, one of the strongest grounds for their amalgamation. Out of these differences arises the double Staff. It is also impossible to select on all occasions the fittest man for a particular post, because he must be taken from the one corps, and not from the other. Lord Elphinstone points out, as clearly and conclusively as words can do, that nothing but making the two forces one can put an end to these feelings, which at present prejudice the interests of Her Majesty's service. He says:—

"There is but one way of setting the question at rest for ever, and that is, amalgamation. If it is not done at once, in the meantime mutual jealousies will go on increasing, and the difficulty of the inevitable final step will be increased."

Let us consider for a moment what is the real value of this argument for maintaining the distinction between the two services. It is that the safety of our Indian Empire depends on our being able to use one-half of our European troops against the other! Heaven help us if we are driven to rely upon such a resource of safety as that! The argument seems to me utterly untenable, and if we are to trust to it it would be far better that we should quit India to-morrow. We have had that argument used on a former occasion in connection with a previous state of discontent that existed in the Madras army. Sir John Malcolm, from whom I take the liberty of quoting a very short extract, thus deals with it. Speaking of the Indian army, he says:—

"They should be put upon a footing which would make them have an honourable pride in the service to which they belong. This they never can have (such is the nature of military feeling) while they consider themselves one shade even below another army with which they are constantly associated. There is, perhaps, no other efficient remedy for this great evil than the adoption of a measure by which the whole of that army which Great Britain employs in India should be consolidated into one. The distinctions which now exist are pregnant with every mischief to our rule. They are the source of constant irritation, and are calculated to produce an opposition of feeling among those whose complete union is the pillar of strength on which Great Britain must depend for the safety of her possessions in India. It has been suggested that such divisions might be useful, as they maintained a salutary check; but this limited and unwise suggestion can never merit a moment's attention. It is founded on a distrust of ourselves, which is quite incompatible with the permanent preservation of our Eastern possessions."

I think I could not in words express more clearly my own feelings and opinions on this subject.

These are the grounds on which we have come to the conclusion, that both our military efficiency and political safety in India, require the amalgamation of the European forces in India. I should not, however, fully discharge my task if I did not advert to the main arguments of those who advocate separate armies for India. The first argument, which has been put forward in two or three papers which are before the House, refers to the danger which must ensue to India if there should be any power in the Home Government of withdrawing troops from India to England. I think that argument is without foundation. It must be for the Central Government to decide where the wants of the empire are greatest, and where the strength of the empire ought to be concentrated. During the Crimean war it might be necessary that the forces of the country should be concentrated in Europe. During the China war they were properly diverted from that country for the defence of our Indian Empire. If the Home Government are not to be trusted with the decision and the discretion of saying where the forces of the empire ought to be stationed, they are not fit to hold the position of rulers. The risk is said to be in withdrawing such a force as will endanger the safety of India, and we are told that the safety of India was endangered by

the troops that were kept from India in consequence of the Crimean war. Now I have ascertained that the force in India in 1857 was less than the force in 1854 by 1,600 men only. But what remedy against this danger is provided by the advocates of a local force? Their proposal is that one-third of the force should be Queen's troops, as to whom the Government are to have absolute power of withdrawal. Take the proportion of 40,000 and 20,000 which has been proposed. The Government at home are to have the power of withdrawing 20,000 men, and we are told that the withdrawal a force of 1,600 will endanger the safety of our Indian Empire. The argument is perfectly absurd, even if the Government are not to be trusted with the power of looking to the general safety of the empire.

The next argument is that the power of the Governor General will be destroyed by the removal of the local European army. I am at a loss to see how this position is proved. There is in one of the papers a long enumeration of duties in reference to the army said to be discharged by the Governor General, but which it seems to me to be impossible for the Governor General to perform, and which would be far better discharged by the Adjutant General or the Quartermaster General. The Governor General ought to have, locally and temporally, the whole power that the Government at home possess, and surely with this power it cannot be said that his authority or position are impaired.

The next argument is the greater expense of the Queen's service. I confess that on the first consideration of the matter, I thought the excess of expense of the Queen's troops much greater than, upon investigation, it appears to be. Depend upon it, also, the most efficient force will be the cheapest in the end; and I do not think we ought to be deterred by the greater expense of the plan proposed, if, on other accounts, we think it good. From the calculations which he made, Mr. Hammack states that if the whole of the existing local force were converted into Queen's troops, the increased cost would be about £114,000 a year. If we assume the whole European force at 80,000, the substitution of local troops, to the extent of two-fifths, as proposed by Lord Stanley, would make a saving of about £184,000. A saving of under £200,000 would, however, as I think, be a very trifling consideration, in an expenditure of at least £14,000,000, if it is to be weighed against considerations of safety or efficiency. I believe that the expenditure may be very much reduced by changes in the system of depôts, reliefs, and the double staff; and I confess I think there is no proof that the change proposed would ultimately entail an increased expense of £200,000.

It is further objected that the whole expenditure for India would depend upon the will of the authorities at home. No expense, however, can be incurred for India, except by the consent of the Secretary of State and the Council for India; and that is as complete a check as can be devised for the control of the expenditure. The question of expense turns mainly on the comparative health and efficiency of troops permanently stationed in India, and of troops frequently relieved. The returns certainly at first sight seem to show that the health of the Indian troops is the best. Mr. Hammack, however, considers the returns very imperfect; and the conclusion is certainly at variance with well known facts and opinions. Returns contained in Mr. Hammack's Report show that the health of civilians deteriorates according to length of residence in India. Mr. Martin, the highest medical authority in the Indian service, says that length of residence in India, so far from conferring any advantage on the English constitution in the way of acclimatization, surely and gradually leads to physical degradation. The general assumption is that English regiments, on landing, have so much sickness that they rapidly lose their men. This is not, however, borne out by the facts. Lord Elphinstone says:

> "Last year there was a considerable excess in the average both of sickness and mortality in the Company's army, though the great majority of the Queen's troops had only just arrived."

Mr. Hammack, in summing up the arguments, comes to the conclusion that the most beneficial results will follow from the practice of more frequent reliefs. It is perfectly well known that men come home invalided from India, who are quite competent to serve in a temperate climate. Men who are young and able-bodied, because they can no longer serve in India, are placed upon the pension list; so that the dead weight of the Indian army is greater than that of any army in the world. Men come home invalided after a short service in India, who, under a system of reliefs, might serve many years in this country, whereby the Indian exchequer might be relieved from the payment of their pen-

Sir Charles Wood

sions for many years before they now come upon it. I do not think, therefore, that the arguments against abolishing the local force, drawn from even the possibility of a slight increase of cost, ought to have such weight as to induce us to pause.

I come now, however, to a consideration which led me to doubt for a considerable time as to the course which was best to be taken. I mean the argument that, if the local European force is amalgamated with the Queen's troops, we shall not be able to obtain that supply of officers for service in India, which the wants of that country imperatively require. If I thought it impossible to provide a suitable supply of officers I should hesitate in the course I am now taking. Before entering particularly into this subject, however, I wish to make one or two observations. The House must remember that the union of the local with the European army, does not necessarily imply any change in the mode of officering the Native army. I think it ought, but it does not necessarily follow that it should. It has been the custom never to remove an officer from a Native regiment till he has reached the rank of lieutenant-colonel; and it is quite possible, therefore, that the Native army should continue to be officered as it now is. I do not think that is the way it should be officered. I only wish to point out to the House, that if there were no other means of providing officers for the Indian service, there would be no difficulty in continuing the present system of officering the Native army, and selecting from those corps officers for Staff employment. Indeed, for some time to come the regular regiments in Bengal, and the armies of Bombay and Madras, must probably be maintained very much on their present footing.

Another observation I wish to make is one suggested by an old Indian of great experience—that of late years there has taken place a great change in the character of Indian officers. They are not so entirely devoted to India as their scene of service as they formerly were, when they used to go on leave only to the Cape of Good Hope and return to India again; a practice which led the officer to regard India very much as his home. The more rapid and easy communication with England now enables officers to come home instead of going, as heretofore, only to the Cape; and this circumstance has tended very much to diminish the difference between the officers of the local army and those of the Line. The former are not so exclusively Indian as they once were.

But what are the services for which these officers are required? They are principally on what is called Staff employment, and that in India has a very large significance. It includes diplomatic service, employment as collectors, magistrates, and judges, service in the Commissariat and Ordnance departments, in the Pay Office and in public works and, indeed, in every conceivable mode of employment. So far as the civil service is concerned, I think the supply from the army is a very valuable one; but the efficiency of the army is impaired by the removal of officers from their regiments. So far as the civil service is concerned it would be better to provide for it in some other way than to ruin the army. But even as applicable to all Staff employment the present system is by universal admission the worst that could be adopted for the army. The officers are taken from their regiments and employed in the discharge of civil duties, perhaps for many years, and then return to the command of their regiments when they have ceased to have any practical knowledge of military matters. I will only trouble the House with one quotation from the opinions of both Queen's and Indian officers on this subject, though they all concur in condemning it. Sir Patrick Grant says:—

"The efficiency of regiments, in my opinion, is most injuriously affected by the number of officers taken from corps for Staff employment. Either regiments are drained of their best and most deserving officers, or patronage is not dispensed with reference to superior merit. . . . European officers now fix their whole thoughts on devising means of getting away to Staff and other detached employment; anything rather than regimental duty is the universal feeling. The consequences of this craving are utter indifference, not to say positive dislike, towards their men, and the engendering of a reckless, discontented disposition, which is, I doubt not, communicated to the soldiers."

I need read no more to prove the vice of the present practice. Whether the local army be maintained or not it is indispensably necessary to put an end to this system, and provide officers for the civil service in some way which would not impair the efficiency of the regiments. This may, I think, be most conveniently effected by the formation of a staff corps, from which officers could be chosen for such employment.

There is another point on which I wish to state my opinion. I have arrived at the conviction that the whole of the Native army should be under what is called the

irregular system—a term which does not, however, mean what the words seem to imply, for the regiment would be under the most careful superintendence and exact military regulations. Lord Elphinstone, Sir John Lawrence, and other distinguished Indian authorities are of opinion that the Native army, cavalry, and infantry, should be placed on the irregular system. The Commission on the organization and the Military Committee of the Indian Council have recommended that all the Native cavalry, and part of the infantry should be so formed. In point of fact this is now the case as to the greater part of the army in Bengal, and the whole of the forces going to China are organized on the irregular system. Lord Elphinstone says:—

"The best regiments in Bengal were the irregular cavalry, and the same holds good throughout India. I would apply this system to the whole Native army, infantry as well as cavalry."

Sir Henry Frere, after recommending it strongly, proceeds as follows:—

"The essential difference between the two bodies is not the being subject to—or exempt from rule generally. Both are subject to rules of their own, and the difference is in the nature of the rule, which is often stricter and more imperative in the irregular than in the regular corps; but the unwritten rules of common sense applied according to the judgment of a single selected officer, to which the so-called irregular is subject, appears to me much better adapted for the government of Native troops than written rules intended to ensure uniformity of system and conformity to the English army, which have lately governed the regular Indian army; therefore, I would advocate the general adoption of the former system."

Under this system I believe that the discipline is more effective than it otherwise would be, and it affords the opportunity of employing Natives of a higher description in your army than can be found in any other mode of service. There is another advantage to be especially looked at in the present state of Indian finance, and that is, that it is cheaper. Then comes the question, how is the unattached Staff Corps to which I have referred to be formed? Sir John Lawrence, Brigadier Chamberlain, and Colonel Edwardes in their Paper on the Indian Army, suggest a mode of doing so by the formation of colleges in India, and a certain amount of training. I will only quote the concluding paragraph relating to the subject. "By such a system a well selected, highly trained, and efficient Staff would be secured for the irregular regiments." Other modes have been suggested, but in whatever way this may be done the selection should be made from young men in regiments in India. Whatever Indian appointments there are they should be eligible for them, and the Native troops should be officered from that corps. It is obviously a matter of indifference whether they are taken from a local force and also Line, or from the Line only, the selection in either case resting with the Indian Government. Then comes the next question—is it likely that the Line will furnish an adequate supply of those officers? Lord Canning, in a Minute which I have laid upon the table to-night, expresses a strong opinion that they will not. His opinion, however, is contrary to that of many others well able to judge on such a point. The arguments against our expectations of getting a sufficient supply of officers from the Line are founded on a state of things in which those officers have not been in a position to obtain those appointments. It is only recently that Staff appointments have been thrown open to officers in the Queen's service, and therefore it is not fair to argue that young men will not in future be found to do that which hitherto they have not had any opportunity of doing. Upon this point Sir Charles Trevelyan says—

"But if, instead of this, an Indian career were opened to Line officers, and it were arranged that a certain period of regimental service in India, with a certain proficiency in military science and the Native languages, would qualify for transfer to the local Staff corps, young men would crowd into the Line regiments serving in India in order to push their fortunes in that country."

Sir Patrick Grant says the same—

"Under this system the European officers would look upon their regiments as their homes; to be attached to a Native corps would be considered one of the prizes of the service; and the permanent association between officers and men that must ensue would, more than anything, tend to restore the old feeling of mutual respect and attachment which, in the early days of British power in India, united the Native soldier and his European officers."

Lord Elphinstone takes a similar view. He says—

"I am convinced that it would be a wholesome stimulus to exertion; and that, in the room of one young officer of merit withdrawn from his regiment for the Indian Staff list, you would have two or three qualifying themselves, not only for selection to this list, but for the active duties of their profession."

He goes on to say—

"If the question of local or Line troops turns upon whether the Line can supply a sufficient

number of officers, qualified for the various duties now taken by the officers of the Indian army, I have no doubt that the decision will be in favour of the Line. Wherever an opening has been made for officers of the Line, they have eagerly prepared themselves, by studying the Native languages, to compete with the Company's officers."

He further says—

"I have just received an answer to an inquiry I made as to the number of officers in the Queen's Regiment here (the 31st), who are studying Hindostani. I find that, besides one officer who is in England, and who is said to be a very good Hindostani scholar, three of those present with the regiment have passed the examination in the vernacular, and two more have lately begun to study. This in a regiment which has hardly been a year in the country, and with hardly any inducements to officers to take the trouble of acquiring a new language."

Sir William Mansfield says—

"We should have one homogeneous service, which would present a much wider field of selection for the instruments of Indian civil and military administration than we had under the old system, and I believe that the fear that we should lose our means of preserving to India a class of gentlemen properly educated for it, would be found to be a vain and futile one."

Colonel Norman in the same sense says—

"It would be found, I am persuaded, that a list of this description would be composed of good, hard-working officers; and that the evil anticipated by some, that we should not have a body of officers who had made up their minds to serve in India, would never be felt. On the contrary, I believe the Staff would be better supplied than at present."

What I contemplate then is that we should have a body of officers so raised, so trained, and so employed by the Indian Government rising in rank after a certain number of years' service, and devoted to an Indian career. That is the ultimate state of things which I hope to arrive at, but which cannot be attained for some years, as the existing Indian officers have prior claim to service on the Staff. The officers of the late Bengal army are to a great extent at present so employed, and it is only as vacancies occur that openings for officers of the Line will present themselves. This interval will afford ample time to ascertain whether or not the officers of the Line will furnish a sufficient number of candidates. If the supply from that source should not be adequate, there will be ample time for us to take other means for procuring the requisite supply of officers. This employment on the Staff is the answer to the fears which have been expressed, that there is any intention to break faith with the Indian officers. Those fears are unfounded, as such an idea has never been entertained. It would be most unjust, most ungenerous, and most unwise to break faith with those officers. Let me show how our measures would affect different classes of officers. Take the case of an European regiment in the Company's service. All the existing officers of that regiment will rise by regimental seniority until they arrive at the usual period of rising by general seniority. All the new officers in that regiment will come in as Queen's officers, available for general service. Every soldier in that regiment has entered for ten years, and at the end of that time will be entered for general service, as will all men who are raised for them henceforward. If the regiment remains in India for ten years, the probability is that few officers and none of the men will have any claim to be continued on Indian allowances. After about that time the regiment will be available for general service. With regard to these regiments, we propose to try whether a system which is much advocated by many Gentlemen in this House will be successful or not. We do not propose to introduce the system of purchase there. An officer entering will rise by seniority to the rank of captain, and thence to the grades of major and lieutenant-colonel, partly by selection and partly by seniority. I do not myself entertain that objection to the purchase system which is felt by some, but I will not enter into the subject now. The real difficulty, however, as regards Indian officers does not occur in European regiments or in the amalgamation of the European troops. The difficulty arises from the number of officers of the Native army whose regiments have been disbanded. There were seventy-four regiments of regular Native infantry in the Bengal army, but only fifteen now remain. No one will propose to create anew the Bengal army as it existed before the mutiny. These officers can not claim it as a right that the Indian army should be maintained on its former footing and to its former extent in order that their pay and privileges should be preserved to them unchanged. Nor can they claim that an European army should be formed with a sole view to their employment. The arrangement which we propose, as it seems to me, violates no right to which they can lay legitimate claim, and it is just the course proposed by Sir Patrick Grant in reference to the Madras army, when he suggested the reduction of twelve regiments. There will

be no difficulty in forming a Staff corps and officering the irregular regiments from this corps. A check has been given to retirements from the uncertainty which has prevailed. I think measures should be taken to encourage it in the elder officers, and if some facility be offered to that end, I believe it will lead to the retirement of many, and that ultimately we are more likely to want officers than to have more than we need. Then I have heard that a great many officers would be glad to change their positions for a similar rank in the Line. Every officer of the Indian army will, if he chooses, have the power of exchanging into the Line, and will be eligible for command in any part of the world. Thus the general plan will be, that the European regiments will form part of the Queen's army, the existing officers retaining their positions, rising by seniority, as they do now; that officers will enter them for general service, rising by seniority to the rank of captain, and afterwards by selection to the rank of major and lieutenant-colonel; that the existing officers of the Indian army will be employed either as they are now in the regular regiments, or in various situations on the Staff; and that ultimately vacancies in the Staff corps will be filled up by candidates selected from the Queen's general army. That is an outline of the scheme for the organization of the Indian army. But I wish to place before the House the alternative, which is a matter for serious consideration. We are called upon to maintain a local army of at least 40,000 men. The number of local troops at this moment I will assume to be about 15,000. The question, therefore, is not one of maintaining an existing establishment, but of raising at least 25,000 men in addition, and of training them in this country for service in India. Now, how is that to be done? Lord Canning's last Minute proposes twenty-four additional regiments for Bengal alone. It is admitted that new regiments cannot and ought not to be formed in India. That experiment has been tried, and failed. We must then form, drill, and train in this country for the service of Bengal alone twenty-four European regiments. What will the advocates of economy say to this? In the meantime we are to maintain the same number of Queen's troops in India. And then, when these new and raw troops are trained and drilled, I suppose the old experienced soldiers of the Line regiments, which we have kept in India for the time, are to be disbanded. I ask the House seriously to consider this question. If we adopt the views I have stated we shall be put to the expense, trouble, and delay of raising these men, and of training them in England for a certain number of years, paying out of the Indian revenue for the double force of Queen's troops now forming part of the garrison of India, and the force trained in this country which is to form the future garrison. I do not think that anybody will entertain such a project on the score either of economy or efficiency. If we are to calculate on two-thirds of 80,000 men, I should have to add some 15,000 men more. The Indian officers of Native regiments, avowedly incapable of forming European troops, would have to be brought home to officer them, and Queen's officers be borrowed to train both officers and men. I entreat hon. Gentlemen to consider what such a proceeding would entail upon this country and upon India. I must say that I do not think that when this proposal is seriously considered, it can be entertained by the House. Hitherto I have said nothing as to the authorities on one side or the other, but I must beg the House not to be led away by the notion that this is a mere question between Indian and English authorities. The highest Indian authorities are extraordinarily divided on the point. Lord Ellenborough, who has paid great attention to it, is strongly in favour of an Indian army. Lord Elphinstone, who has had more experience in India than almost anybody, who has been Governor of two Presidencies, whose conduct throughout the whole of the Indian mutiny has met with universal approbation, and who has shown himself most competent to deal with Indian questions, is in favour of the amalgamation. Lord Canning has sent home a strong Minute against amalgamation. Sir Charles Trevelyan, who, with all his faults, knows a great deal about India, and has paid great attention to all military questions there, expresses an equally strong opinion the other way. There are no two men who are better acquainted with India than Sir George Clerk and Sir John Lawrence, and they express directly opposite opinions. Sir Archdale Wilson, the conqueror of Delhi, goes one way; Sir James Outram, the conqueror of Lucknow, goes the other way. Sir Robert Vivian is strongly in favour of a local army; Sir Patrick Grant, the Commander in Chief at Madras, is in favour of amalgamation. Going back to the past, we find that Sir

Thomas Munro was favourable to a local army, while Sir John Malcolm was against it. Mountstuart Elphinstone was in favour of a local army; Sir Charles Metcalfe thought there ought to be one army only. I have quoted half-a-dozen authorities on each side, and of the most eminent modern statesmen and soldiers, differing completely on this subject. I must maintain, therefore, that the arguments I have endeavoured to lay before the House are not overborne by the overpowering weight of Indian officers. Lord Cornwallis was strongly in favour of one army, and that in the time of the Company's rule. He could not carry out his views, the India Company being too strong for him, and overpowering the opinion of one of the most experienced of our statesmen and soldiers. I was surprised the other day to hear the Duke of Wellington quoted as an authority for a Native army. Now, in 1812, Lord Melville wrote to the Duke of Wellington, then in Spain, and asked his opinion on this subject. I need not state how great was his experience of Indian matters, and how entirely he was influenced by the sole consideration of the good of his country. The Duke of Wellington wrote to Lord Melville, in answer, to this effect:—

"I will not miss this opportunity of stating to you my opinion,—first, that the European army in the East Indies ought to be the King's; secondly, that the three armies (that is, the armies of the three Presidencies) ought to continue separate and distinct; thirdly, that the Native army ought to be the Company's, if the Company should continue to be the Sovereign of the territory; . . . . . fifthly, it is my opinion that all authority, civil and military, must be vested by the law in the Governor in Council. The law must recognize no other authority in the State. The Company may, and ought to, instruct the Governor in Council—first, to leave all matters of discipline solely and exclusively to the Commander-in-Chief, and to interfere in them in no manner, excepting when the safety of the State should require it; secondly, that all recommendations to military appointments, such as the Staff officers of the army to commissions, promotions in the army of persons—civil or military—to fill the departments of the army, and the inferior commands, should be made by the Commander-in-chief to the Governor in Council. The Governor in Council should be obliged to record his reasons for dissent. Thirdly, the recommendations to superior commands, such as divisions of the army, should be with the Commander-in-chief when the holders of these commands exercise no civil authority or political function; and that, in the case of a nomination to a higher command being vested exclusively in the Governor in Council, without the recommendation of the Commander-in-chief, the Governor should be directed to consult with the Commander-in-chief in making the selection. It would be very desirable to leave a latitude by law to the Governor in Council to promote officers for meritorious services, at the recommendation of the Commander-in-chief, out of the usual regular routine, as well as to pass over officers guilty of misconduct. This might be done by giving the Governor in Council the power to promote such officers, by brevet in the first instance, who should succeed to the first vacancies in the rank to which they should have been promoted in the regiment to which they should belong."

I have read the whole of that opinion, and it will be observed that the three main conditions which, in the Duke of Wellington's opinion, should be carried into effect are, that the European army in India should be the Queen's, that the armies of the three Presidencies should be distinct, and that the supreme authority of the Governor General should be recognized.

These are the essential parts of the scheme which I propose. I must deny also that this is exclusively an Indian question, and I maintain that both on Indian and on Imperial grounds the course which ought to be pursued is that upon which the Government has resolved. It is quite true that the mutiny of the Sepoys is over, and that tranquillity is restored; but I confess that there are still many grounds for solicitude. The confidence of all classes which once prevailed is shaken, and, what is still more alarming, I am afraid that there is considerable estrangement between the races. Therefore it is essential, in the first place, to put on a footing which cannot be shaken our military superiority. The rebellion was put down by the unparalleled constancy and bravery of our fellow countrymen, both in the Civil and Military Service, and of the European forces, and we have vindicated and established our superiority; but I hold that it must be maintained so complete and so evident that none shall question the efficiency of our arms. I am far from meaning that we should not endeavour to make use of every means of conciliation. We are bound to show the Natives that we are their friends and benefactors, and that they would lose by a change. I believe that such a course of proceeding is essential to the maintenance of our power in India. I am anxious not to place everything upon mere force, or upon the authority of the Government, but to depend mainly upon measures of improvement and upon the influence of reason. Still, to be able to act in this way the Natives of India must feel, and we must feel, that we are not to be shaken in our military

supremacy. The Englishman must feel that he is so safe that he has nothing to fear, for fear and jealousy are always cruel. The Natives must feel that it is useless to plot and conspire against us. Thus and thus alone, after what has happened, can we place ourselves in such a position that we may be enabled to extend those blessings to India which I believe it is our destiny to confer. But I believe also that we must pursue this course not only for Indian, but also for Imperial reasons; for any evil which falls on India must be felt severely in this country. In the last mutiny how much English blood was shed, and what a great strain India became upon the resources of England! It is upon England in case of emergency that the pressure must come; therefore, it is only fair, right, and just that we should put our army in India in a state of the greatest possible discipline and efficiency, and constitute it in such a manner as to prevent, as far as human foresight can do so, the possibility of the occurrence of a calamity far more alarming than a Sepoy mutiny. I hope the House will concur in the plan which is now proposed by the Government, and I beg to move for leave to bring in a Bill to repeal so much of the Act of the 22 and 23 *Vict.*, c. 27, as enables the Secretary of State for India to raise men for Her Majesty's local European forces in India.

Motion made, and Question proposed,—

"That leave be given to bring in a Bill to repeal so much of the Act of the twenty-second and twenty-third Victoria, chapter twenty-seven, as enables the Secretary of State for India to raise men for Her Majesty's Local European Forces in India."

MR. DANBY SEYMOUR moved the adjournment of the debate.

Debate *adjourned* till *Thursday*, 21st June.

House adjourned at One o'clock.

HOUSE OF LORDS,

Wednesday, June 13, 1860.

The House met for the transaction of judicial business.

House adjourned at Half-past Eleven o'clock, A.M., till To-morrow, at a Quarter before Four o'clock.

HOUSE OF COMMONS,

Wednesday, June 13, 1860.

MINUTES.] PUBLIC BILLS.—1° Sale of Gas Act Amendment.

2° Local Boards of Health, &c.; Local Government Supplemental; Lands Clauses Consolidation Act (1845) Amendment; Friendly Societies Act Amendment.

MINES REGULATION AND INSPECTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (No Boy under twelve years of age to be employed in Mines.)

MR. PAGET said, he rose to move that the age be fixed at thirteen years instead of twelve. The first clause provided, that no boy under twelve years of age should be allowed to work in mines, except under conditions set forth in the second clause. The second clause enacted that no boy between the age of ten and twelve years be employed in a mine or colliery until the owner had first obtained a certificate under the hand of a competent schoolmaster that such boy was able to read and write. It also required that another certificate should be produced every month showing that they had attended school for not less than twenty hours during the month immediately preceding. In his opinion there would be considerable difficulty in working this scheme, because the certificate of a competent schoolmaster was a very uncertain expression, which might mean anything or nothing. If the section meant that a boy should be able to read and write tolerably well from dictation, the number of children who would be able to produce such certificate of their ability would be very small indeed. From a population possessing the ordinary means of school learning, he had ascertained by examinations, during several years, that the number of children able to read tolerably was not fifteen out of forty-six, which number would be considerably reduced if writing from dictation was required from a boy before he received his certificate. He thought he could show that the system which he proposed would be much more beneficial to the employer than that under the Bill. He proposed that any boy above ten years old should be allowed to work in mines on condition that his attendance at school up to his thirteenth year should be equal to forty hours in a month, the attendance being given not on consecutive days, and

not during the evening. From his own experience, he could state that that would give them a very fair amount of education. He had found that children did very little good at school when they were jaded and worn after a hard day's work, and by the plan he suggested they would have some relaxation from their underground toil, and would receive instruction under such conditions as would render it really profitable. In factories the age to which the education of children was continued was thirteen, and the system had met with a decided success. He had opposed the Factory Bill at the time of its introduction, on the ground that it was an undue interference between masters and employed, but he was now convinced from the experience he had had of its working that its educational clauses had conferred great benefit on the operatives, both mentally, morally, and physically, and he had never met with any person who did not concur in that statement. Great advantage had been reaped by the working classes from the education which had thus been forced upon them, and there was, therefore, fair ground for extending the same system to other trades and manufactures. There was nothing in the circumstances of mining labour which rendered education less necessary to those engaged in it. By the plan he proposed the children would have occasional relief from toil, and would be subjected to wholesome influence, and employers, as experience showed in all such cases, would find them in their work more intelligent, alert, and active.

Amendment proposed, in page 1, line 20, to leave out the word "twelve," and insert the word "thirteen," — instead thereof.

MR. CLIVE said, the limit of age fixed in the Bill had been adopted upon the almost unanimous recommendation of the Inspectors of Mines. It was thought undesirable to interfere more than was absolutely necessary between the employers and employed. If the age, as proposed, were fixed at twelve, it would deprive the owners, it was alleged, of much valuable labour, and of course the limit of thirteen years would operate still more injuriously. His hon. Friend said this provision had worked very well in regard to factories; but Sir John Kincaid, one of the inspectors, declared that in Scotland children under thirteen years of age were virtually excluded from employment in factories by the enforcement of the educational clauses of the Factory Act. Moreover, from what he knew of mining labour he felt pretty sure that, if children were compelled to absent themselves from work for two days a week, and those not consecutive days, it was equivalent to saying that they should not go down the mines at all, and the whole system would be thrown into confusion. For these reasons he could not assent to the Amendment.

MR. LIDDELL said, he rose to oppose the Amendment. He had an Amendment on the paper to leave out altogether the restrictive Clauses 1, 2, and 3 of the Bill. The first clause was a prohibitory clause as far as children under twelve years were concerned. The second clause was in effect a relaxation of that prohibition under certain conditions, those conditions being either that a boy should be able to read and write, or that while so employed he should attend school two days every week. The third clause was merely a penalty clause. In offering opposition to those clauses he felt he should render himself liable to a charge of antagonism to the moral welfare of the working classes. He, however, considered that a compulsory enactment of that kind would materially affect those efforts of those who were strenuously labouring for the promotion of education in the working classes, and would, on the other hand, tend to disgust the working classes with that education which it was their duty and desire to promote and encourage. It was unfair to apply such a restrictive system as that contemplated by the Bill to any one particular employment. It was unfair to the employer, and it was equally unfair to the employed. On the one hand, it tended to increase the rate of wages on the employers in the special business affected; while, on the other hand, it lessened wages in other employments to which the restrictive system was not applied; because large numbers of children, on being discharged from the mines would flock to those other employments where their labour could be availed of, and would flood the market to which they were compelled to resort. With what reason could they say to the owner of a colliery, "You shall not employ children under twelve years of age," while the owner of the factory next door could employ as many as he pleased, even although it was in the unwholesome manufacture of chemicals. The Committee should remember, too, that they were legislating for the poor, and although much was said of the cupidity of parents in the working classes, they should recollect that the sum which

would be earned by a child of ten years old in these districts often made the difference between comfort and discomfort in a poor man's household. He would illustrate the case by the calamity which had befallen the fifty or sixty women who by one fell stroke had been deprived of their partners in life by the recent disastrous colliery explosion. Would it be fair or humane to tell those bereaved widows that the law would not permit their children being employed in mines or factories, because they had not received a certain education up to twelve or thirteen years of age. In a report of Mr. Redgrave it appeared that, out of 499 children certified, only 123 had received their education under the factory system, while all the rest had been educated independently of it. That proved that the working classes were beginning to send their children to school voluntarily, and that the desultory education which these children obtained under the provisions of the various Acts regulating their labour was very unsatisfactory. The result of the evidence was not such as to justify the application of this partial system to other branches of trade. Ever since he had had the honour of a seat in that House he had been the advocate of a system of voluntary education as one conformable with the institutions of the country. They were told that the working classes of this country were averse to education. He believed that to be a very great mistake, except to a very partial extent. It was quite natural that a working man should like to have his child earning money; but the best means of inducing the working classes to send their children to schools would be to have good schools —schools where practical and useful systems prevailed; and as under any mode of supervision the maintenance of such systems must greatly depend upon local co-operation, he did not think they were likely to improve the condition of the schools by enactments which would tend to relieve the owners of property from a sense of moral obligation resting on themselves. His objection to the compulsory system was that it would tend to check the voluntary efforts of owners and others who at present exerted themselves very much to forward the cause of education. He had received representations from persons who feared that the effect of such a scheme would make persons give up their customs of subscribing for the maintenance of local schools. They should remember too that they had invited a neighbouring Power to compete with them in certain manufactures, and had even agreed to furnish them for years to come with the raw material. If they desired, therefore, to compete successfully with France they must not hamper themselves with unnecessary restrictions. If they wanted an illustration of the effects of their legislation they had it in the Emigrant Acts, which had deprived the British shipping interest of a source of profit, and had handed over thousands of the persons who emigrated from this country to the tender mercies of the owners and captains of foreign ships. Of all questions in which to interfere the internal economy and regulation of mines was the most difficult and dangerous. Let them not, by carrying their interference too far, relieve the managers and owners from a sense of the responsibility which they ought to have. If the Committee attempted what they were unable to perform he very much feared they would but produce greater evils than those they endeavoured to remove.

Mr. ADDERLEY said, he thought that, instead of rejecting the clauses, it would be better to postpone them, in order that they might be re-considered. He agreed with the hon. Member who last spoke that partial legislation of this kind was mischievous and unjust; but, instead of that being an argument for refusing to legislate further, he looked upon it as argument for covering the whole field of labour with legislation of this kind. The statute book was in a very anomalous state in regard to this subject. They had the Coal Mines Act of 1842 expiring in the present year, the Factory Act of 1844, the Print Works Act, an Act dealing partially with the silk trade, and this year the Legislature proposed to deal with three other branches —namely, the bleaching trade, the lace-making trade, and the mining trade. He thought such legislation, step by step, unjust and mischievous. It gave a monopoly of labour of a certain class to the unrestricted as against the restricted trades. He had heard from employers in Birmingham that those children who had received education very soon made up, by their superior intelligence, for the time during which they had been withdrawn from work. The system ought to be made general. If they did not do so they perpetrated an injustice to those trades who were brought under its operation; and held out a direct inducement to those who did not now come within its

provision, to refrain from making voluntary attempts to educate the children in their neighbourhood, lest their so doing might destroy their monopoly in their labour. Gentlemen connected with the coal and iron districts had gone so far as to say that if the operation of the Bill were rendered general, they would no longer have any opposition to offer; but the so-called "voluntary educationists" of the House viewed it with disfavour, as infringing the principle for which they contended. This, however, was a mistake, as employers need only be subjected to an alternative—not to employ children under twelve years old who could neither read nor write, unless they gave a guarantee that they should have the opportunity of learning to do so. It must be remembered that £1,000,000 was voted by the House annually towards national education. Did not that give them a right to see that at least, a *minimum* was done in the way of national education, and that there should be some elementary result from so large an expenditure? He, for one, should not support the annual Vote if it did not at least produce the small result of ensuring that every child of twelve years of age should be able to read and write. That was very little to ask in return for a subsidy of £1,000,000 a year. There was no manner of interference by the provisions of a Bill to effect the object which he sought. It did not stipulate for any particular system or any particular machinery. It merely asked for a result. It proposed to do away with all that was inquisitorial in the Factory Acts, and in that way it was an important improvement in our legislation on these subjects. As soon as they attached to the employment of children everywhere some necessary attention to their elementary instruction, all the evil effects of unequal pressure of restriction would be at once removed. They did not want to say to the employers that they should not employ the children, but they said they should employ them in a manner that was concurrent with what Parliament had decided to be the national system and requirements of education. It was said that they would be throwing on the employer the obligation of the parent, but it was not so. The House stood in the place of the parent of the child, where parental care was wholly absent or negligent, or was in partnership with the parent in the education of the child, where the parent took his share by largely subsidizing it, and therefore possessed, at least to some extent, the parental right to insist upon this arrangement on the part of the child. Words had been suggested by his hon. Friend (Sir Stafford Northcote) which would ensure that the employer should not be brought under the penalties of the law till he had absolutely refused to allow a wholly uneducated child any time for his use of existing means of education and put himself into actual and gratuitous hostility with the child's interests. The law would fail to apply until the employer had been applied to and, having the means at hand, had refused to conform to the provisions of the Act. He was happy to say that he was borne out in his views in this matter by Her Majesty's inspectors of schools, who had presented a memorial to Her Majesty's Government on the subject. He thought the question was, whether they should go back and repeal the educational clauses of the Factory Act, or advance and cover with similar provisions equally the whole field of employment. He thought, therefore, that they should postpone the clauses before the House, and see whether they could not carry the principle in a general form, in a Bill by itself for the purpose, such as he had himself already introduced in readiness, should the House see fit to adopt it in substitution for these Clauses.

MR. BUXTON said, if the principle which it was sought to apply by this measure were a good one, it ought to be extended universally, and not confined to persons engaged in particular manufactures. But the argument of the right hon. Gentleman (Mr. Adderley) was, that the system having failed, it ought to be extended. That seemed to be his conclusion; but he (Mr. Buxton) thought the logical conclusion from the premisses upon which he had argued was, that the system should be abandoned altogether. The school inspectors had declared in the strongest manner that the effect of the present system, instead of improving the education of children, had been to stop up the channel of employment to which the efforts of the Legislature had been applied, and to widen other channels, in which consequently the supply of labour had increased. He believed that the attempt of the House to promote education, by Legislative interference between employers and employed was a mistake, and that, instead of following up their steps, they ought rather to retrace them. Not content with leaving the growth of education to the increasing intelligence of parents, and to the demand

for educated in lieu of ignorant persons, Parliament sought to promote the advance of knowledge by imposing criminal penalties on employers; they did not apply punishment to the parents, who were responsible in the eyes of God and man for bringing up their children properly, but to persons who were only artificially connected with them by purchasing their labour in the market. But if the Bill passed and was followed by that measure which had been sketched out by the right hon. Gentleman, what machinery existed for carrying out the provisions? Mr. Norris, in his pamphlet, admitted that it was impossible to maintain an army of inspectors throughout the country, and that, to a great extent, dependence must be placed on the voluntary obedience of employers to the law. The result, of course, was, that the law would only be binding on the scrupulous and high-minded, and would be infringed by all who were not distinguished by those qualities. Instead of being generally respected and obeyed, the law would only be enforced in cases were some informer entertained a spite against a particular employer.

Mr. FRANK CROSSLEY said, that, although an advocate of voluntary education, he could not shut his eyes to the benefits which had resulted under the Factory Act from compulsory instruction, which was not, however, afforded at the Government expense, and therefore did not interfere with the voluntary principle so far as the cost was concerned. But the owners of coal districts in the West Riding of Yorkshire complained that the Bill, if passed in its present shape, would amount to confiscation of their property, as the boys they required for the purpose of going down into coal-pits were hardy, dreadnought boys, of a different class from those who had been trained in schools. He was in favour of the word "thirteen" being substituted for the word "twelve." In the factories, children worked in relays in the morning and afternoon, but there was a difficulty about doing that in coal-pits, which might be avoided by the proposition of the hon. Member for Nottingham, and certain times might be set apart for the education of the children. It was for the coal-owners to say whether they would employ three boys where they now employed two. If so, two boys could always be in the pit, and one at school; each boy could be employed four days in the week and be two days in the week at school. If they did not go into the coal-pit when they were boys, they would never go there at all, because when a man got another trade he would not give up his employment to go down into a coal-pit.

Mr. CLIVE said, he feared the Committee was wandering somewhat from the point under discussion; and as a large number of gentlemen connected with coal mines were then present in London, and were most anxious that the subject should be decided that day, it would give rise to much dissatisfaction if six o'clock arrived without their having attained any practical decision. An enactment was already in force which provided that no child under ten years of age should be employed in mines. The Motion of the hon. Member for Nottingham proposed to extend that age to thirteen years; and if so, he saw no reason why any objection should be raised against the clauses which required that they should be capable of reading and writing at that age. The mortality among children between the ages of ten and fifteen years employed in mines was very great, the proportion being 22 per cent as against the general mortality of $11\frac{1}{2}$ per cent. From the extent of that mortality, therefore, as well as from the number of accidents which were constantly occurring, it was highly desirable that some alteration in the state of the law should take place. The object of the measure was to induce persons in the districts where education was least advanced to follow the example which had been well set in Scotland and in the north of England. In his Report, Mr. Redgrave said that the proposition that children should produce a certificate of being able to read and write was a marked improvement; and Sir John Kincaid concurred in that view. The system which he proposed in the Bill had been actually at work in Scotland, and he held in his hand the report of a Mr. Alexander, a mine inspector, in which he stated that in Scotland boys were not allowed to work underground until able to read and write; in one place that had been the case for more than twenty years, and the arrangements up to the present time had worked most satisfactorily. He trusted that the Committee would not withhold its assent from the clauses proposed by the Government.

Mr. TAYLOR said, that as an employer of some thousands of miners, he objected to the clause requiring so large a number of hours to be consumed in education. It would involve great loss both to the masters and the children. At present a suffi-

cient number of boys could hardly be obtained. Though the labour of boys in coal mines was not severe, he felt bound to state that he thought ten years was too young an age to take a boy down into a mine. A boy of eleven might be permitted to work; but he objected to the compulsory provision proposed with regard to education.

MR. MITFORD said, he should support the clause under discussion, as a step in the right direction. Its principle had been affirmed by former legislation. State interference with the parental control of children was often objected to. Still, it had been recognized as a principle of legislation that the State might step in and compel a parent to do his duty towards his child or cause it to be done in its own way if the parent would not discharge it himself. The practice of vaccination had been enforced as a remedy against small pox, and if parents were required to attend to the bodily wants of their children, he saw no reason whatever why education should not, if necessary, be enforced as a remedy against the more frightful evil of ignorance and immorality. According to reports on education England was much behind the continental nations in this respect. In France, Austria, and Prussia it was difficult to find a child of twelve who could not read or write. In our prisons and reformatories 30 or 40 per cent of the inmates could neither read nor write, fifty or sixty could do so only imperfectly. To show that the working classes appreciated the advantage of schools, he referred to a petition presented by the workmen in Mr. Akroyd's factory, in which they expressed their hope that others would be enabled to enjoy the same advantages they had derived from the schools established by that gentleman. Many might say that by this education they would give children nothing but the power of reading and writing; that it only enabled a child to educate itself. But even knowing how to read and write gave a child a better chance in the world than that of the child who had not such knowledge.

MR. SLANEY said, he approved the Bill of the Government; if they asked too much, they would get nothing. The measure was a practical one, and the balance of testimony from the mine inspectors was in favour of it. It was not a Bill of compulsion on the children so much as protection to them. No class of children in the kingdom were in a more wretched condition than those who worked in mines. The restrictions of the Factory Acts had proved very beneficial, and he believed at some future period the House would extend the principle of these clauses, and give them a general application.

MR. AYRTON said, it was extremely important that the Committee should understand the actual question before it. The question was, whether the children under thirteen were to be given up to the uncontrolled discretion of their parents and employers, and whether before that age they were to be subject to a certain protection, so as to prevent what was considered to be a gross abuse of their infantile and unprotected condition. The nature of that protection was the subject of the next clause. At present the question was as to the age to which it should be continued. For his own part he advocated the higher age of thirteen. Inspectors of mines having directed their investigation to the subject had some of them recommended the still more advanced age of fourteen, and even fifteen. The question was one of religion, morality, and duty, against mere money. It would cost the mine-owners more to deal more tenderly with the children in their employment; but the children ought to be protected, on the principle the Legislature had already adopted in the Factory Act. The Court of Chancery protected children in the higher ranks even against parental control; in the case of the poor the House of Commons ought to perform the like office of guardian.

MR. HENLEY said, he would address himself strictly to the clause in question, which was whether the words twelve or thirteen should be inserted in the Bill. What was the principle of the Factory Act? He understood the principle to be that it was inconsistent with the health of children under thirteen to make them parts of a system of labour carried on by machinery; it was, therefore, provided that they should be employed only a certain number of hours a week, and that in the other part of the week they should attend school. But the limitation of the present Bill was advocated on the dangers of the employment, and the greater mortality of the children engaged in it. That mortality, however, was reckoned on the ages between ten and fifteen—not from ten to twelve. But where was the consistency of taking half the limit? Why was not the Committee told what was the percentage of mortality between ten and eleven,

eleven and twelve, and so on year by year up to fifteen? Then the House would have had some useful information as a guide in determining this somewhat difficult question. It had been argued that it was the duty of parents to clothe, feed, and vaccinate their children; he wondered it had not been contended that the law compelled them to beget children as well. Now, when his hon. Friend below him (Mr. Mitford) entreated the Committee to put a stop to the moral contagion which filled our gaols and reformatories, he was surprised to hear of the remedy proposed. What did the Factory Act provide? Why, that the children should go to schools where the religious element in the education was most likely to put an end to the immorality that was said to prevail. But what did the present Bill? It sanctioned the application of the secular element as a remedy against moral contagion. Was that a step in the right direction? He had some doubt about it. With regard to the question as to whether the age should be twelve or thirteen, he preferred twelve. If, however, the age was to be advanced from ten to twelve, because the work in mines was unhealthy or the children exposed to danger, he could not, for the life and soul of him, understand why that condition should be relaxed if the children could read and write. He could understand the Government when they said that because working in mines was dangerous and unhealthy, therefore children should not be allowed to work in them under twelve years of age. But why a child might be exposed to that danger and to that unhealthiness merely because he was able to read and write, that he could not understand. That went beyond his comprehension. Again, he could not exactly see why a parent might not take his child to a mine as well as let him drive a plough at an early age. However, he did not pretend to be able to decide whether the age of restriction should be twelve or thirteen. Probably the Government were able to determine that point; and he should, therefore, vote for the proposition of the Government—the age of twelve.

SIR GEORGE LEWIS said, he thought the Committee was in that position in which Committees were frequently found; it had three courses before it—two extremes and a mean. It would be most convenient to dispose of the two extremes before coming to the medium course, which he thought would be the best to adopt. One extreme was that of the hon. Member for Northumberland (Mr. Liddell) who objected not only to the provisions of this Bill, but to those of the existing law. He contended that there ought not to be any distinction between coal-mining and any other kind of industry; that there ought to be no restriction on the employment of children in coal mines. It was sufficient to say that that argument would compel the repeal of the Factory Act, the benefits of which had been tested by experience. The opposite extreme is that proposed by the right hon. Member for Staffordshire (Mr. Adderley); he goes with the Bill to the extent of these clauses, but thinks they do not go far enough, and would include them in some more general enactment. No one doubts the right hon. Member's sincerity. Formerly, when any extensive change in an existing institution was proposed, one mode of defending it was to say that the institution, if not quite perfect, was singularly good, and that all change was to be deprecated. But now, when a moderate change was proposed, it was a common mode of opposition to say that the proposal was a half-measure, that it would satisfy nobody, and that it would be better to wait for a more comprehensive measure, by which more extensive objects would be realized. That was a mode of argument often adopted, and not always in the good faith of his right hon. Friend the Member for Staffordshire. He (Sir George Lewis) believed, if the Government withdrew these clauses, all change would be indefinitely postponed, the clauses would be lost, the right hon. Gentleman's own Bill would not be passed, and nothing would be done. The third course was a limited alteration in the present state of things. He thought the right hon. Member for Oxfordshire (Mr. Henley) had not been quite fair on the relation this Bill bore to the Factory Acts. The extent to which the proposal of the Government went was merely to add two years to the period during which the unconditional employment of children in mines might be prevented, and if the Committee were to sanction that proposal, which he hoped they would, they would not thereby be precluded from advancing the age hereafter from 12 to either 13 or 14 years, if experience should prove such a course to be advisable. Considering, however, the large interests and vast capital involved, he would advise the Committtee to begin with the more limited prosal.

MR. CAYLEY said, it was easier to give

advice than to act on it, for both the right hon. Gentleman the Home Secretary and the hon. Under Secretary, while they deprecated discussion on the general question, had themselves gone into it fully. He should oppose the Amendment.

COLONEL LINDSAY said, he could bear testimony, from personal knowledge, to the healthy condition of the children employed in the mines.

MR. PAGET said, he was compelled to decline to withdraw his Amendment.

Question put, "That the word 'twelve' stand part of the Clause."

The Committee *divided* : — Ayes 178, Noes 71 : Majority 107.

MR. KINNAIRD then moved the following Amendment :

"After the 31st day of December, 1860, it shall not be lawful for any person whatever to employ, keep, or allow to remain in any colliery or ironstone mine, any boy above the age of ten years, and under the age of fourteen, for a longer time than eight hours in any one day."

In doing this, he would take occasion to say that the greatest improvement in the health of the children employed in the factories had, according to the report of the medical inspectors, been effected, since the hours of labour were shortened in those establishments. It must also be borne in mind that a boy, up to the age of fourteen, must be looked upon in the light of a child, who had, inasmuch as he was not a free agent, a claim to be protected by the State against a system, which must be injurious to his bodily as well as his mental powers. The argument, that to use legislative influence for the promotion of this object, was unduly to interfere with the rights of labour, had, he contended, long ago been triumphantly disposed of ; and it was the province of the Government of the country, he maintained, to provide, as far as possible, that its citizens should not at a tender age be rendered feeble for life by excessive exertion, and thereby to lessen the risk of their becoming eventually dependent upon the public funds for support. The competition for employment in England was so fierce, that, unless the law stepped in to protect the weak against the strong, the former must be, in a great measure, sacrificed. Entertaining these views, he had much satisfaction in submitting his Amendment for the adoption of the Committee.

MR. CLIVE said, he felt compelled to oppose the Motion. According to the reports of the Inspectors of Mines, the health of the children employed in them contrasted not unfavourably with that of those who worked above ground. The chief cause of the higher mortality arose from their liability to accidents through carelessness.

MR. PEASE said, he also must oppose the Motion; though he wished to express his full appreciation of the object which it was sought by its means to effect.

MR. AYRTON suggested that it was irregular to propose the Amendment at the present stage of the proceedings.

MR. PAGET said, he proposed to provide for the object of the hon. Gentleman, but at a different stage and in another manner.

MR. KINNAIRD thereupon withdrew it until the proper moment for bringing it forward should have arrived.

LORD JOHN MANNERS said, he wished to move the omission of the proviso at the end of the clause, the operation of which Amendment would be to preclude the employment of children under twelve years of age in mines. He thought that would get rid of a great many vexatious provisions in the Bill, while, with regard to the dangers of the employment, he could not help thinking that a child of twelve years of age, who could neither read nor write, was better able to take care of his life and limbs, than a child of ten, who could do both. Besides, the ability of the child to read and write was to be certified by a competent schoolmaster, but who was to be the judge of such competency. The whole conditions were vexatious ; and it would be far better to provide that no boy, under any circumstances, should be employed under twelve years of age.

SIR GEORGE LEWIS said, the policy of the clause was obvious. It was not so prohibitory as an absolute prohibition; but its object was to assimilate the Bill to the Factory Act. He thought the fact that there were Inspectors of Mines was a sufficient answer to the difficulties suggested by the noble Lord of carrying out the conditions the clause imposed.

MR. CAYLEY said, he had no doubt the noble Lord had proposed his Amendment out of regard to the interests of the working men ; but he could state that there was a deputation from the working miners in the very neighbourhood of the House. He had been at the pains to consult them, and they entirely repudiated the Amendment of the noble Lord as an undue interference with the rights of labour.

Mr. H. A. BRUCE said, it had been assumed all through the debate that the mining children were worse than others, and required the special protection of the Legislature. He denied that such was the case. As a proof he might refer to an interesting report of Mr. Fletcher, who had been specially appointed to investigate the amount of the criminal population in different employments, and in the Metropolitan districts. It appeared that the number of committals per 1,000 amounted in the Metropolitan districts to 22½, in the iron districts 1 to 18, in the agricultural districts to 14, in the cotton districts to 12, in the silk districts to 8, and the number in the exclusively mining districts in Durham, Northumberland, and Cornwall amounted to only 6 in every 1000. He was himself familiar with this population, both while at their work in the mines and while in their schools, and he was never struck either by their unhealthiness or by their ignorance. He was certainly opposed to the employment of children under ten years of age, but he hoped the House would not go further. The hon. Member for the West Riding of Yorkshire (Mr. F. Crossley) spoke of the children employed in mines as fitted by their peculiar smallness to do the work required of them. He (Mr. Bruce) never yet saw a child employed in a mine in an oppressive or unhealthy way. They were generally employed in opening and shutting doors; a certain number were employed in conducting horses, and large numbers went down into the pit with their fathers, and assisted them in loading the coal. He thought they were more likely to obtain the results which they all wished for—namely, an improved education for children—by constantly holding up to the parents the standard of education required from them, than by endeavouring to force them by any compulsory mode of education. The Factory Act having been appealed to, he must be permitted to say that great injury would be inflicted on those children and their parents if any similar legislation was enforced. The effect of such legislation was only to discourage the employment of children. He was opposed to the Bill because it was partial in its application, and because it would operate most unjustly on one portion of her Majesty's subjects.

Mr. KENDALL said, he objected to the Bill, as he thought they were not justified in interfering with the right of parents to send their boys to work. He had been twenty years Chairman of a Poor Law Union, and had often been obliged to refuse relief to ablebodied miners with large families; but he could not see the justice of refusing relief in such cases if the Legislature interfered, and thus virtually said to them, "We refuse to relieve you, but we claim the right of interfering with your ways and means of keeping house and supporting your family."

Colonel LINDSAY said, he would at all times support the cause of education, morality, and religion; but why should the Bill not be applied generally to the whole population? Why restrict its application to one trade only? Miners did not wish to be an exception to the general rule, but he did not see why the education clause should be applied to them exclusively. The complaint in Lancashire was that they had not men, women, boys, or girls enough for the employment of the county. In the district in which he resided, the colliers would suffer very considerably if their hours of labour were reduced by this Bill, and therefore he should vote for the Amendment.

Mr. H. B. SHERIDAN said, he represented a large mining district, and the iron and coal miners had delegated some of their number to attend in London to watch their interests under this Bill in Parliament. He had the best means of knowing that the miners approved the Bill as it stood, and he therefore hoped that the noble Lord the Member for North Leicestershire would withdraw his Amendment.

Mr. SPOONER said, he hoped his right hon. Friend the Member for North Staffordshire (Mr. Adderley) would bring in his Bill making the educational restriction on the age of children for employment general. He would support that proposal, but he must oppose this partial measure as unjust and injurious to the mining population, who were better instructed, better conducted, and more moral than those who were employed either in the silk or cotton trade.

Lord JOHN MANNERS said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

On the Question that the Clause stand part of the Bill.

Mr. LIDDELL said, he should oppose the adoption of the clause. The effect of it would be to throw out of employment many thousands of children who were getting fair wages and assisting their fa-

milies, while it would also, without notice, deprive mine owners of the valuable labour of these young persons. The restriction sought to be imposed by the clause was most vexatious and unjust.

LORD ADOLPHUS VANE TEMPEST observed that it would be well for the Committee to consider whether in adopting a system of compulsory legislation for one particular class, they were not likely to injure the cause of education by stopping voluntary effort.

MR. FRANK CROSSLEY inquired whether the Secretary of State for the Home Department intended to maintain the first two portions of the clause.

SIR GEORGE LEWIS said, he thought them fair and wholesome provisions. As at present advised he considered it desirable to retain them.

MR. RIDLEY observed that a petition had been presented from 14,000 mining operatives and others whose sons were employed in mines, and they strongly objected to the restrictions imposed by this clause, as likely to interfere with the voluntary exertions of mining proprietors to educate the children in their employ.

MR. VIVIAN said, he dissented from any measure which had for its object the compulsory education of any class of persons. He thought the labour of the mining districts would be much decreased if the clause should be agreed to.

MAJOR HAMILTON said, he considered the Committee ought to be guided by the opinion of the miners themselves. The miners in his district were satisfied with the Bill. He denied that it was a compulsory education clause as described by hon. Members.

Question put, "That Clause 1 stand part of the Bill."

The Committee *divided*:—Ayes 180; Noes 91: Majority 89.

Clause 2 (Exception for Boys between *Ten* and *Twelve* who have Certificates as to Education and School Attendance).

MR. KINNAIRD said, he would then move the insertion of words limiting the time during which boys between ten and twelve years of age might be employed in colleries to a *maximum* of eight hours per diem. That was quite as long as it was reasonable to confine children of tender years in mines; and the regulation he proposed could easily be carried out by a system of relays without prejudice to the employers.

Amendment proposed, in page 2, line 10, after the word "Colliery" to insert the words "for any period not exceeding eight hours a day."

MR. AYRTON said, he should be glad to hear how long the coal-owners desired to keep young children continuously at work under ground. Was the limit that would satisfy them eight, ten, or twelve hours a day, or was it nearer to sixteen? How would any hon. Member of that House like his child to be employed even eight hours out of the twenty-four in the depths of a mine? There would be no difficulty in working mines under the proposed restrictions of children's labour, if the proprietors would only get rid of the present vicious system, by which the miners spent what was called their "drunken Monday" in idleness and immorality, and then had to make up for it by excessive labour on other days. The work, instead of being thus intermittently and irregularly pursued, should be more equally distributed over the whole week. In certain parts of Yorkshire an improvement had been insisted upon by the men themselves in this respect, and the greatest advantage had resulted from the change. The statistics adduced by the hon. Member for Merthyr Tydvil (Mr. H. A. Bruce) as to the condition of the mining districts were most fallacious, because the whole idle and criminal class in the Metropolis had been compared with the persons engaged in a particular branch of industry; but, even if the moral condition of London was very bad, that was no reason why these young children should not be protected against the cupidity, not only of their employers, but even of their own unnatural parents, who often compelled them, for the sake of obtaining their wages, to work far longer than reason or humanity would justify. He trusted they would soon get rid of those miserable doctrines of political economy which led hon. Gentlemen to complain of the interference with the infant labour market, as if these young children were mere animals, to be turned to account like the "negro commodity" in America. The coal-owners, who made enormous fortunes out of the industry of their work-people, ought not to grudge the small pecuniary sacrifice required to enable these children to be brought up in a manner conformable with health, decency, and morality.

SIR GEORGE LEWIS said, he hoped that the opinions he had expressed in regard to the protection of these children

had indicated pretty clearly what were the inclinations of the Government. This was, however, essentially a question of degree, and he regretted that he could not accede to the Amendment of his hon. Friend, which crossed the line that could be drawn with safety in this matter. The propriety of extending the limitation of the hours of children's labour contained in the Factory Act to mines had been referred to the mining inspectors, twelve in number; and these officers were unanimously of opinion that it would not be prudent to make that alteration. One of the inspectors stated that the time employed in changing the hands was great, and the risk of injury would be much increased by such a regulation, not to mention the distances which had to be travelled under ground. The difference between the circumstances attending labour in mines and that carried on in factories rendered it difficult, if not impracticable, to apply the same system to both. He trusted, therefore, that the Committee would adhere to the clause as it stood.

Mr. H. A. BRUCE denied that his statistics of the condition of the mining population were vitiated by the fallacy imputed to them by the hon. Member for the Tower Hamlets. That hon. Gentleman had asked how long it was desired that these children should work. That point ought to be left to be decided by the humanity of the masters and the feelings of the workmen themselves. No doubt everybody would wish to see the hours of labour reduced if it could be done, to eight per day; but that was wholly impracticable. It would be injurious to the workpeople themselves and would throw a great number of children loose upon the streets.

Mr. FARRER maintained, in spite of the reflections of the hon. Member for the Tower Hamlets (Mr. Ayrton), that the mining proprietors of the northern counties were as much distinguished by liberality and consideration for those in their service as any other class of English gentlemen.

Colonel LINDSAY said, it was very desirable that the work in coal mines should be more regular; but it was not in the power of the proprietors, unless they were possessed of enormous capital, which was the case with very few, to make it so. Indeed, the men themselves sometimes assumed the position of masters, and would not allow the hours of work to be made regular.

Mr. H. B. SHERIDAN said, he thought it was incumbent on the Government to say that some limitation should be made of the hours of labour to which these poor children were subjected, because at present, working, as they did, from six in the morning until seven in the evening, positively deprived them of seeing the light of day for eight months in the year. He might add that the parents of the boys had assented to this Amendment.

Mr. FRANK CROSSLEY said, if it were possible to work by a system of relays he should support the proposition to limit the labour of the children to eight hours; but that was not possible. He thought, if it could be accomplished, the best plan would be for the children to work in the mines four days and go to school two days. He was willing to attribute the best intentions to the hon. Member for Perth (Mr. Kinnaird), in introducing his Amendment, but he was of opinion that the Bill would work best by allowing mine-owners and miners to arrange among themselves with regard to the hours of labour.

Mr. WEMYSS said, there were many practical difficulties surrounding the subject. As an owner of mines he could state that it was impossible to make the men work six days a week; and the consequence was that, at the latter part of the week, they were obliged to have recourse to excessive work to make up their losses. He thought the Bill as it stood would prove advantageous to the men and boys. There was nothing arduous or unhealthy in the boys' occupations. He should oppose the Amendment as impracticable.

Mr. JOHN LOCKE said, the simple question was, did the Amendment fix the right number of hours during which children should work. He thought it did, and therefore he should support it. All the Committee had to do was to fix the number of hours, leaving it to the men and the employers to carry it out by arrangement between themselves, and he understood that this had been done in Yorkshire.

Mr. KINNAIRD, in reply, said that the argument that mine work was a very healthy occupation was strangely belied by the Register General's reports, which showed that the mortality among the class of children who were engaged in it was 22 per cent, being double the rate of the mortality among other classes of children. That could only be attributed to the number of hours during which they were engaged, and the only remedy he could think

of was to limit the hours of labour. He might add that one of the inspectors of mines had recommended that boys under fourteen years of age should not be employed in mines for more than eight hours a day.

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 77; Noes 146: Majority 69.

House resumed; Committee report Progress; to sit again on *Friday*, 22nd June, at Twelve o'clock.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 14, 1860.

MINUTES.] *Sat First in Parliament* — The Earl of Strafford (Baron Strafford) after the Death of his Father.

PUBLIC BILLS.— 1ª Councillors of Burghs and Burgesses (Scotland).

2ª Fisheries (Scotland).

Royal Assent.—Refreshment Houses and Wine Licences; Sir John Barnard's Act, &c., Repeal; Malicious Injuries to Property Act Amendment.

DISTURBANCES IN NEW ZEALAND.

QUESTION.

THE EARL OF CARNARVON, referring to the accounts which had recently appeared in the newspapers with respect to the disturbances in the northern island of New Zealand, asked the noble Duke the Secretary for the Colonies, Whether any despatches had been received by the Government on the subject.

THE DUKE OF NEWCASTLE regretted to say that it was not in his power to assert the incorrectness of the accounts which had appeared in the newspapers relative to the insurrection in New Zealand. The noble Earl was probably aware that the mail, *viâ* Southampton, had not yet arrived. He had, however, received a despatch from the Governor of New Zealand, *viâ* Marseilles, which, so far as it went, corroborated the accounts contained in the newspapers of yesterday and the preceding day. The extent of the insurrection appeared to be somewhat doubtful, but on the arrival of the mail at Southampton, no doubt further despatches would be received by the Colonial Office. No doubt despatches would be received by the Horse Guards by that opportunity, none having been received by that Department through Marseilles. Until those despatches arrived it was impossible to say what measures the Government would find it expedient to take; he would, however, immediately put himself in communication with the Commander-in-Chief and with the Secretary of State for War on the subject. He was glad to state that everything that was possible in the nature of local effort had been made. Three vessels of war had been despatched to New Zealand from our Australian Colonies. He had reason to believe from a private letter that the *Pelorus* had proceeded from Melbourne with 600 men on board, and that another of Her Majesty's ships had left Sydney for New Zealand with a similar reinforcement. He could not suffer the opportunity to pass without expressing the admiration he felt at the conduct of the Volunteers in these Colonies. This newly-formed force, which was extending as widely in our Colonies as in this country, had offered to embark for New Zealand, and leave their homes and families, if called upon, to put down the insurrection. In all our Colonies, in North America, Australia, and elsewhere, a desire for self-defence, and to act as Englishmen were now doing, was manifested. Standing there as Secretary of State for the Colonies he was bound to bear testimony to the zeal and alacrity with which the Volunteers had come forward in this distant part of the globe, and their readiness to leave their homes and their ordinary occupations upon a great public emergency in order to re-establish peace and security.

THE EARL OF CARNARVON said, he should be glad to know the date of the last despatch received by the noble Duke.

THE DUKE OF NEWCASTLE said, his last despatch from the Governor General of New Zealand was dated March 31. The private letter apprizing him of the reinforcements from Melbourne and Sydney was dated April 18.

REDUCTION OF THE WINE DUTIES.

MOTION FOR RETURNS.—QUESTIONS.

LORD MONTEAGLE moved for

"Account showing the Amount of Drawback paid, or which will be payable, on Foreign Wines by reason of the Reduction of the Duty on Wines by the Commercial Treaty, distinguishing French, Spanish, Portuguese, and other Foreign Wines."

The noble Lord said, he believed there would be no objection to the Return, but he took the opportunity of asking two

Questions, of which he had also given notice. It was generally known that the wine trade between this country and Spain and Portugal, was very much larger than that with France; and probably it would in future be still larger relatively if the consumption of foreign wine were generally increased by the reduction of duty, for the wines of the Peninsula were stronger and more familiar to the palates of Englishmen, than the light wines of France. In 1857 the importation of Spanish and Portuguese wines was 5,080,000 gallons; while of French wine it was only 622,000 gallons. Yet, so far as the House was informed, the reduction of duty on this enormous quantity of Peninsular wine was made by England without obtaining, or even seeking any equivalent concession. He wished to know whether any negotiations were pending or were proposed with a view to induce the Spanish and Portuguese Governments to make corresponding reductions in their tariffs against us, to compensate for the great advantages which their wine-growers would derive from the recent changes in the wine duties. In 1856 the present Chancellor of the Exchequer, in a debate upon a Motion for a reduction of the wine duties, said:—

"That he would state, with argumentative reasons, his grounds for opposing the Motion. We should, to a considerable extent, rely for revenue upon import duties, as well as on taxes on internal consumption . . In 1810, when the duty was 13*s.* 8*d.* on French, and 9*s.* 8*d.* on Portugal, wines, was the year of greatest revenue—the duty produced £2,786,000. Notwithstanding the reduction to an uniform duty of 5*s.* 9*d.*, the consumption of 1854 was only 6,775,000 gallons, and the revenue only £1,914,000. Thus, notwithstanding the great increase of population and reduction of duty, the consumption and revenue have diminished since the early years of the century . . I believe it is in vain to expect that any considerable quantity of the weaker wines of the Continent will be consumed in this country . . Inquiries have been instituted to ascertain whether there were any means of imposing an *ad valorem* duty on wine. None has been as yet contrived. The only means by which the inferior wines of the Continent could be admitted would be to lower the duty on wines, so as to make them a substitute for spirits and beer, and subject these latter to an unfair competition."

The question of revenue was important; since the introduction of the Budget, from changes in the duties made or acquiesced in by the Government we had lost £171,000 by the wine duties, and £110,000 by the changes in the warehousing system, it became necessary to consider whether, if we sustained such losses in dealing only with revenue of no more than hundreds of thousands, whether we might not sustain still greater losses when we dealt with articles which brought in £15,000,000 or £16,000,000 annually to the revenue. He alluded to the duties on malt, hops, and British spirits, which could not fail to be affected if a large increase in the consumption of foreign wines took place. He, therefore, wished to know whether any information had been obtained or calculation made of the losses which might be sustained upon British spirits, malt, and hops, in consequence of the reduction of the duties on foreign wines. Upon that point he would quote some observations of the present Home Secretary, who had expressed a fear that a lowering of wine duties would tend to diminish the revenue from other articles of consumption. Sir George Lewis, in 1856, said:—

"It would, undoubtedly, be advantageous if, consistently with the demands of the revenue, it were in our power to reduce the duties on wine. But, looking to the great amount of our revenue, which is derived from beer and spirits, and remembering that if the duty on wine, which is already a moderate duty, were still further reduced, it would interfere with the consumption of other fermented liquors, I think the revenue would suffer more than the demands of the public service will permit."

These inquiries were important at the present moment, for the present state of things could only be taken as provisional, because important circumstances had occurred since the plans of the Government had first been explained in February last, and to increase greatly the probable amount of our expenditure. He need only draw their Lordships' attention to the question of national defences, for which an enormous sum was stated to be required under circumstances of deep exigency; and he could not help remarking that though the Report of the Commission was signed in February last, it was not comunicated to Parliament though urgently pressed for, until nearly the middle of June. That paper of itself, if there were nothing else, would be quite sufficient to show that every effort, by a careful maintenance of the revenue, as well as by the most effectual economy, ought to be made to meet the augmenting necessities of the country. His questions were, Whether any Negotiations are pending or proposed in respect to Alteration of Duty consequent upon the Reduction of the Import of Duties on Spanish and Portuguese Wines: and Whether any Information has been obtained, or Calculation has been

made, showing the Losses which may be sustained on British Spirits, Malt or Hops, by reason of the Reduction of Duties on Foreign Wines?

EARL GRANVILLE said, there would be no objection to the production of the Returns moved for, but expressed a hope that the noble Lord would postpone the Motion for the present. With regard to the question whether negotiations were pending, or proposed, in respect to alterations of duty consequent upon the reduction of import duties on Spanish and Portuguese wines, he would observe that when the French Treaty was first discussed in that House, the Government were reproached with taking a retrograde step, and were charged with resorting to the system of reciprocity treaties. The Government gave reasons why they considered the case an exceptional one, believing that, by means of the Treaty, France would be enabled to reduce her duties, and that benefit would be conferred on this country. The Government, however, never intended, certainly, to take such a backward step as to postpone their intended alterations until they obtained the assent of every country to a reduction of duties. With regard to Portugal, communications had taken place with a view of inducing her to reduce her tariff; but though those communications had not yet been successful, one important point had been gained. There existed certain fiscal restrictions in respect to the wines of that country, the abolition of which would be of the greatest importance to the trade, and the Portuguese Government had agreed to effect that abolition, and had brought in a Bill for that purpose. With regard to Spain, the Government had not entered yet into official communications on the subject, but he believed that that country was not actuated by any inimical feeling. With respect to the last Question, it was impossible to give a categorical answer. The amount of loss likely to be sustained must be matter of opinion, and all he could say was that it was not believed that the reduction of the wine duties would interfere with the produce of the duties on malt, hops, and British spirits. If, however, wine should be substituted in any degree for malt liquor, then the substitute would have to pay a higher duty. With regard to spirits, it was not clear that foreign spirits might not interfere with the duty on British spirits; but that was as broad as it was long, as the duty was equal in either case. With regard to the Report of the Fortification Commission, it was true that their Report had been completed and signed some months since; but the delay in its presentation was owing to its having been referred to the Committee on the National Defences, and the Government received the final Report only a fortnight ago.

Lord MONTEAGLE intimated that he would postpone his Motion.

Motion (by leave of the House) *withdrawn.*

TUSCANY.—THE YACHT "MEDINA."

QUESTION.

THE EARL OF MALMESBURY asked the Under Secretary for Foreign Affairs, What had been done in the case of the captain and crew of the English vessel that had been ill-used by the officers of the Tuscan Government. It was quite evident that these English subjects, although the Tuscan Government had passed into the hands of the Sardinians, had a right to compensation, and he believed it had been insisted on by Her Majesty's Government, and the Sardinian Government must feel it to be their duty to take on themselves all the liabilities that previously existed in connection with the Tuscan Government. When he asked the question some time since, it was intimated that the Government had urged the matter on the attention of the Sardinian Government; but he had received a letter that morning from the ill-used men, complaining that they had lost everything they had to depend upon, and that they were only kept from the workhouse in consequence of the charity of friends where they were, at Plymouth. They complained that they had had no compensation, and could not obtain any. He wished his noble Friend would inform the House what steps had been taken, and what chance there was of compensation being given by the Sardinian Government.

LORD WODEHOUSE said, the Government had communicated on the matter with the Sardinian Government, arguing that the case was one for compensation. The Sardinian Government had replied that they were not satisfied with the representations that had been made, and that the matter should be further inquired into. Since then the two Governments had agreed to refer the matter to two impartial persons, and from what he had heard he

had no doubt that they would come to a speedy decision.

BERWICK-UPON-TWEED ELECTION.

ADDRESS TO HER MAJESTY THEREON.

EARL GRANVILLE moved,—

"To agree with the Commons in the Address to Her Majesty, and to fill the Blank with ('Lords Spiritual and Temporal and'); *agreed to*; and a Message sent to the Commons to acquaint them that the Lords had agreed to the Address, and had filled up the Blank: The Lord Steward and The Lord Chamberlain of the Household to attend Her Majesty with the Address on the Part of this House: The Lord Steward to wait upon Her Majesty humbly to know what Time Her Majesty will please to appoint to be attended with the said Address."

House adjourned at a Quarter past Six o'clock, till To-morrow, Half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 14, 1860.

MINUTES.] PUBLIC BILLS.—1° Tenison's Charity; Metropolis Local Management Act Amendment (No. 2).
2° Phœnix Park; Husband and Wife Relation Law Amendment (Scotland).

THE BREHON LAW COMMISSION. ROYAL IRISH ACADEMY.

QUESTION.

MR. MAGUIRE said, he wished to ask the Chief Secretary for Ireland, Whether the labours of the Brehon Law Commission are yet brought to a close, and if not, when it is supposed they may be; whether it is not a fact that the work commenced in 1852 was to have been completed in three years from that date; and whether the gentlemen engaged on it are remunerated by annual salary, or by a contract for a certain sum? He would also beg to ask, whether the Royal Irish Academy, to which Parliament makes an annual Grant, is open to the public for consultation and for reference to its literary contents; for reading and extracting, as in the British Museum; and, if not, what is the reason why the same system of free reference, reading, and extraction, is not adopted in the Irish as in the English Institutions?

MR. CARDWELL said, the transcription of the Brehon laws was completed, and it was confidently expected that the translation would be completed in the course of the present year. The opinion entertained at the commencement was, that the work would be completed in seven years, and notwithstanding that the work grew in its progress, he was happy to say that the expectation would be realized. The gentlemen engaged upon the work, who were selected for their special knowledge of the Irish language, were paid a very moderate remuneration, and their duties had been very faithfully performed. The Commission was composed of some of the most eminent men in Ireland, and it was due to Dr. Graves, who had acted gratuitously, as Secretary to the Commission, and rendered most valuable service, to mention his name. With regard to the second question, he was informed that the Royal Irish Academy was open not only to members, but to all persons recommended by a member, or known to the librarian; in short, every respectable person was freely invited to it. With regard to transcription, there were certain regulations adopted. If a perfectly unrestricted power of transcribing manuscripts were given, ancient and interesting manuscripts would be subject to addition and alteration, and it was, therefore, necessary to make some rules. Any person known to the Council might transcribe for himself; or if he did not desire to do so, he might employ the person authorized by the Council; or if he selected another scribe, the latter must have the approval of the Council.

On Motion that the House go into Committee of Supply,

THE NAVAL RESERVE.

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. LINDSAY said, he rose to move the Resolution of which he had given notice:—

"That with a view to greater efficiency in war, and less expenditure in peace, it is the opinion of this House that more prompt and effective measures should be adopted to complete the reserves of Marines and Seamen for Her Majesty's Navy."

The number of the Naval Reserve, it had been generally agreed, should not be less than 70,000; but this proposal was very far from having been carried out. First, the Report of the Royal Commission recommended that there should be at all times a reserve of 5,000 Marines in addition to

those that were enrolled at that time. Out of that number only 2,000 had been enrolled, and it was therefore 3,000 short. It was also recommended that there should be in the home ports a reserve of 4,000 seamen. Of these not a single man had been enrolled. It was recommended that the Coastguard should be increased to 12,000; only 6,800 had been entered, including officers, boys, and landsmen. Of short-service pensioners only 169 had been entered of the 3,000 recommended. Of the Naval Volunteers from the Merchant Service only 1,100 had been enrolled. The Commission recommended that the numbers of the Naval Volunteers should be 20,000; and he (Mr. Lindsay) thought there ought to be no less than 30,000; but there was only, by the last Return, 1,100 enrolled. The whole number enrolled of every kind was very far short, indeed, of the lowest estimate of what the Royal Commission considered necessary for the protection of the country. Every hon. Member in the House would agree that it was necessary to maintain the fleet in an efficient state, and at as small an expense as possible. At the present moment they were spending on the navy in the time of peace about £13,000,000 annually. They were doing so for two reasons: first, because there was no reserve; and, as the country must be prepared for war, they were compelled to keep a large fleet in commission always cruising about, as they could not otherwise obtain sailors at a short notice. This large fleet induced France to suppose this country had some intention of attacking it. It was a preposterous idea, but it had an effect on the Government of France and compelled it also to increase its naval force; which again reacted on this country. England spent more money because France did the same; and because France was spending money England spent more money also. But what this country was compelled to do arose to a great extent from the want of a Naval Reserve. The question then arose, had the Admiralty done all in its power to bring this reserve up to the proper number? It ought to be brought up to it on the ground of economy. With such a reserve it would not be necessary to keep a large fleet always cruising about. The bounties and retaining fees offered by the Admiralty had not drawn a sufficient number of men from the merchant service. The country was spending £1,000,000 a year to officers on the reserved and retired list of the Royal Navy; and yet if they were to raise reserves to the full extent recommended, they had not got officers sufficient to command them. They were still scarce of active young efficient officers. If, however, they were to look to the merchant service, where quite as strict an examination was undergone as in the Royal Navy, and perhaps stricter, they would have no difficulty in obtaining the number of officers required, from that service, to command the reserve, and for a very small retaining fee indeed. Money was not so much an object with them as the position they would gain at home and abroad by being recognized as officers of the reserve; and they would all be recruiting officers for the Royal Navy. The consequence would be that we should, instead of having obtained only 1,100 men, have in all probability secured by this time the services of 20,000. As it was, the state of the retired list was such, the amount of money which it cost the country so serious, and the dissatisfaction among the officers so great, that Her Majesty's Government had been obliged to stop the supply; that is to say, instead of having eight or ten midshipmen as formerly in a line-of-battle ship, we now had only from two to four. The effect was, that the supply of young officers in ships of war was short, and that being so, they were obliged to fill the places of those junior officers by other men competent to perform the duties. Under these circumstances, he would recommend that a higher grade of petty officers in the Royal Navy should be established to perform the duty of midshipmen. That would also act as a further inducement to seamen in the merchant service to join the navy. He wished to say one word in regard to the Articles of War in the navy. It was, in his opinion, most expedient that the Articles of War should be revised, so that men might not be precluded from entering the navy by a dread of the punishment to which they might under the operation of those Articles be subjected, and the ends of justice be defeated by the fact that owing to their severity, the officers durst not, in many instances, carry them into execution. As to the question of flogging, he should only say that while he was not prepared to advocate its complete abolition, inasmuch as it was, perhaps, necessary in order to uphold discipline, he should wish to see it maintained with some symbol of justice; the seamen, instead of being subjected to summary chastisement, being afforded the

privilege of a trial as was the case with the soldier. Having made these observations with no intention of stopping the Supplies, but simply with the view of bringing the important matter to which he had referred under the serious consideration of the House, he should beg to leave to move the Resolution of which he had given notice.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'with a view to greater efficiency in war and less expenditure in peace. it is the opinion of this House that more prompt and effective measures should be adopted to complete the reserves of Marines and Seamen for Her Majesty's Navy.'"

MR. LIDDELL said, he wished, before the noble Lord the Secretary for the Admiralty rose to reply to the speech of the hon. Member for Sunderland, to call his attention for a moment to a subject which was quite germane to the question before the House. He referred to the subject of school ships, with regard to the non-establishment of which considerable disappointment was felt throughout the country. Now, he should remind the noble Lord that the raising of a Naval Reserve had been recommended as only a temporary measure, and had been resorted to simply for the purpose of creating a supply of men for the Navy until the period had arrived when a permanent supply might be secured through the medium of school ships. It was, nevertheless, he believed, the fact that there was only one of those ships in existence, and that vessel had been stationed, or was about to be stationed, at Southampton. He should like, under those circumstances, to know why a larger number of school ships had not been put into requisition and why it was that the application of Liverpool to have one of them placed there had been overlooked? He was also anxious to ascertain from the noble Lord whether any communication had passed between the Admiralty and the Board of Trade in which the co-operation of the former was solicited in the working of the scheme to which he was alluding? He believed that the fault lay in the lowness of the Exchequer, and that there might be some difficulty in getting the money; but he (Mr. Liddell) could not too strongly urge upon the House the necessity and importance of making a beginning of that great scheme which had been recommended by the Commissioners for Manning the Navy. They were spending millions of money in building and altering their ships, but they had not men to man them, and money could not obtain them. He had it upon indisputable authority that the supply of seamen every year was becoming more and more scarce, and neither by money nor money's worth could they obtain them. The establishment of the system of school ships, however, would do much to break down the barrier which now existed between the naval and the merchant service, and speaking from his own experience he felt assured that the Government would meet with the co-operation of the inhabitants of our seaport towns in carrying it into effect.

LORD CLARENCE PAGET: In reply to my hon. Friend who has just addressed the House, I have to state that several communications have passed between the Admiralty and the Board of Trade on the subject of school ships. There are two classes of those ships—the ships exclusively for the Royal Navy, and what may be termed mixed school ships for the navy and merchant service combined. I am now speaking of mixed school ships, and my hon. Friend is, I may add, misinformed, if he supposes we have established any of those vessels at Southampton. The Commission having recommended that there should be 2,000 boys trained in school ships for the navy, the steamship *Eagle* will be, I believe, located at Southampton in furtherance of that object. I can, however, assure my hon. Friend that her Majesty's Government are extremely anxious not to stand still in this matter, but we think it the wisest course to wait and see how the school ships for the Royal Navy will succeed, before we commence the mixed system. It is a question of time. I am not at all surprised that those connected with the shipping interest, and, indeed, all who are concerned for the welfare of the navy, should be most anxious to have this scheme of school ships fully carried out. We are just as anxious as they can be; but surely the Government must be allowed some sort of discretion as to the rate at which we must proceed, always having regard to the economy of the public money, for as yet the cost of these school ships cannot be ascertained with precision. My hon. Friend may depend upon it this subject is not at all lost sight of by the Admiralty or the Board of Trade. It is only part, and a great deal must depend on the amount expended on other parts of the scheme of the Royal Commission. With regard to the Naval Reserve, for instance, a very large expense has been

incurred in fitting out ships and batteries; and, although the numbers enrolled do not come up to anything like 20,000, yet we are making very fair progress. I can inform the House—if we only chose to lower the qualification—if we chose to enter into the Naval Reserve force, men who were not first-rate seamen, we could make great show in a short time. But it has been the policy of the Government, and I think it a very wise and sound policy, that we should not enter in it any but first-rate seamen. To prove that they are first-rate seamen who are entered in the reserve it is sufficient to state how anxious shipowners are in entering men to get what are called reserve men into their ships. The officers of the *Great Eastern*, for instance, in preparing for the Transatlantic voyage, have shown the greatest anxiety to get as many men as possible belonging to the Naval Reserve, knowing that they are first-rate seamen. My hon. Friend (Mr. Lindsay) made a very fair statement, and I am very much disposed to agree with a good deal that he said. There is but a shade of difference between us, and that is in regard to the merchant service officers. Nobody is more aware than I am, that, in the event of war, we must count on the young officers of the merchant service. That I think nobody will doubt for one moment; but my hon. Friend wishes that they should be entered at once into the reserve force, with an honorary rank. That is no doubt a very taking view of the matter. I should certainly be very much disposed to concur with my hon. Friend when he says we should have already enrolled 20,000—he mentioned 20,000, but the number recommended was 30,000—had we allowed the officers to join. But much as I should desire to see the merchant service officers employed if an emergency should arise, I cannot say they should be appealed to join the reserve merely with the view of influencing the men to enter. I think my hon. Friend hardly does the officers of the merchant service justice in this respect. I believe they are all exerting themselves very much to induce their men to enter this service. But I am bound to say, if the merchant service officers were to be entered with the title of officers of the navy, we should probably very soon have them coming for pay as well as honorary rank. That becomes a question of pounds, shillings, and pence —a mere question of expenditure. But as such it is a very serious question. So much for the first recommendation of my hon. Friend. His second recommendation was in regard to petty officers. He said if our petty officers were placed on a respectable footing, it would be a great inducement for merchant men to join the navy; but he must be aware that we have what are called chief petty officers, who are a superior class of men, receive very good pay, and form a link between warrant officers and the petty officers and the ship's company. Then my hon. Friend referred to what he considered the cruelty of our Articles of War, which he said alarmed merchant seamen from entering the navy. I was in hopes I should before this have been enabled to propose a Bill with a view to amend our naval code; but I can now inform my hon. Friend and the House that the Duke of Somerset is about to lay on the table in "another place" a Bill for the improvement of the Articles of War in the Royal Navy. I think my hon. Friend's observations were very much confined to these points. With regard to the present state of the navy, I may state that we are entering able seamen wherever we can get them. We might take second class ordinary seamen on board our ships from the merchant service, but I believe the Admiralty are perfectly right in not taking all-comers indiscriminately into the navy. I believe one cause of the late unfortunate occurrences which took place in some of our ships was the great admixture of the lower class of merchant seamen, being utterly unused to anything like discipline, not having been brought up in the navy, and having no interest in common with it. In many instances the disturbances were, in fact, traced to the action of these seamen. For the same reasons the desertions have increased. I do not wish to say a word against the merchant seamen as a body. I believe good merchant seamen are as good men as we could get; but the Admiralty, I repeat, are, I think, quite right in not lowering the qualification prescribed, and entering any but first-rate seamen into the Naval Reserve, or into the navy itself. Although we might swell the numerical force, and greatly increase the expenditure, I do not think it would tend to render the navy more efficient. We might fill our ships up quicker, but I believe it would be bad policy, for we should be introducing into the navy a class of men who really are not likely to do credit to the service. We have at the present moment nearly 9,000 boys in the navy. Only conceive of what value these boys—who

will, no doubt, mostly turn out first-rate seamen—must in a short time prove in the navy. You will have so many young men brought up in the service and attached to it; and, if the public will only wait patiently, they will see the navy in a short time on the most satisfactory footing in that respect. I may state to the House, indeed, I have done so before, but I will repeat, as the Member for Southwark will probably allude to the subject, what is the state of our home or reserve force at the present period. In the Coastguard, including Coastguard ships, we have 6,642 men and officers. The Naval Reserve, or volunteer force, now amounts to 1,105 men. The Royal Naval Coast Volunteers are 7,070, and the Marines on shore amount to 6,084. These different bodies of men I have enumerated amount altogether to 23,831. We are enlisting Marines as fast as we can, recruiting parties being out in all directions. We are as anxious to enlist Marines as my hon. Friend or any one can possibly be. In addition to the large force at sea, we have got fitting out a line-of-battle ship, the *St. George*, and it is satisfactory to state, that although that ship has been in commission only for a very few days, she is already more than half-manned. We have also fitting out the *Bacchante*, the *Hecate*, the *Barracouta*, the *Geyser*, the *Torch*, and the *Bloodhound*. There are a great number of seamen in the Royal harbours, including the men in the flag ships and harbour ships at Portsmouth and Plymouth, who will be perfectly available in the event of any unfortunate emergency. I must say, in conclusion, that I think it would be much more convenient to the House that I should reserve myself to answer the observations which hon. Gentlemen deem it their duty to make instead of having to speak early in these debates. The hon. and gallant Admiral the Member for Southwark (Sir Charles Napier) usually prefers to wait till after I have addressed the House, when I have no opportunity of replying to his remarks. I am obliged to rise, and when I have spoken the hon. and gallant Member gets up and takes me to task for what I have said. I will only add that no exertions shall be spared on the part of the Admiralty to ensure an efficient navy and Naval Reserve.

ADMIRAL WALCOTT: To the question at issue, what will secure the seamen whom we already possess, and what will win others to the naval service? I would answer, four conditions;—the encouragement to continuous service, the incentive to emulation, the advance of wages commensurate with the seaman's increase in science, and a liberal pension at the expiration of a given period of faithful duty. Our present languid supply is the consequence of our past undiscriminating and irrational treatment of the indifferent and deserving seaman alike. At present, after a service of ten years, all seamen are entitled to a retirement on 6*d.* a day. I would induce them then to enter the reserve to an addition of £6 or upwards to this existing pension of £9; and the boon would bind these men to remain faithful to their own country instead of transferring their energy, vigour, and proficiency to another land. Let me repeat and press the suggestion upon the Admiralty, speaking as I do from long experience, from considerations matured by intimate acquaintance with a sailor's habits and ways of thought, that to recruit our navy efficiently we must invite the lad of 14 to 16 years of age, then docile and open to strong impressions, when the excitement, change, and novelty of a life at sea would present the most persuasive attractions, and he would easily adapt himself to the routine of order, regularity, cleanliness, and drill in gunnery and seamanship. The hardy youth, born and bred in our seaports, was the class from which the seaman sprang. Let training ships be stationed at Portsmouth, Plymouth, Chatham, Woolwich, and Deptford, under the command of officers of skill, judgment, and prudence, who would render the naval service attractive, and enter boys to the number of 3,000 to 4,000 a year, and I will pledge my professional character to the result—the formation of an efficient navy within a few years. It is of no avail to equip the most imposing array of our floating bulwarks, unless they are alive from stem to stern with first-rate practical officers and efficient crews, adepts in seamanship and gunnery. To secure this paramount object—to answer the country's just expectations, it is indispensable to hold out certain reward to the meritorious officers and seamen who exhibited zeal and proficiency in the discharge of their duties. Infuse this spirit into the navy, and the supremacy of England will be disputed only to secure for her an era of new triumphs.

SIR CHARLES NAPIER said, the noble Lord the Secretary to the Admiralty complained that he always waited, until he had spoken, to bring him to account. The

fact was, he had been in the habit of speaking early in the debates until experience taught him that it was necessary to wait for the noble Lord, because the noble Lord had a very clever way of parrying what fell from other hon. Members with respect to his department, and leading the House away from the questions that were addressed to him. He did not think the noble Lord had given a satisfactory reply to the very able speech of his hon. Friend the Member for Sunderland. His hon. Friend complained with great justice that the recommendations of the Manning Commission had not been carried into execution. He had shown that the Manning Commission recommended a reserve of 30,000, not counting the 5,000 additional Marines which they suggested should be raised, or the 5,000 men for other stations. Now, they had it on the authority of the noble Lord himself, that after scraping together all he could get from different resources, the whole number of the reserve amounted only to 23,000 men, and if he would read the Report of the Commissioners he would find that he had included certain classes who ought not to be comprised in his estimate. We had not made the addition to the Marines which was recommended by the Commission, but had only increased that body by 2,000. The Commissioners gave their opinion that the reliefs at the home ports and the Coastguard ought to be speedily raised, but the Admiralty had not speedily raised either the one or the other. The restrictions upon the Coastguard were a great deal too high, too great a length of service being required. The Commissioners recommended that this force should consist of 12,000, and although a year had elapsed since they made this suggestion, we had now no more than 6,800. The state of affairs on the Continent was not very promising, and if matters grew worse, how were we to obtain the men necessary for manning the fleet? The Commissioners also recommended that there should be 4,000 seamen in the different ports, in addition to those in the guard-ships and flag-ships, and the men scattered in various places; but not a single one of those 4,000 men had been raised. There was no use trifling or practising concealment in this matter. Of the total number of 6,800 Coastguard men only 3,181 belonged to the class called "fleet men." He supposed that we should obtain the 20,000 Naval Volunteers some time or other; but as his hon. Friend had asked with great propriety, Suppose you had obtained and had occasion to call out your Royal Naval Volunteers, where would you get officers to command them? You will then find it absolutely necessary to come to the mercantile service. Well, why not come to that service now, assign Volunteers their rank, and give some slight decoration—say, an "arrow," embroidered on their collar. When they went to sea in the splendid fleets of our merchant seamen, that decoration would proclaim to all on board, "I am a Royal Volunteer Officer—why have you not Royal Volunteer Seamen?" But the Admiralty would do nothing of the kind out of the absurd jealousy they entertained of the merchant service. The noble Lord said these officers would ask for pay. He did not see how they could do so unless they were employed; and he insisted that the plan of his hon. Friend was a plain and sensible one, showing a thorough knowledge of the merchant service, while the noble Lord as plainly showed he did not know how to deal with them. Then they were told that it was the influx of men from the merchant service that had caused the late disturbances on board the fleet. Why, ever since he had been in the service there had been a constant influx of men from the merchant esrvice, and very glad were they to get them. They used to get them from all kinds of craft during the last war—aye, and worse than that—convicts, "Lord Mayor's men" as they were called. It was because he wished to save the navy from being flooded, in periods of emergency, with such worthless, disreputable characters, with the sweepings of the streets and gaols, that he urged the maintenance of a disciplined reserve force, which they could call to the aid of the regular navy in time of war. If that were once properly done, there would be no need for those fortifications that were now so much talked of. But what was their condition? If war were to break out the next day they would require 120,000 seamen; and he would ask, where were they to be got? The noble Lord the Secretary to the Admiralty had expressed his disapproval of the bounty system adopted by the late Board of Admiralty, but he would ask what else was to have been done? Ships were lying three and four, and even five, months in harbour after they were commissioned for want of men; the bounty was offered, and the late Board was able to man ten sail of the line. Of course, a proportion of these

deserted; that had always been the case; but if the Government instituted an efficient system of police and punishment, desertion would soon cease in the British navy. The noble Lord said the Admiralty were now engaged preparing new laws. But how long were they to take in the preparation? The task was not a difficult one if the Board would only set about it in earnest; two or three officers would in a very few days make all the corrections that were needed. Now, he had made the matter more plain. He told them that the navy was at this moment between 7,000 and 8,000 seamen below the Vote of the House of Commons. He insisted that the Government ought to follow the example of their predecessors, and offer bounty to recruits until they had made up the proper complement of men, and then, if they thought proper, they might discontinue it. His hon. Friend recommended a higher grade of petty officers. He had over and over again stated that there was not a sufficient distinction made between the petty officers and the seamen. The only way to raise their position was to raise their pay, and the Admiralty ought to insist on the Chancellor of the Exchequer giving them money for that purpose. At present all that the best men on board a ship had to look forward to was the rank of boatswain, gunner, and carpenter. As to rising beyond these there was not the smallest chance. If a warrant officer did a gallant action in the war, he had a chance to get a commission; but since the peace that had been a rare event. Various things had been done for the benefit of seamen. The Royal Commission had recommended the establishment of a Seamen's Fund; but was there any prospect of that recommendation being carried out? Then, why were savings banks not established? It had been promised that savings banks should be established in the different ports, though nothing had been done: but he contended there ought to be a savings bank on board every ship. There was another thing of which he had often spoken privately. There was no one to take care of the seamen's money on board ship. The seamen had no safe place to put their money; some stowed it in their bags, and some in their hammocks, where there was great danger of being robbed. How easy would it be for the paymaster to take charge of the money and keep a running account with the men. He might be told the paymaster had too much to do; then give him an assistant. That, it would be said, was expensive; but if it was necessary to the efficiency of the navy, expense ought not to stand in the way. The noble Lord apologised for the short supply of school ships by saying the batteries were not ready. What did they want with batteries? They wanted ships. Then the noble Lord said there was a difficulty in the merchant service of getting men. But he was informed by a gallant friend, the *Great Eastern* had no difficulty in getting petty officers with twelve years' service from the Royal Navy; and the great steam companies—the Peninsular and Oriental Company, for instance—could get their choice of men while the British navy was in want of them. All the great steam companies readily got the men they required; and there was no reason why the navy should not obtain them also, if they took the right course. The reason was that the service was unpopular. It was a disgrace to the country that it should be so, and the Admiralty ought to devise some means to correct the evil. As to entering boys of sixteen or eighteen years of age, he was aware that they would cost a great deal before they would be efficient seamen, but, as they had been cobbling, God knew how long, without succeeding in obtaining a sufficient number of men, they ought to take boys, however expensive it might be. The effect would not be felt immediately, and besides that, they ought at once, seeing the state of affairs in Sicily, and the confusion throughout the world, to take steps to obtain a proper reserve. He believed that the expenditure of large sums of money in fortifications would be entirely and totally useless. A man like Napoleon Buonaparte, with an army of 600,000 men, would not be such a blockhead as to attempt to land men where the fortifications were placed. He would go a little to the east or a little to the west, and he would find plenty of places where there were no fortifications. When England commanded the seas she defied the whole world, and the British way—the only way—to defend this country was to maintain a well-manned and a well-disciplined navy.

MR. BENTINCK said, it appeared to him that the whole purport of the Motion of his hon. Friend was to imply, or rather to assert, that the Board of Admiralty had not done the utmost in their power to carry out the recommendations of the Manning Commission; and he was bound to add that if that was the object of the Motion

it was one in which he entirely concurred. He did not think that the Board of Admiralty had exerted themselves to the utmost to give effect to those recommendations; and he further believed that they had consequently neglected an important duty. But the question then arose, upon whom was the principal blame in that matter to rest? Now he was not prepared to throw all the blame upon the Board of Admiralty. He admitted that they were the body directly responsible, but it should be remembered that they had great difficulties to contend with. He believed that the real blame laid with that House. The indifference of the House of Commons to the importance of the question was the cause of the absence of the necessary exertions on the part of the Board of Admiralty. That Board had, like all other public departments, to deal with that most inconvenient personage a Chancellor of the Exchequer, who seldom allowed his mind to wander beyond figures, was indifferent to the requirements of the country, and was ready to starve every branch of the Government in order that he might reduce his Estimates to the lowest possible amount. He did not deny that the Board of Admiralty ought to insist on obtaining the sums required for the efficiency of the service over which they presided; but it was rather too much to expect from any particular set of gentlemen that they should break up the Government with which they were connected by coming to a quarrel with the Chancellor of the Exchequer. Under these circumstances the blame must be charged upon the House of Commons. Let some paltry discussion be raised involving the advent to office of one party or another, when it was of little consequence what the decision might be, they saw 500 or 600 Members coming down to the House, and taking the most eager interest in the result of the division, whereas during a discussion on the state of the navy the benches were almost deserted. The inference was that the House of Commons were perfectly indifferent upon the subject. He felt persuaded, however, that until the House should put a pressure upon the Admiralty, the present wretched system of conducting the naval service would continue. That system was based upon the principle of a penny-wise and pound-foolish economy, and the benefit of £13,000,000 expenditure was lost, when £1,000,000 more would make the defence of the country complete. It was a question purely of pounds, shillings, and pence, and all discussion of details was a mere waste of time. The great steam-packet companies obtained as many men as they wanted, as his hon. and gallant Friend had stated, because they chose to pay for them, and it was a disgrace to this country that it should experience the slightest difficulty or delay in procuring the men it required for its navy. Let the Government pursue one or other of two courses. Let them either say, "we disagree with the recommendations of the Manning Commission, and we are not prepared to carry them into effect," or let them resolve on carrying them out by incurring the necessary expenditure. There was one other point to which he wished to advert. He entirely agreed with his hon. and gallant Friend in his condemnation of the proposal to defend this country by fortifications. He regarded it as utter insanity. He believed that for all practical purposes the money to be so expended might as well be thrown into the middle of the sea. It was impossible, in his opinion, to doubt that one-half of that money employed in raising and maintaining an efficient Channel fleet would do more good than all the brick and mortar or all the stone work that could ever be erected.

Mr. WHITBREAD said, that he wished to correct a misapprehension as to what had fallen from the noble Lord at the head of the Admiralty. The noble Lord had stated nothing about the difficulty experienced by the merchant service in obtaining men for their ships, but that they were anxious to get the men who had joined the Royal Naval Reserve, and adduced the fact to show that they were first-rate seamen. He might also add with regard to savings banks on board ships, if the gallant Admiral meant the reception of the seamen's money and the payment of interest, there was no such institution; but if he meant that, instead of placing their money in their chests and hammocks, sailors ought to have a place of safe deposit, there was what was called the second chest, into which savings were received by the paymaster, and the men were pressed by their officers to place their money there for safety. As to raising the number of Coast-guard it might be done at once, but it must not be forgotten that it would take away the best men and half ruin the fleet. By lowering the qualification for the Coast-guard and for the Reserve numbers might be added, but they would not have men to

be depended upon, and they would not have first-rate sailors.

ADMIRAL DUNCOMBE said, he believed that the immediate subject then under consideration was the manning of the fleet. The Admiralty were accused of not having made sufficient exertions to ensure the due accomplishment of that object. It should, however, be borne in mind that able seamen, of whom alone a reserve ought to be composed, were very difficult to get. Only that day week he was on board the *Great Eastern*, and one of the officers told him that, although they expected to have to go to sea in forty-eight hours, they were seventy-eight able-seamen short; that they did not know where to get them, and they thought of endeavouring to obtain them ultimately in America. It was true that men had been readily obtained for the *St. George* and the *Bacchante*, but as one of those vessels was to convey his Royal Highness the Prince of Wales to Canada, and the other was to be the ship of Prince Alfred, the facility with which they were manned could not be considered a fair example of the ease with which men could be obtained for the navy. He was delighted to hear that the articles of war were to be revised, as he believed that such a revision would tend more than any other step which could be taken to make the naval service popular. The maintenance of discipline on board ships was of the greatest importance, but punishment should be commensurate with offences; it should also be certain, and it was impossible to carry out the extreme penalties provided in the present articles of war. He entirely approved of the recommendation of the Commissioners that a large number of boys should be trained for the Royal Navy. He wished they had 15,000 or 20,000 of those boys, for he believed that their services would hereafter be productive of the greatest advantages. It was on the education and training of boys that in future years they must rely for a supply of sailors.

MR. AUGUSTUS SMITH said, that the House was about to be asked for Votes upon account of the Civil Service Estimates; a practice to which he entertained the strongest objection, because when the money was obtained nothing more was heard of the Estimates until so late a period of the Session, that there was no opportunity of fairly discussing and considering them. It was quite true, as was stated by the noble Lord the Member for the City of London the other night, that in the years 1851, 1853, 1854, 1855, and 1853, money was voted upon account of these Estimates, the consideration of which was not commenced until the months of July or August. But what had been the result of the adoption of that course? Why, these Estimates had increased from year to year to a very considerable extent. In 1851 they amounted to £3,900,000, in 1853 to £4,800,000, in 1854 to £6,600,000, and in 1858 to £7,235,000, and he thought it was full time for the House to look into that expenditure. The proper course would be for the Government, instead of asking for Votes on account, to take those Votes upon which the balances were running short, and let them be fairly discussed and their amounts voted. The first item for which money was wanted on account was the salaries of the First Lord, the Lords and the Secretary of the Treasury, who were the persons responsible for the delay of these Estimates, and who ought, in his opinion, not to receive their money until they had fulfilled their duties to that House. The most important, perhaps, of all the Votes was, however, that for public education, which had run up in amount in a greater degree than any of the others; and if they agreed to these Votes on account, they would hear nothing more with regard to the subject of them until a late period of the Session, when it would be impossible to bring them under discussion. There were also Votes for the Commissioners of Works, for the convict establishments at home, and for the consular service; all of which ought to be fully discussed, but for the consideration of which the House would obtain no sufficient opportunity if it now consented to give Votes upon account. It had been said that the Estimates could not be submitted to the House earlier because there was before it a great and urgent constitutional question, and those who agreed with him had been accused of wishing to impede the progress of business. Such an accusation was unjust, because the Reform Bill was pressed upon the House in opposition to the wishes of all but a small section of its Members. He should not oppose the Motion that the Speaker should leave the chair, but he should take the sense of the Committee upon the first Vote on account that was asked for.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

PROPERTY AND INCOME TAX.

OBSERVATIONS.

MR. WHALLEY said, he rose pursuant to notice to call attention to the present mode of assessing the property and income tax, with a view to the more equitable assessment thereof. He would remind the House that from the establishment of this impost there had been general, wide-spread, and most deeply-felt dissatisfaction, in consequence of the mode in which it was assessed, and with reference to the principle of assessment. The subject had been repeatedly brought under the attention of the House, and in 1852 its importance had been recognized by the appointment of a Committee to consider it. It appeared that the subject was beyond the power of the Committee, because they referred it back to the House for its decision. He brought forward the question in the hope that the Government would render any further steps on the part of independent Members unnecessary, by stating what course they intended to pursue in respect to it. His object on that occasion was not to invite the House to discuss the present mode of assessment, or to inquire whether it could be improved, and if so by what means, but from the belief that, for the public interest, the Government should state at that period of the Session the course they intended to pursue in the next Session on the arrival of the time for renewing the tax. The first question was whether the present system of assessment was a just one. Now, without reviving all the arguments commonly urged upon this point, he would say that common sense revolted against persons engaged in trades and professions paying on their precarious incomes the same amount that was obtained from fixed incomes derived from real property. If the Government intended to persist in that system it was absolutely essential that they should mitigate the sense of injustice which persons employed in trades and professions must feel in contributing an equal rate, or something like an equal rate with the land, by making it clear and intelligible to the people of the country that it was essential to retain the assessment on its present footing, and that it could not be altered with any degree of consideration for the public service. In that case, unfair and unjust as it might be, those who suffered from the injustice would be ready to pay their quota with much greater readiness. Upon this point, however, the country was entirely without information, although he believed that the Government had at its command ample materials for the re-adjustment of the tax, and that it could be re-adjusted without causing any of those divisions between different classes of the community, or of the jealousies between landed and trade interests, which appeared to constitute the great difficulty in approaching the question. In 1853, the right hon. Gentleman the Chancellor of the Exchequer declared that he sympathized with the feeling that the income tax bore more heavily on trade and professions, on skill and industry, than upon property; but in 1856 the right hon. Gentleman, the present Home Secretary, expressed totally different views. That right hon. Gentleman said, that in imposing a tax of this sort the State ought not to look to property but to income, and that the ability of each person to pay should be measured by the annual income he possessed. When the re-imposition of the tax was proposed, the members of trades and professions should know which of those views was approved of by the Government. In quoting the opinion of the Chancellor of the Exchequer, he omitted to say that the right hon. Gentleman expressed his full and entire conviction that the sympathy he felt could not be practically carried out, and that a reconstruction of the tax could not take place without producing evils far greater than any good that could be effected by a change in the system. Well, if that could be shown, the country might be satisfied; but in his opinion the system could be altered without difficulty and without injury. At that time the right hon. Gentleman regarded the tax as a temporary one; but looking upon it, as they must now do, as a permanent arrangement, did there not exist materials by which, without any conflict of party, and without any serious conflict between opposing interests, the system could be changed so as to put an end to the prevalent dissatisfaction? Not only was the assessment inquisitorial and unjust, but it had the most prejudicial influence on the morality of the country, in leading persons to make false returns of their incomes. If it was possible to devise a remedy, it was most essential to adopt it when the property and income tax was about to be made the permanent source of revenue. In 1840 Parliament passed an Act releasing from its liability to the poor rate visible property, as stock in trade, amounting to £16,000,000 a year, and

which might be said to be property of an analogous character to that which came under Schedule D of the Property Tax Act. It was true that by usage this class of property was exempt from liability to the poor rate; but in the year he had mentioned the exemption was confirmed by Act of Parliament, and the burden transferred to the land. That Act was originally passed for two or three years, he forgot which, but since then it had been continually renewed without objection on the part of the owners of real property, by whom its justice had been previously practically recognized. When the Bill of 1840 was under discussion the present Lord Chancellor, then a Member of the House of Commons, said it was most inquisitorial to attempt to tax stock in trade; but how much more inquisitorial must it be to tax property such as was assessed under Schedule D, and which was not even, as stock in trade was, "visible" property, but property that was invisible. He submitted that in the course taken with regard to the liability of visible personal property to the poor rate, they might find a means for the satisfactory adjustment of the income tax in respect to incomes derived from trades and professions. With the permission of the House, he would read a letter from Mr. George Coode, who had a perfect knowledge of the subject, and who stated that the materials were in the power of the Government, not only for ascertaining the bearing and operation of the tax, but for setting it free from the objections that unnecessarily aggravated its unpopularity. Mr. Coode also stated that those materials would never come before a Parliamentary Committee; and that no Government department would never work them up; but that there must be a department to make an exposition of them if they were ever to be reduced to a satisfactory condition. The difficulty of dealing with Schedule D, therefore, was purely imaginary; a deep and general dissatisfaction was felt with regard both to the principle and details of this tax, and it was the duty, therefore, of the Government either to take some means to correct its evils, or to show that it was a perfectly fair and just tax. They had ample means at their disposal for either one purpose or the other. The great question which had lately arisen between the two Houses had had its origin mainly in the opinion expressed in "another place" that they were no longer equal to the administration of those functions which were supposed to attach specially to that House. As regards the property and income tax, there might be some ground for the feeling that the House had not fulfilled its duty; but, whether that be so or not, they should have an authoritative statement on the subject. Although they might not satisfy the House of Lords that they were able to discharge the duty that properly belonged to them, it was the more important, as it seemed to him, to show that they had done all they could to render themselves worthy of the high trust, in regard to taxation of the country, which that House had ever enjoyed, and which he trusted it would insist upon retaining.

MR. POLLARD-URQUHART said, he firmly believed that the time had come when the feeling of the people on this subject could no longer be trifled with, especially as there never was a time when there was less reason for regarding the income tax as a temporary impost than that moment. At the beginning of the Session it might have been thought possible that the tax might be got rid of in a year or two, but the China war and the state of Europe, which rendered it necessary for them to spend large sums on armaments and fortifications, were sufficient to put an end to all such hopes. The Committee of 1851 and 1852 made an attempt to grapple with the tax, which proved a failure; but still he thought that their labours ought not to be altogether thrown away, and he suggested that some compromise should be come to upon the subject. He therefore hoped that Her Majesty's Government would give them some information upon it.

SIR FRANCIS GOLDSMID said, there was a very strong impression in various parts of the country that there was unfairness in the imposition of this tax. That unfairness had been submitted to because there had been a constant hope that in two or three years the tax would be taken off. That hope had now departed, and he thought the country ought now to have an assurance that the Government, and especially the Finance Minister, would grapple with the subject.

MR. WESTHEAD said, he represented a very ancient city, in which were many members of the legal and clerical professions, and they considered that this tax was most unfairly levied. It was generally hoped that this tax, after what had been shown as to its injustice, would have been brought to an end; but the prospect before them was very gloomy, and he was

afraid that the burden must long remain as an incubus upon the industry of the country in various forms. He had had opportunities within his own experience of perceiving how unequally the burden affected different members of the community. One was the case of a merchant who had paid the tax upon a large income for many years, but in the panic of 1857-58 the whole of his property was swept away. In the case of another merchant, he invested a short period before that panic £120,000 in land, and he retained that property now. The incomes from trade and that from land were both taxed, but it was quite unfair to tax them upon the same principle as was done in that case. A man who gave his best efforts to the support of his family, and did his best to maintain them on his income, ought not to be taxed like himself (Mr. Westhead) and others who had property which, if they died the next day, would descend to their children. The country had been content to bear these inequalities upon the assurances of various Chancellors of the Exchequer that the tax should soon come to an end. That hope was now vain; and he gave notice that in a future Session he should use all his influence to prevent its re-imposition.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think this subject is one so important, and involves so many public interests, that it would not be respectful to my hon. Friend who raised the discussion if I were to allow you, Sir, to leave the chair without saying one word with regard to what has fallen from him. Now, Sir, there is one consideration that ought always to be borne in mind in a discussion as to the mode of assessing the income tax. It is not always so vividly present to the minds of those who enter into that discussion as it might be. I am far from mentioning it as a consideration decisive of the question, but it certainly is one very material to the question, and it is this—that when we are considering the re-adjustment of the income tax, with the idea of affording great relief to particular persons on whom we may think it presses too heavily, we do not always remember that the relief of one is, in point of fact, an additional burden on another. I have, indeed, known the case of a Member of Parliament who was assailed, I think, in the same town which he had canvassed, with complaints of the burdens of the income tax on those who come under Schedule D, on which he said that nothing could be clearer than the claims of those who were assessed under Schedule D to relief. He afterwards became a county Member, and when he canvassed that county he was assailed with complaints of the unjust and unequal pressure of the income tax on those who come under Schedule A. He replied in like manner, and yielding to the same impulse of benevolence, said that nothing in his judgment was clearer than that relief ought to be given to those assessed under Schedule A. He was afterwards pressed with the case of the fundholder—he considered the case of persons receiving salaries from the Government who are assessed under Schedule C to belong to D; and thus he disposed of three Schedules: he was pressed, as I have said, with regard to the only remaining Schedule, which was the case of the fundholders, and he said nothing could be more invidious than to make them exceptions to the enjoyment of that relief which had been extended to Schedule C. That is, no doubt, a most agreeable method of handling a thorny question. It was most consolatory to the feelings of those classes who were addressed in turn in honied accents by the Gentleman who had that happy knack of dealing with an unpleasant subject. But the end of that method is, that if all get relief from the existing standard, then the standard of the whole tax must be raised in order to replace the Exchequer in the same position that it occupied before. With regard to the fault of the income tax, its inequality, there are certain parts of the inequalities of it common to it as to most other taxes levied in this country, although they may be more prominent in the case of the income tax. There are other inequalities—other disadvantages—which I myself have always strongly felt—and perhaps with regard to some of them, at least, I feel more strongly than most Members of this House—many inequalities and faults peculiar to this tax. There is a peculiar sense—a belief of the inequality attaching to the imposition of this tax. Now, I gather from what has been said by the hon. Gentleman who raised this discussion that he has no intention at the present moment of moving for a Parliamentary Inquiry into the subject. I confess I think that in so doing he exercises a wise discretion. I am very far from saying that it is the duty of the Government to oppose a further prosecution of the Inquiry into the assessment of the income tax, if at any time it should be the general desire of the House to in-

stitute that Inquiry, and not only to institute that Inquiry, but to prosecute it with earnestness, and energy proportionate to the extreme difficulty of the subject. I do not feel authorized to shut the door against a general desire of the House, but I must confess as an individual, and I believe on the part of my Colleagues, that in saying this we have done all in our power. The hon. Baronet (Sir Francis Goldsmid) who appeals to me in the office I hold, said he hoped the question would receive at the hands of the Government, and especially the Finance Minister, before he proposes another Budget, an attentive and careful examination. Now, it does happen that at a former period it became my duty, in my own behalf, in the same office I have now the honour to fill, and likewise on behalf, to a considerable degree, of the same Colleagues, to examine this question. Nor was I alone in the examination, because several Members of the Cabinet of the Earl of Aberdeen, including all those who had paid the greatest attention to the subject of finance, were good enough to associate themselves with me for the purpose of testing and sifting it to the best of our ability. At that period nothing was more obvious than that it was to the interest of the Government to come to some arrangement if possible for the adjustment of this tax. A strong disposition had been shown by those who then formed, as now, the Opposition party, to give their countenance to the reconstruction of the tax. I do not mention that now as a matter of praise or blame, but simply as an important historical fact. While that was the case with regard to the Conservative party, undoubtedly a large portion of the Liberal party were, in the abstract, favourable to the same opinion. Therefore there was the clearest interest on the part of the Government to have proposed a plan for the purpose, if we had found ourselves able to arrive at the means of constructing such a plan consistently with justice. It is very difficult to assert, with confidence, a negative on most subjects, and particularly on the subject of politics, and most of all on the subject of taxation. We did come to the conclusion, however, that it was not practicable to form any system of readjustment of the income tax with reference to the distinction between permanent and terminable income, without inflicting a greater amount of injustice than that which it would cure. I am bound to take notice—I am bound to remind those who have taken part in this debate, because it is a material part of the case, that even in the commencement of the examination of it, we find ourselves confronted by this fact—that whereas, on the whole, those who are assessed under Schedule D pay on less than their real income—I do not speak now of the cases of fraud, though I fear they are not unfrequent, but I speak of the liberal arrangements made by the law, which, I think, legitimately have on the whole that effect—while those assessed under Schedule D pay on less than their real income, in almost every case—I believe I may say every case without exception—those who pay under Schedule A pay on more than the real amount of their income. Therefore, I think that if at this moment we institute a severe critical analysis of the tax, and pursue that to its farthest stage, we shall find that the tax presses more heavily on those assessed under Schedule A than any other. That is clear with reference to all property assessed under Schedule A, but one description of property—I think I may say all property; but I am not quite sure how the case stands with regard to the returns of mines. But speaking of the great branches under Schedule A, there is no doubt of the truth of the statement I have made. With respect to one large branch of that property—namely, house property, I may say with regard to certain classes of it at least, that if there be a special claim to be singled out from all the rest for relief, the strongest is the claim which may be urged by the owner of a certain species of house property. I only mention that as a material, but not as a decisive consideration, to be borne in mind by those who take an interest in this subject. It was my fate, in 1853, for a space of two mortal hours, to occupy the time of this House,—whether fruitfully or fruitlessly, I do not know,—in stating in great detail, and in giving a full development to the reasons that had actuated the Government in the conclusions at which they had arrived. There was then a strong sense, and there is still a considerable sense of the inequality of the pressure of the tax, as well as of its general severity, yet I am bound to say, on the whole, since that time the public have been more impressed with a sense of the difficulty of any practical reconstruction of it than they were at an earlier period. That result I entirely attribute to the labours of the Select Committee, and to the fact that that Committee, having been appointed with the notion

The Chancellor of the Exchequer

that a reconstruction of the tax, as practicable, and probably easy, might be accomplished, were—such was the general effect which the evidence brought before them left on their minds—led to the conviction that if such a reconstruction was not hopeless, it was, at all events, a work of extreme difficulty. Nay more, there were one or two highly intelligent Members of this House, who entered upon the inquiry in that Committee, in the firm belief of the practicability of the reconstruction of the tax, who concluded their labours in the full persuasion that its reconstruction was impossible. I think the hon. Gentleman who brought forward this question, will, therefore, see that it would be paltering with the House and the country, if I were to pretend, on the part either of myself, or, I believe I may say, any one of my colleagues, that we see our way to any plan for the readjustment of the income tax. It cannot, of course, be denied that there are many questions of a more limited character than the complete reconstruction of the tax, which, nevertheless, are of great importance, which may, perhaps, form the subject of useful inquiry; and with respect to which I am by no means disposed to say that improvements might not be effected. But what I am desirous of impressing upon my hon. Friend behind me (Mr. Whalley) now is, that while I am aware there are very sanguine ideas entertained out of doors on this subject, I cannot give to those who entertain them any encouragement; and that, while I feel myself perfectly unable to give to those ideas practical effect, I should be unwilling to stand in the way of men, who, bringing a greater amount of ability to bear upon the question, may deem themselves capable of devising a scheme to accomplish this object. With that explanation, frankly owning to my hon. Friend that he exercises a sound judgment in not asking the House to go into an inquiry on this subject, I beg to conclude the brief remarks I have offered to the House.

MR. WHALLEY, in explanation, stated that he had neither proposed nor suggested a revision of Schedule D merely, but such an inquiry into the whole of the schedules as would satisfy the just requirements of the country.

SIR HENRY WILLOUGHBY said, that as it was clear that the income tax must be permanent, he hoped that means would be devised to make it bear as light as possible. It might be extremely difficult to readjust the tax, yet there were some of its more aggravated inequalities which might be easily redressed. In the course of last year, for instance, the right hon. Gentleman had greatly aggravated the inequality of the income tax by throwing the annual payment on the half-year. The class of long annuitants in this way were compelled to pay the whole year's tax on the half-year's income in October. The consequence was that they paid on a quarter's income that they had never received. That was a remarkable instance of the injustice of that House. The quarter he referred to was from the 10th of January to the 5th of April. He had been applied to by some of these long annuitants to appeal to the Chancellor of the Exchequer for restitution, and he had told them to appeal to him themselves; but he was afraid they would not succeed, as he never knew a Chancellor of the Exchequer to make restitution of anything. He (Sir Henry Willoughby) had done all he could. He had last year divided the House on the subject, but only thirty-seven Gentlemen followed him.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

MR. LAING said, he rose to move that a Vote of £654,000 be granted to Her Majesty on account for the purpose of defraying certain expenses for the Civil Service. In doing so, he would take occasion to say that it was by no means the wish or the intention of the Government to have recourse to the practice of taking Votes on account, or to lay down any new system with respect to the voting of the Estimates. The present Vote was proposed under exceptional circumstances, inasmuch as, while a certain amount was immediately wanted for the Civil Service, it was not thought expedient, nor probably would it be the wish of the House, that the discussion on the Estimates for that Service should be at once proceeded with, to the exclusion of those for the army and the navy, the debate on the organization of the Indian army, and other important subjects which claimed immediate attention. The amount, he might add, for which he asked on the present occasion was only sufficient to tide the Government over salaries and other payments due next month, and by no means so large as to preclude the House from exercising to its fullest extent their judgment with respect to Civil Service Esti-

mates as a whole, the discussion on which the Government did not wish to postpone a single day beyond the time necessary for the despatch of more important business. It had been said that those Estimates were in a state of constant and rapid expansion, but it would be found that when the whole of the items of the revenue—class 7—were before the House—which would be the case in a few days—they did not exceed the amount which had been stated by his right hon. Friend the Chancellor of the Exchequer in February last, and that upon the whole of the Civil Service Estimates there was a diminution, as compared with last year, of at least £320,000.

1. Motion made, and Question proposed,

"That a sum, not exceeding £654,000, be granted to Her Majesty, on account, for or towards defraying the Charge of certain Civil Services, to the 31st day of March 1861."

MR. W. WILLIAMS said, he had great objection to the system of voting sums on account, but seeing the difficult position in which the Government were placed, as they had no means of going on without these Votes, he should not offer any opposition to that before the Committee. He wished, however, to know how long the present Vote would enable the Government to go on?

MR. LAING said, that the Votes had been taken to carry the public service over the payment of the quarterly salaries due at the commencement of July. The Government, if these votes of credit were granted, would have to come to the House again for money about the middle of July.

MR. AUGUSTUS SMITH said, the Committee must be convinced that, if the Votes on account were granted, there would be an end to all discussion on the Civil Service Estimates. They all knew that by the middle of July the House was in a state of dissolution, and no reduction could then be made in the Votes. He should, therefore, offer a few observations on the first item, the Vote for the Treasury, and, as the Gentlemen representing that department had not done their work this year, and had not got these Votes discussed and passed, they were not entitled to their salaries. The subject was one of importance, as a very unsatisfactory mode of conducting business at the Treasury had recently sprung up, and some fresh organization of that department was much wanted. Formerly the Lords of the Treasury sat as a Board. Everything went before them, and their sanction as a body was required. But of late years he understood the business was transacted by the Secretary and the Chief Clerk of the department. More important matters were arranged between the Chancellor of the Exchequer and the Secretary, and then the clerk wrote the determination that had been come to in the name of "my Lords," although "my Lords" knew nothing of the matter. The Lords of the Treasury ought to be really active and responsible officers. The inquiry before the Packet Contracts Committee showed the necessity of bringing the business of the Treasury into one focus, so that one department might know what another was doing. The Lords of the Treasury were very active in and about that House, and hon. Members were sure to find one at the door, but they were less entitled to their salaries this year than ever, because on two or three occasions they had been active in counting out the House, and preventing it from proceeding with the business before it. He would move as an Amendment that the Vote of £15,000 for the Treasury be postponed until the whole Vote for the Treasury was before the Committee.

THE CHAIRMAN said, the hon. Member could not move the postponement of a Vote.

MR. AUGUSTUS SMITH said, he would move, then, that the Vote be reduced by the sum of £15,000.

Motion made, and Question proposed,

"That a sum, not exceeding £639,000, be granted to Her Majesty, on account, for or towards defraying the Charge of certain Civil Services, to the 31st day of March 1861."

MR. BENTINCK said, it was absurd to suppose that the House could properly discuss the Estimates if they were put off to a late period of the Session. The Civil Service Estimates were those upon which their only hope rested with regard to economy. It would be impossible to economise on the Army and Navy Votes, the only fault of which was that instead of being too high they were too low. The increase in the Civil Service Estimates during the last six or seven years was out of proportion to the apparent requirements of the country. The House would do well to make it imperative upon the Government to lay the Estimates before the House at an early period of the Session. If a Resolution of that kind were passed, marking the sense of the Committee upon the delay which had occurred, they would do more towards economising the finances of the country than had been

done by any previous House of Commons. The difficulty in which the Government now found themselves was one of their own creation. Still, he did not see that any good would result from refusing this Vote on account; but if the hon. Gentleman (Mr. Augustus Smith) chose to divide the Committee upon it he would go into the lobby with him.

MR. BAXTER said, he thought the suggestion of the hon. Member (Mr. Bentinck) for an earlier production of the Civil Service Estimates was a good one, and he trusted it would engage the attention of the Committee up-stairs, and form one of their recommendations. As, however, it was not through any fault of the Government that the present delay had occurred, he trusted the hon. Member for Truro would not press his Amendment.

MR. SPOONER said, he wished to know whether any part of the money voted would be applied to the Art and Science Department Vote of £94,000, and the Vote of £34,000 for works and repairs about the Palace of Westminster. It was his intention to move a considerable reduction in both these Votes.

SIR JOHN SHELLEY said, he hoped it was not intended to postpone the consideration of the Estimates till the middle of July, because what had happened before might happen again, and when very few Members were present, except those behind the Treasury bench, many very important Votes might be taken.

VISCOUNT PALMERSTON said, he could assure the House that there was no intention to postpone unnecessarily the discussion of these Estimates. All that his hon. Friend asked was that there should be a Vote on account to meet the wants of the service up to a particular period. It was desirable to go on as soon as possible with the Navy and Army Estimates, as those related to services of great magnitude and importance to the country; but as soon as those Estimates were gone through, which he hoped would be next week, the House would be able to discuss in the fullest manner all the items of the Miscellaneous Estimates.

MR. BRISCOE said, the statement of the noble Lord would give great satisfaction, as the impression might have gone abroad that the Government had no desire to give the House an opportunity of fully considering these Estimates.

COLONEL SYKES said, he thought they could not conscientiously refuse this Vote, as the Treasury was at a very low ebb. The state of the public business had given the Government an excuse for asking Votes on account that Session; but he considered the principle of such Votes to be highly objectionable. He was glad to hear the noble Lord say that ample opportunities would be given for discussing the Estimates.

MR. H. BAILLIE said, he wished to ask whether any architect had been appointed as the successor of Sir Charles Barry; and also whether any considerable works were to be undertaken with reference to the Houses of Parliament during the ensuing year?

MR. LAING said, it was not intended to apply any portion of the money then asked to the expenditure upon the Houses of Parliament, the money already taken for that purpose not being yet exhausted. A sum of £12,000 would be appropriated on account of the arts and sciences, the total Vote for which was £94,000.

MR. CHILDERS said, the noble Lord the Foreign Secretary had, a few evenings ago, spoken of the consideration of the Miscellaneous Estimates as business that might be put off without much detriment, and that on an average of years the reductions made in them were very trifling. That was not a position in which the Civil Service Estimates, which were growing in importance every year, ought to stand. It had also been said that the principle of voting on account ought to be acted on by the House, and that it should be the rule—not the exception. When that was laid down as a rule, it was high time for the House to look into the question. He thought that they should act on the principle of no money being spent till it was appropriated, and in order to carry out that principle, the commencement of the financial year should be on the 1st of July, instead of the 1st of April. It was his intention to bring the latter proposition more prominently before the House on a future day.

SIR HENRY WILLOUGHBY said, he agreed with the hon. Member opposite (Mr. A. Smith) that a reorganization of the Treasury was required. That had been shown by the evidence given before the Public Moneys, Miscellaneous Expenditure, and other Committees, for the way in which it had been thereby proved that the Treasury transacted their business was far from satisfactory. The Lords of the Treasury were all very able gentlemen, and he could not understand why more use was not made of them in departments where

their ability might be of service. He thought the financial secretary of the day exercised too much power. A remarkable instance of the unlimited exercise of power in that direction occurred when Mr. Wilson was financial secretary, for during that period he alone, without consulting any single functionary, or the Treasury, entered into a most important contract, involving the outlay of £185,000, of which 92,000 had to be paid by one of our colonies. That contract had given great dissatisfaction in the colony, for it had proved to be a complete failure; and Mr. Wilson had avowed that though my Lords were stated to have done this and to have done that, no one but himself had had the least share in the matter. That was a very wrong mode of conducting public business, and Her Majesty's Government and the Treasury should look to it, and be made responsible for all the transactions that took place. He thought the hon. Gentleman had done good service in calling attention to the subject.

Mr. A. SMITH said, he would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

SUPPLY.—NAVY ESTIMATES.

(2.) £444,049, New Works in Naval Establishments.

Sir JOHN PAKINGTON said, he should be glad to hear whether the Board of Admiralty had taken into their consideration the pressure that existed for the extension of the dockyards at Chatham. The late Board of Admiralty had given the subject their most anxious consideration, but did not come to any final conclusion upon it. He was disposed to think that there ought to be a large expenditure upon the Chatham dockyards. It was most important to have the naval estsblishments well strengthened particularly upon that part of our coast. They could not do justice to our naval forces without largely increasing our dockyard accommodation there. He wished to know whether the Board of Admiralty had come to any conclusive opinion upon the subject.

Lord CLARENCE PAGET said, that the Board had given much attention to the case of the Chatham dockyards. They had found upon inquiry as to their rights over St. Mary's Creek, which formed a sort of highway for small vessels between Chatham and Gillingham that there was an opposition on the part of the Corporation of Rochester and Chatham against their taking possession of it. In carrying on the works at St. Mary's Island it would be necessary to shut up St. Mary's Creek, and the Admiralty proposed to introduce a Bill for the shutting up of that creek. In the meantime they were doing what they could to arrest encroachments from the sea on the outer part of the island, which would be so much gained. It was not, however, proposed in the present year to go beyond the works already in progress.

Sir JOHN PAKINGTON said, he had heard the answer of the noble Lord with very great satisfaction, and he hoped the Admiralty would continue to bear the matter in mind.

Colonel SYKES said he wished to call attention to the expense of gas used in the various dockyards. There was an item of £350 for gas at Deptford, another of £842 for gas at Woolwich, £900 for Chatham, £600 for Sheerness, and £1,000 for Portsmouth. Now, when the sum charged for gas in one yard amounted to £1,000 a year, it became a question whether it might not be more economical to manufacture it. He was led to put this question, as a sum was now to be taken for gasworks at Deptford.

Mr. WHITBREAD said, they had manufactured gas for themselves at Pembroke at a cost of 2*s.* 7*d.* per 1,000 feet; but when they could get pure gas from a company at 3*s.*, they did not think it advisable to incur the expense of gasworks. The rate at Deptford, however, was high, and in this Vote there was an item of £300 for gasworks there. With regard to Portsmouth, the question was under consideration. They wanted, further, to see how they got on at Deptford and Pembroke before embarking in larger works.

Mr. AUGUSTUS SMITH commented upon the enormous sums placed upon the Estimates, comprising all sorts of matters, without the necessary information as to what items they belonged. He also complained that with regard to Keyham, and also to Woolwich, large Votes were taken for the purchase of land, and cost of erection of buildings, without distinguishing the cost of the land from the cost of the buildings. He asked whether there was any objection on the part of the Admiralty to give a return specifying all the land purchased in connection with the dockyards, with the quantities and the prices paid, and extending back some two years.

Sir Henry Willoughby

LORD CLARENCE PAGET said, the land alluded to in the Votes had been, generally, long since purchased; but all the details of the great works were kept on the Votes year after year until the whole were completed. The only new item was that of £6,000 for the purchase of the Quadrangle at Keyham. At Woolwich there was an item of £10,250 for the final completion of the infirmary. That building had cost a good deal more than the original Estimate, but this Vote would make it ready for the reception of patients.

SIR JOHN PAKINGTON said, the noble Lord had not as yet touched upon an old and long-standing question in respect to Keyham—namely, the purchase of what was called the St. Aubyn's Estate adjoining. He wished to know whether any decision upon this point had as yet been come to. There was an item of £25,000 for additional barrack accommodation at Plymouth, which required explanation. The Supplementary Estimate for the purchase of an estate and for the further extension of this barrack accommodation involved an expenditure of £51,000.

LORD CLARENCE PAGET said, with regard to St. Aubyn's Estate, the Admiralty had made over and over again an offer for the purchase of it, but it was refused, and they had no intention at present to purchase any land in that quarter. The Marine Barracks at Plymouth were in a very unsatisfactory condition, and their enlargement was absolutely necessary for the accommodation of a force which had greatly increased. The adjoining premises were therefore to be purchased.

SIR JOHN PAKINGTON: How many additional men will they accommodate?

LORD CLARENCE PAGET: We have only purchased the land. We have not yet got plans.

MR. W. WILLIAMS said, the outlay now going on at the Bermudas, which figured in the Estimates at £150,000, called for a searching inquiry on the part of the Government, with a view to the removal of abuses.

SIR CHARLES NAPIER said, that £96,000 had already been voted for the Bermudas, where the dockyards works were begun as far back as 1812 or 1813. Was it possible that this expenditure had been going on ever since then? Stabling for twenty horses had been provided for the superintendent of an island much too small to afford exercising ground for such a stud.

LORD CLARENCE PAGET said, that works had been in progress at the Bermudas for a great number of years; but the present Estimate related to works that had been going on only for seven or eight. A storehouse was being built, the accommodation in the dockyard increased, and an additional house outside it erected.

SIR CHARLES NAPIER inquired whether the Government had any intention of carrying out the plan for concentrating all the Admiralty departments at Whitehall.

LORD CLARENCE PAGET admitted that it would be desirable to bring all the departments connected with the navy under one roof, but to do so would involve much expense, and he was not aware of any intention at present to propose an Estimate for that purpose.

MR. CHILDERS said, he wished to refer to the Vote for Gibraltar, where he found it stated that in consequence of the insufficient supply of convict labour recourse had necessarily been had to hired labour. He would suggest to the Government whether, instead of sending convicts to Western Australia, they should not send them to Gibraltar, where they could be made useful. He also wished for some explanation respecting a Vote for the Corodino tank at Malta. The Vote was £12,737, and an additional sum of £5,605, which appeared to be a larger sum than ought to be required. Another Vote of £2,000 for a coal wharf at Trincomalee also needed explanation, as he could not see why that outlay should be made just now.

LORD CLARENCE PAGET explained that at Gibraltar the army works were extending, and the first demand upon convict labour belonged to them. The Admiralty were, therefore, obliged to have recourse to hired labour. He did not know whether those works would go on increasing, but, if they did not, there was plenty of work for convicts at Gibraltar, such as lengthening the mole and other works. The outlay for the tank at Malta was large, but excavations in that island were always expensive and uncertain, owing to the porous nature of the rock. The item for a coal wharf at Trincomalee was a consequence of our warlike operations in the East, and it was obviously necessary for us to provide a depôt for coals for the use of our steamers in those seas.

MR. J. L. RICARDO said, he observed a sum of money put down for increased barrack accommodation. He had that day

been studying a document which had just been laid before Parliament, the contents of which had made his hair stand on end, both at the danger we were in if an invasion took place, and at the enormous expense—some £12,000,000—which would be necessary to make us safe. The Commissioners upon National Defences, among other things, recommended fortifications of the dockyards, which included large barrack accommodation. He therefore thought it would be as well to defer the present Vote, as all money now applied would be thrown away if the recommendations of the Commissioners should be adopted.

MR. CHILDERS said, he would ask the noble Lord, after the satisfactory answer he had given to his former question, whether the Admiralty would undertake to bring the question before the Government of the removal of the convict establishment in Western Australia to Gibraltar, in consequence of the scarcity of convict labour at the latter place.

MR. LYGON said, he would draw attention to the item of £25,000 for building cottages for the Coastguard. He observed that a Return recently made showed that each cottage cost £220, which he thought was more than should be the cost of buildings of that nature.

MR. WHITBREAD said, with reference to the question concerning Gibraltar, if there should be more works at that place than the present supply of convicts could perform, probably the Board of Admiralty would communicate with another department on the subject. With respect to cottages for the Coastguard, he admitted the cost was large, but it must be remembered that they had to be built in a most substantial manner in places often remote from towns and difficult of access. The plan, however, had recently been slightly altered, and the last tenders sent in were at a lower price than formerly.

SIR JOHN PAKINGTON said, that his impression, when he was at the head of the Admiralty, was that the expenditure for the Coastguard cottages was rather large. He was, therefore, glad to hear from the hon. Gentleman (Mr. Whitbread) that the Board would do all in their power to keep it down. The marginal observation in the Estimates respecting the Admiralty having been unable to obtain a sufficiency of convict labour at Gibraltar raised this very important question—were the finances of this country to be subjected to those expenses for hired labour when we were incurring such an enormous expenditure per head for sending out convicts to Western Australia? If the demand for convict labour still continued at Gibraltar it was high time for the Admiralty to communicate with the Home Office, and he therefore hoped that the noble and gallant Lord would give the subject his serious attention.

LORD CLARENCE PAGET said, that undoubtedly, if the large works now going on at Gibraltar were to continue, it would be the duty of the Government seriously to consider the question of securing more convict labour; but that would be attended with considerable expense in the way of providing additional convict accommodation. The subject was, however, a very important one, and should receive due attention. Indeed, his hon. Friend (Mr. Whitbread) had asked Admiral Martin to make inquiries into the matter when he arrived at Gibraltar. In his own opinion the work was only of a temporary character.

MR. J. L. RICARDO asked whether the expenditure upon barracks proposed by the Admiralty would be independent of the expenditure on fortifications recommended by the Commissioners on the National Defences. He wished to know also whether a supplementary Estimate would be brought forward in the present year founded on the Report of this Commission.

LORD CLARENCE PAGET could not hold out any hope that the recommendations of the Commissioners would bring about any reduction in the present Estimates with respect to barracks. As to the other question, he was not prepared to answer it. The Secretary for War would make his own statement on the subject.

SIR CHARLES NAPIER asked what was the largest ship that could get into Sheerness basin at all times of the tide, and whether it was necessary to remove her guns and stores before going in. He wished to know, also, whether the Admiralty expected to deepen the passage into Portsmouth harbour so that a three-decker could sail in and out with her guns on board. At present, if an enemy were at Spithead and our ships inside the harbour, they could not get out to drive the enemy away. That was not a state of things which ought to continue. Would the noble Lord inform him to what extent the Mole of Gibraltar had been lengthened, and how many ships could lie within the Mole protected from the gales which prevailed there?

LORD CLARENCE PAGET said, it was intended to carry out the Mole at Gibraltar 200 feet beyond the 1,000 feet originally intended. It would, therefore, be 1,200 feet longer, and he believed about 400 feet were still unfinished. With regard to Portsmouth Harbour, he feared he could give no positive assurance that such a depth would ever be attained as would enable a three-decker to sail out at all times of the tide. Dredging was being carried on, but he was sorry to say that shingle of the same nature as that on the top of the Spit had found its way again into the Channel, thereby showing that continual dredging would be necessary. The great dredging works now going on at Spithead were expected to be completed this autumn. The gallant Admiral had asked whether the basin at Sheerness would admit a very heavy ship. It would not, for it was impossible to make it deep enough for that.

SIR CHARLES NAPIER observed that in case of war Sheerness would be a very important place, and perhaps the noble Lord would ascertain whether it would be possible to deepen the basin sufficiently.

COLONEL SYKES said, that as the unhappy Chinese war was about to begin temporary provision must be made in the shape of coal stores in the Eastern seas, but the sheds and stores mentioned in the Estimates appeared to be intended for a permanent purpose. He wished to know whether the Estimates of these items were made on the authority of competent judges, so that the noble Lord could rely on the necessity of expending such amounts.

ADMIRAL WALCOTT inquired what was the breadth of the Mole at Gibraltar.

LORD CLARENCE PAGET said, he could not state exactly, but he knew it had a good broad platform with a high parapet, and was a very convenient mole. With regard to the coalsheds and stores, the Estimates went through a process of weeding very considerable in the aggregate, and there was scarcely one which was not cut down before it was submitted to the House. It was economy to keep up good stores of coals, because in the Indian and Chinese seas coals must always be in use, and it was idle to suppose that they would not be required every year.

Vote *agreed to;* as was also

(3.) £73,000 (Medicines, Medical Stores).

(4.) £92,750 (Naval Miscellaneous Services).

MR. W. WILLIAMS complained that a variety of divers matters were put together, so that it was impossible to know whether the charges were right or wrong.

MR. LYGON said, the sailors' homes and other similar institutions had been of the greatest benefit to the men employed in the service, and therefore he hoped that in future years a larger sum would be placed in the Estimates than at present. £1,600 was all that was now devoted for these purposes.

ADMIRAL WALCOTT asked how it was that there was such a large increase in the sum required for passage money. In 1859-60 £12,000 was voted; and for 1860-61 £30,000 was required.

LORD CLARENCE PAGET said the increase was in consequence of the passages out to China of the military officers and others.

COLONEL SYKES said, he could not but express his regret at finding certain sums set down under the name of rewards "for the destruction of pirates." It was desirable that the rewards given to officers and seamen on account of their bravery should be stated under some other description, rather than be described as bestowed for the destruction of human life. There was an item of £7,773 for "compensation for damage done by Her Majesty's ships," and he wanted to know how it was that they committed this damage.

LORD CLARENCE PAGET said, with regard to the item mentioned as destruction of pirates, in former years it was called head money. In estimating the sum to be awarded, the Admiralty took into consideration the amount of the service, and the number of lives lost among their own men, and the strength of the enemy, and after the Admiralty had made an estimate it was submitted to the Treasury, and was again gone into. The terms employed might seem a little harsh, but the sums voted were rewards rather for the destruction of vessels than the destruction of human lives. With regard to the damages for collisions, the hon. and gallant Member knew that when the Admiralty went before a jury they were sure to give a verdict against the Admiralty. If any misfortune arose, it was by far the cheaper way to compensate the owners than to go to law. There was recently great damage done to the *Hastings*, and for which the Admiralty ought to claim compensation, but they felt that they would not be able to get a jury to give them anything.

SIR CHARLES NAPIER said, he

wished to ask the noble Lord whether it was the intention of the Admiralty to recommend any change in the rule in reference to the granting of gratuities and pensions for wounds so as to assimilate the rule to the one in force for the army. The manner in which compensation was assessed to officers wounded in the navy was most unjust. It was a rule not to grant compensation unless the wound was equal to the loss of a limb. Now it was impossible for parents, or persons going into the navy, to know what the rule was. The sum now asked for gratuities and compensation was ridiculously small, being only £2,000. Again, no provision was made for ruptured men. They were discharged from the service, and, as they could not get employment, they had to go into the union workhouses. How could the Admiralty expect to obtain men for the navy when they were thus treated.

Lord CLARENCE PAGET said, he could give no distinct promise on the subject; but he would bring the matter under the consideration of the Lords of the Admiralty, and he was sure that they would be ready to give the navy a fair share of any advantages which might result to the army from any modification of the Royal warrant with respect to pensions and gratuities.

Mr. LINDSAY said, that he wished for an explanation on two or three points. There was an item of £2,340 damages for the rejection of 541 tierces of salt pork at Deptford. That sum was more than the value of the pork. Then there was an item of £7,638 by loss on exchange in sending money to India. Surely there ought to be no loss, seeing that several great banking establishments were sustained upon the profits they made in transmitting money to India. There was, further, a sum set down of £2,400 paid to the Bank of England for the transmission of money to our out-ports. At what rate was the Bank of England paid for such services?

Lord CLARENCE PAGET said, with regard to the last question the Admiralty paid 2*s.* per cent on money transmitted by the Bank of England to all the dockyards, except Pembroke, and in that case they paid 4*s.* per cent. He was not aware that any other bank would do it cheaper. He thought it was a fair charge, and they could not expect the Bank to do the work for nothing. The loss of £7,638 upon remittances to India was sustained in the year 1858-59, and it arose in consequence of the Admiralty having done an act of justice to those officers who were on distant stations. Formerly, officers had to draw bills at their stations, and get them discounted, which caused a great loss, and was much felt by the poorer officers. The Government had fixed a price for the rupee, and if the exchange was favourable to them they made a profit; if not, there was a loss, as in the present instance. As to the first question, he could not answer it, as the case occurred before he was in office. Perhaps the right hon. Gentleman opposite (Sir John Pakington) would explain the matter.

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £691,262 be granted to Her Majesty, to defray the Charge of Half-Pay, Reserved Half-Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of payment during the year ending on the 31st day of March 1861."

Lord CLARENCE PAGET: I think, Sir, this Vote is one on which the Committee may fairly require some information. It will be recollected that last year the right hon. Baronet the Member for Droitwitch (Sir John Pakington) in a very eloquent speech in favour of the officers of the navy, adverted to the extreme difficulty which the Admiralty experienced in giving due promotion and encouragement to our zealous officers, in order that they might feel that justice was done to them in the service. The right hon. Baronet went into the details, which much interested the House, and he showed what is perfectly true, that at present promotion in the navy is almost at a standstill. It is absolutely sad to think of the small number of promotions we have been able to give during the past year, particularly promotions of commanders to be captains, and of lieutenants to be commanders. Prior to the last war there was a vast number of officers who in peace were unemployed; there was no opportunity of employing them, and a great many were put upon the retired and reserved lists. The result is that our system of half-pay for the navy is in a complicated and most unsatisfactory condition. It would be well if some comprehensive scheme could be framed which would enable you to provide for officers who have served their country faithfully, to encourage young officers to remain in the service, and to hold out to all a fair hope of promotion. Unfortunately, however, this is impossible.

I am prepared to show that no scheme, however comprehensive, which you could frame would ever be permanent in the navy. The navy is liable to such great fluctuations that you cannot deal with it as you can, for example, with the Civil Service, where you have a fixed body of gentlemen serving you, and where there is a known and certain amount of promotion. If to-morrow we could get rid of those alarms which are excited by the state of Europe, we know well that the first proceeding on the part of the House of Commons would be greatly to reduce our fleet. The result of that would be to throw a vast number of young officers out of employment, and those officers would necessarily cease to advance on the navy list, for if you cannot give employment to your officers it is quite impossible you can promote them. Suppose, on the other hand, a great war were unfortunately to break out. There would then be a great increase in the navy, and you would have, so far from anything like a reduction, to draw largely from the merchant service. It will thus be seen that the navy is liable to such great and constant fluctuations that, however desirable it might be that you should put your lists upon a fair and proper footing, I maintain no Minister could come down to the House of Commons and submit a scheme which would do for all future years. You must deal with your navy lists according to the circumstances of the time. Where the shoe pinches there you must apply a remedy. No doubt, if one were to take a superficial view of the subject, one might come to the conclusion that we should at once place our lists upon such a footing that what we call our effective lists should be composed solely of effective officers. The scheme which the right hon. Baronet the Member for Droitwich drew up, and upon which he bestowed so much care, goes further in that direction than the one which I have now the honour to submit to the Committee, but there are many defects in his plan which doubtless I shall have to point out in the course of this debate. I think, that one of the principal objections to his scheme is, that it is very expensive, and that it could not be permanent. If the right hon. Gentleman could show that his scheme was equally applicable to a time of peace and a time of war—because that is the important point —no doubt he would prove it to possess at least one great advantage; but inasmuch as it is very expensive, and does not offer that advantage, I think it ought not to be adopted. There is another reason why I should be sorry to see it carried into effect. It would hurt the feelings, I might almost say break the hearts, of many old and valuable officers who served their country during those wars in which it gained its greatest glory. I allude, of course, to the proposal of the right hon. Baronet that admirals who are above a certain age should be placed on a retired list.

SIR JOHN PAKINGTON: On a supplementary list.

LORD CLARENCE PAGET: They are not to remain on the active list.

SIR JOHN PAKINGTON: Yes, they are.

LORD CLARENCE PAGET: Well, at all events, the old admirals are dealt with in the scheme. I maintain that there is no necessity for doing so. If, indeed, it were necessary by some means or other that you should increase your list of admirals in order to bring in younger men some change might fairly be adopted; but the present system gives you plenty of young admirals. There is no lack of such admirals now; many old officers will, no doubt, shortly follow their forefathers, and among those who are coming up there are plenty young and active enough to discharge satisfactorily all the duties of flag officers. I say, therefore, there is no necessity for dealing with the admirals at all. Where does the shoe pinch in the navy? The evil is that we have no means of promoting lieutenants to be commanders, and commanders to be captains. During the time the present Government have been in office, notwithstanding the vast number of officers who are now employed, and who have been employed for some years past, the First Lord has been able to promote only three commanders to be captains. One has been promoted in consequence of a death vacancy, and three have been promoted by the Board for distinguished services, making a total of seven commanders who have been promoted to captains during the past year. During the same period the First Lord has promoted four lieutenants to be commanders, three have been promoted in consequence of death vacancies, and two more in consequence of haul-down vacancies of admirals. In addition there were seven Board promotions, making a total of sixteen lieutenants who have been made commanders. Considering the vast body of officers in the service, it is obvious that under the present system the prospect of

advancement which is presented to them is of a very melancholy and unsatisfactory character. In order to remedy as far as possible this state of things, we propose to lighten the lists of captains, commanders, and lieutenants by the retirement of certain officers, in order to make way for the promotion of others. The principle we propose to adopt is by no means a new one in the service — it is that of compulsory retirement. The term, I admit, is an ugly one. It is always painful to compel men to go on a retired list, and I should have been very glad if it could have been avoided. In dealing with these retired lists, however, nothing but compulsory retirement would effect the object we have in view.

The various features of our proposal will be found set forth in a printed document which has, I believe, been issued today, and is in the hands of hon. Members. First, then, as to captains, the arrangement we propose is as follows :—

"All captains who have attained, or shall hereafter attain, the age of sixty, without having served in their present rank, to be placed on a Retired list, and receive pay as follows :—If on 10*s.* 6*d.* half-pay list, when retired, 18*s.* per diem ; if on 12*s.* 6*d.*, 20*s.* ; if on 14*s.* 6*d.*, 20*s.* ; such officers to assume the rank and title of rear admiral at the time they would have obtained their flag by seniority had they remained on the active list."

These officers, recollect, have never served at all in their present rank. It will be observed, however, that there is one class of the above on whom it would be unfair to impose this arrangement,—those officers, I mean, who are on the 14*s.* 6*d.* half-pay list, and may therefore be regarded as on the high road to their flag. That class of officers will not be affected by this proposal, unless by their own desire. It would be unfair to touch them because as rear admirals they would be entitled to 25*s.* a day. We propose to deal with commanders in much the same way as with captains. All commanders of the age of sixty are to be placed on a retired list, with the rank of retired captain, and to receive half-pay according to their length of sea service, on the scale which is shown in the same document. We desire, you will observe, to adopt the principle that half-pay shall increase according to the length of service. That is a totally new, and I think beneficial, feature in the half-pay system of the navy. At present each rank receives half-pay altogether irrespective of service. The officer who lives on shore at ease is paid at the same rate as the one who has been engaged in active service afloat or abroad for years and years. The general principle we seek to introduce will, I think, meet with general approval, and will confer a great boon on the service. All commanders on the active list who have not been employed either afloat, in the Coastguard, or as mail or transport agents, within a period of fifteen years, are to be placed on a retired list, and to receive retired pay according to their amount of sea service, on the same scale as other commanders, such officers being permitted to assume the rank of retired captain on reaching the age of sixty, but without further addition to their retired pay afterwards. The scale of pay will be as follows:—Pay per diem—Under nine years' service, half-pay they may be receiving at the time when retired ; above nine years' and less than twelve years' service, 10*s.* 6*d.*; above twelve years' and less than fifteen years' service, 12*s.* 6*d.* ; above fifteen years' and less than twenty years' service, 14*s.* 6*d.* ; above twenty years' service, 16*s.* 6*d.* Officers after twenty years' service in these ranks, or who are physically incapable of service, are to be eligible for this retirement, with the rank of retired captain, irrespective of age, at the discretion of the Board of Admiralty. Time served in command of Revenue vessels will count as sea time. Time served in the Coastguard on shore, or in Transport service on shore, will count as sea time in the scale of reired pay in the proportion of three years in the Coastguard or Transport Service, as one of sea service ; while time service as mail or transport agents afloat will count for the purpose as sea time for the first three years, and after that in the proportion of three years' agents' time as two of sea service. Lieutenants are to retire, the same way as commanders, when they attain the age of sixty, with the rank of retired commander, and to receive pay according to their sea service, on the following scale:—Pay per diem.—Under six years' service, half-pay they may be receiving at the time when retired; above six years' and not less than nine years' service, 7*s.*; above nine years' and not less than twelve years' service, 8*s.* 6*d.*; above twelve years' and not less than fifteen years' service, 10*s.*; above fifteen years', 11*s.* 6*d.* ; officers after twenty years' service in this rank, or who are physically incapable of service, to be eligible for retirement. We propose that

no further additions shall be made from the active list to the present retired list for commanders and lieutenants. Provision is also made in our scheme for an improvement in the half-pay of lieutenants on the active list. Of commanders we have, unfortunately, always too many seeking for service, but there is a difficulty in regard to lieutenants on the active list. They are constantly on duty, and render, I need hardly say, very valuable service to the country. After a great number of years' service, however, many of them find they have no prospect of promotion, and when they go on shore they return to the same half-pay as those who have not served at all. We propose that an encouragement should be held out to lieutenants to serve in the shape of an increase of half-pay, according to their increase of service, and we trust that that will induce them to be anxious for employment. The effect of the proposal, should it be adopted by the House, will be at once to remove eight captains, sixty-four commanders, and 179 lieutenants from the active list, and to give us the opportunity of bestowing immediate promotion on a number of officers, which will be a great boon to the service. Those lists which are now overburdened by the numbers established by orders in Council will be reduced to their established number, so that we shall be released from the unfortunate and heartbreaking necessity of promoting only one in three. Our proposal will leave vacancies for the immediate promotion, should it be deemed desirable, of three commanders to the rank of captain, and eighteen lieutenants to the rank of commanders, and what is far more important for the future efficiency of the service, will hereafter admit of a promotion for every vacancy. These are the details of the scheme which I have very imperfectly put before the Committee. I do not see the right hon. Baronet the Member for Portsmouth (Sir Francis Baring) in his place, but I wish to introduce a few observations to him and to those who advocate the cause of officers on the reserved list. The Admiralty have considered very fully the claims of those officers. We cannot admit them to be the same as the claims of officers on the active list, inasmuch as they never, in all human probability, can be called on for active service. Although no doubt the right hon. Member for Portsmouth, when, as First Lord, he drew up the scheme of retirement, never did intend that those officers should rise in the list, nevertheless, it as was not perhaps fairly put before them that they would never rise on the list, *pari passu* with the active officers, it has been a great grievance. They say that they accepted the offer which was made to them with the distinct understanding that they would rise as on the active list. There is no document to show one way or the other. I find on looking over the names that there are many officers on that list of good service. The Board have therefore decided to recommend that under the system they shall be included—that is to say, that officers on the reserved list shall enjoy half-pay according to the length of service, whereby those who have served faithfully will benefit largely.

There is but one subject more which I have to remark upon, the scheme of the right hon. Baronet opposite, the First Lord of the Admiralty under the late Government. His proposal, that the patronage shall be solely in the hands of the First Lord, the Board do not concur in. They think the present system of Board promotions most invaluable to the service, and invaluable for this reason, that they are the only promotions which are not governed by the numbers already on the list. If an officer has gone through such distinguished service that it is a matter of justice he should be promoted, there is a Board meeting, and, on all the Members concurring in the view of its propriety, the Board have the power to make the promotion, even though the numbers be above the scale fixed by the Order in Council. I should be very loth and very sorry to see that done away, [An hon. MEMBER: So would the service,]—because it is most important that officers should feel that if they distinguished themselves by signal service, and particularly in action before an enemy, the Board have power to promote them, even though the numbers are completed. I will read a list of the officers promoted last year by the Board, which I hope will induce the right hon. Baronet to entirely agree with me that these Board promotions ought not to be abolished. There is Captain Turnour, promoted for services in the Naval Brigade in India. This officer was at Delhi and throughout the terrible scenes of the Indian war. Would the right hon. Baronet say that, if the list were complete, such an officer ought not to be promoted? There is Captain Viscount Gilford, for services and severe wounds in China. He had his arms shattered and bullets through his

body, and I believe went through tortures in consequence. He was three or four times under fire. Then there is Captain Grandy. That is an annual promotion given to the Coastguard, and a very proper promotion, too. Of commanders there is Commander T. Jones, senior Lieutenant of his ship in Japan, and in action in China. There is another Commander Jones—no relation—Commander W. H. Jones, for service before Nankin. He also navigated the Yang-tse-Kiang, and was at the Peiho action. There is Commander Anderson, for service in the Royal yacht. That is an annual promotion, and I do not believe any one will object to it. There is Commander Hobson, for Arctic discoveries under Captain M'Clintock. There is Commander Balfour, as senior Lieutenant in command of the gunboats in the Peiho. There is Commander Winthrop, an annual promotion in the Coastguard. I am sure the Committee will agree, after hearing that list, that these promotions are most valuable to the service. I believe that I have now dealt with every point, and all I can say is that I shall be happy to answer any questions which may be put to me.

SIR JOHN PAKINGTON: It is impossible to overrate the importance to the naval service, and, therefore, the importance to the public interest, of the subject which the noble Lord has now submitted to our consideration. As it is one to which it was my duty to give considerable attention during the time that I had the honour to be connected with the Admiralty, I am sure the Committee will indulge me while I address to them not only some observations upon what has fallen from my noble Friend, but upon the more general subject of the condition of the various classes of officers of the Royal Navy. I can take no exception whatever to the frank and fair tone in which my noble Friend has now addressed, as he always does address us. But I am sorry to say that I heard the statement with very great disappointment, and I am bound to say that I think the plan which he has now submitted does not bear out or correspond with the observations with which my noble Friend commenced his speech. My noble Friend commenced by stating most fairly and truly that the present state of the navy with regard to promotions, is as unsatisfactory as possible. The expression of my noble Friend was that promotion is at at a standstill, and he then proceeded to give a proof of the accuracy of his statement by mentioning the number of promotions which the present Board have been able to make in the past year, from the rank of commander to that of captain, and from the rank of lieutenant to that of commander. I am sorry to say that in consequence of being out of town I did not see the printed plan until my noble Friend was kind enough to hand it to me, and I was not aware until to-day that the subject was to be brought before the House. In the few observations, therefore, which I shall make I shall have to speak principally from memory, and I cannot recollect accurately how many promotions of these two classes the late Board of Admiralty were able to make. But I think I am right when I state that the number of promotions at my disposal during the year that I held office was even less than that mentioned to us to-night. My noble Friend adverted to the unsatisfactory state of the lists of retired officers and reserved officers until the navy has become a mass of confusion; but he did not go on to state, as he might, that the real cause of all this confusion and complication is that successive Boards of Admiralty have from time to time been content to adopt mere stopgaps to meet the emergency of the moment, and have never had the courage to deal with the subject upon broad and permanent principles. I am convinced that the navy never will be satisfied, and never ought to be satisfied, until this miserable hand-to-mouth sytem is abandoned. My noble Friend tells us that, owing to great fluctuations in the navy, by which I presume he means the alternations of periods of war and peace, a permanent system of retirement is impossible; but in the same breath—almost in the same sentence—my noble Friend tells us that a comprehensive system is desirable. Now, in my opinion, a comprehensive system ought to be a permanent system, and I dispute altogether the *dictum* of my noble Friend that a permanent system is impossible. I admit that a period of war may require a mode differing from that which is required in a period of peace, but I do not for a moment admit that that is any reason why a permanent system is impossible. The duration of periods of peace is usually much longer than that of periods of war, and it is the duty of this House and of the Admiralty, in addressing themselves to this important subject, to make the nearest approach they can to a permanent system which shall meet the requirements of the Royal Navy during an average of years.

My noble Friend says that my scheme was expensive and not permanent, but I must beg leave to differ from him. The scheme which I ventured to propose was in its nature permanent, that is to say, it was self-acting, and not like that of my noble Friend's, only meant to meet the pressing emergency of the moment. One objection mentioned by my noble Friend has frequently been adverted to before, and I heard his observations cheered from some quarters of the House. I allude to the effect which he said it would have on the feelings of flag officers. This is a very difficult and delicate part of the question. I have stated before, and I state again, that no man would shrink more anxiously than I should from inflicting pain on those most distinguished men—one of whom I see before me (Sir Charles Napier); but, on the other hand, let me say as broadly, that we must deal with this matter for the public interest, and for the general interest of the naval service. Provided we do not inflict any hardship on the gallant Admirals at the head of the list, of which they would have fair reason to complain, I do not think they ought to allow their feelings unnecessarily to stand in the way of an improvement which may be for the good of the service and the welfare of their brother officers. In dealing with this complicated question I feel it is an advantage to have one of the Admirals who would be affected by the scheme, here in his place in this House, ready to state their case if I at all misstate it. My noble Friend — unintentionally of course—did not accurately describe the manner in which I proposed to deal with these Admirals. He first said that I proposed to put them on a retired list; and when I corrected him, he changed the phrase, and said I meant to put them on a supernumerary list. There may be something at the head of the paper containing my plan which might appear as though there was to be a supernumerary list; but my noble Friend will find it is not so if he looks to the end of the revised plan. At page 35, I proposed as follows:—

"1. Active Flag List, to be divided into two lists, to be called First and Second Flag Lists. First List to consist of all flag officers on the active list who have completed 70 years of age; second list to consist of 15 admirals, 24 vice-admirals, and 36 rear-admirals. 2. As officers on second list complete 70 years they are to be transferred to first list, and each vacancy so created to be filled by promotion from active list of captains. 3. Officers on first list to be as eligible for all honours and all employments as they are now, the principle and object of the proposed arrangement being solely that officers who have completed 70 years should no longer impede promotion; and that there should be flag officers of each rank of an age at which they are likely to be effective."

My noble Friend will admit, therefore, that I proposed neither a retired list nor a supernumerary list. I did not propose to remove those distinguished men from the active list; but I said, as distinctly as words could say, that they should be as open to all honours and employments as now. All I proposed to call on them to do was one thing—that when they arrived at threescore years and ten they should admit the fact, and when they had passed that age that they should no longer check the promotion of their junior officers. I appeal to truth and common sense whether there is anything in this of which they have a right to complain, which treats them with disrespect, which disregards their services, or to which, considering the general interests of the service, they ought to take the slightest exception? Looking to the extreme difficulty of the question and the necessity of maintaining promotion, I cannot imagine that they should not acknowledge the fairness of no longer continuing to impede promotion when they have arrived at that age. My noble Friend proposes, and rightly proposes, as I think, compulsory retirement. I quite accept the explanation he gave; and after the plan which I proposed it is almost unnecessary to say that, however painful it may be in exceptional cases, I agree with him that we cannot deal with the subject without adopting the principle of compulsory retirement; but I say distinctly that you will have no satisfaction in the Navy—you will not deal as you ought with this most important subject—unless you deal with all ranks.

I now come to the explanation given by my noble Friend of the plan he proposes. He proposes a system of compulsory retirement, and so far he is right; but I believe there can be no satisfactory arrangement unless you deal with all ranks alike. You must adopt fair and sound principles, and when you have adopted them you must apply them to the admirals as well as to the lowest officers in the Navy. There should be no suspicion of favouritism, no ground for complaint of dealing with officers of different ranks in a different way; if there is, public opinion will not support you, and the opinion of the naval service will not support you. I object to the plan of my noble Friend, because it is insufficient, because it does not meet the evil,

because it will create objections in the navy not of a fanciful character, not arguing from matters of feeling merely, and because it deals differently with different ranks, and applies one rule to one rank and another rule to another. I object to your not applying your rule to admirals, because I am convinced that you will therefore be doing injustice to the captains. Your first rule with regard to captains is that at 60 years of age all captains are to retire who have not served at all as captains. To commanders you apply a totally different rule. You say that all are to retire who are now 60, and all hereafter are to retire as they become 60. There is no limit applied to them as to whether they have served as commanders or not. That is unfair, and it originates in the timidity of the Admiralty in not having dealt with the question in a bolder spirit. By not dealing with flag officers you act unfairly to the captains. Officers will arrive at 60 who ought to become flag officers, and who would become flag officers if the plan were applied justly to all ranks, and they will have to retire because the admirals are not got out of the way by seniority as they advance in years. This inequality will apply most unfairly, for the same reason, to commanders. I am very glad that the Admiralty have so far followed the plan which I prepared as to have adopted the principle of compulsory retirement at a certain age, but they ought to have applied it more equally and more boldly. If you had applied the principle of retirement at 60 to all captains, then you would have given a fair chance of promotion to all commanders; but you apply that principle to only a small fraction of the captains, those who have never served as captains. The retirement on the captains' list will therefore be much slower than on the commanders', and it will stop the commanders' promotion.

I will now advert to another part of the noble Lord's speech, and with more pleasure, because I can speak of it in different language. I agree with what the noble Lord proposes to do in regard to increased half-pay according to service, and also in regard to allowing the half-pay of active lieutenants to be increased in the same way. I think that is quite right. I think also it would be a fair matter for consideration whether the time served as mate should not be allowed to count. You will do very great injustice if, in computing their time, you exclude the whole period during which they served in the rank of mates. I do not say that in every instance the whole of that time should be allowed, but I repeat, you will do great injustice if you do not allow some part of it to that considerable number of junior lieutenants who have served a long time in that grade. I therefore hope the noble Lord will take this matter into consideration.

Sir John Pakington

I will now allude to the subject of Board promotion, and I am obliged to tell my noble Friend that I have not changed my mind on that subject. Speaking as I do, with only brief experience at the Admiralty, I do not presume to speak of the soundness of my own judgment, but I deem it my duty to state frankly and openly the conclusion at which I have arrived,—that, on the whole, the system of Board promotions does not work well for the public service. I will read to the Committee an extract from a memorandum I added to my scheme of retirement just before I quitted office. It was in these words:—

> "As I am going out of office, and can no longer be open to the suspicion of wishing to increase my own patronage, I must say that I still think it would be for the advantage of the public service to do away with Board promotions. I do not mean, in expressing this opinion, to imply the slightest suspicion of, or reflection upon, the gentlemen who now, or at any other time, constitute the Board of Admiralty. I only mean that I think such patronage ought to be exercised under the strongest possible responsibility; and I have no faith in aggregate bodies ever acting under that sense of responsibility which is felt by individuals. If Board promotions are retained, they should not be allowed to swell the lists, and should only be made in anticipation of vacancies."

If hon. Members who take an interest in this question will refer to the earlier pages of this memorandum they will find statements bearing on the change when Board promotions were first introduced. The practical result has been that the aggregate amount of promotions has greatly increased. I adhere to the opinion I then expressed—that whoever may constitute these Boards there is not the same sense of responsibility in the aggregate body that there is in the individual Minister, open to question and censure in this House. Therefore, although I express my opinion with the respect due to gentlemen of professional experience, I do, on the broad public principle just stated, adhere to my opinion that it is for the interest of the public service to concentrate responsibility in all matters of promotion and do away with it as regards all aggregate bodies. I may be told of the distress-

ing case of Lord Gilford, who was wounded in China, and other officers who stand in the same position. I say no doubt they are entitled to every consideration, but in one of the very votes passed to-night you find the name of Viscount Gilford most properly selected for a very handsome pension. Therefore, I would rather refer to that case as supporting my view of the subject. You have rewarded him by a pension. It may be right to give him reward by pension and promotion, too. I cannot say how that may be; but you must remember that you cannot promote him without keeping back some other officer who ought to be promoted.

There is another branch of this subject to which the noble Lord did not allude; he did not give his opinion upon the question of haul-down promotion. In this memorandum I have condemned such promotion; and I adhere to that view. I say haul-down promotions do not benefit the public service; and they create very sore feeling. It is all a matter of chance, luck, or favour who may obtain these haul-down promotions. ["Hear!"] I am glad that observation is cheered by a gallant Admiral opposite who is so competent a judge; for he is just one of those distinguished men who are likely to benefit by the continuance of that system.

I am not aware that I need detain the Committee by longer observations upon the statement the noble Lord has made; but I would beg leave before sitting down to ask the attention of the Admiralty and the Committee to some other points connected with the present position of the different classes of officers in the navy. I am sorry to say my belief is that there is scarcely one rank of officers in the Royal Navy which is not at present dissatisfied more or less with their position. [Sir CHARLES NAPIER: Hear!] I do not know what is the meaning of the gallant Admiral's cheer. If he means that the different classes of naval officers who complain of their position do so without reason, I will say no man is less disposed than I am to yield to any unreasonable claim; but, on the other hand, I think the gallant Admiral will agree with me that it is one of the greatest possible misfortunes in our naval service to have large classes of men aggrieved by well-founded complaints. The question is whether the complaints they make are well-founded or not. The first class to which I allude are the captains of the Royal Navy who are not contented with their present position, and I submit to the House, I submit to the Admiralty, I submit to the gallant Admiral, that, knowing what we do of what was passing lately in the fleet, knowing the unfortunate dangers which have existed and to which I hope the attention of the Admiralty has been gravely directed, this is not a moment when your officers ought to be dissatisfied. Have the captains in the Royal Navy any grounds of complaint or not? There are several respects in which they allege they have grounds of complaint. In the important respect of pay they are not in the position in which officers of their rank and fulfilling their important duties ought to be. The noble Lord is conversant with the change which took place some few years ago as regards the pay of captains in the Royal Navy. A few years ago I believe they were paid according to the class of ship they commanded. That is no longer the case. They are now paid according to their seniority in the service. What is the result? There are three classes of pay? At the present time no less than twenty captains are commanding line-of-battle ships on the lowest class pay, and I believe it to be the fact beyond all question that captains in the Royal Navy occupy their high position at a pecuniary loss to themselves. This cannot be right. I hold in my hand a letter from an officer of great distinction—it is a private letter. I have no objection to communicate in regard to it with the noble Lord, but I trust the Committee will allow me to read an extract from it. It comes from an officer of very high reputation as a captain who happens to be a man of independent fortune and to whom a pecuniary loss in the service of the country is not of that importance it must be to others. He writes to the effect, that a captain working out his three years in a ship will find himself considerably out of pocket. In fact, he pays for his own services. The consequence is, that a great many officers of this rank are never able to take employment; and the country in the hour of need loses the services of some of her best men. The average expense attending the commissioning of a ship is estimated at about £500. The writer has commissioned four ships which cost him £1,700, and that many will say was cheaply done. Will the Committee allow me to mention one or two cases which happened to myself when I was first Lord of the Admiralty. At that time, about a year ago, we were anxious to get up as speedily as possible a Channel

fleet. I sent for an officer, with whom I had no personal acquaintance whatever; I only knew him to be an officer of the highest distinction and standing in his profession. I offered him a line-of-battle ship. He requested twenty-four hours to consider. Next day he came back; thanked me for the offer, and said he should be proud to hold such a command, but that he could not afford to undertake it. I will give the House another instance of the same kind, also a captain in the navy, who happened to be a friend and connection of my own. He was an officer of high reputation, and I intended to offer him a ship. I believe he became acquainted with that intention, for he called on my private secretary, and through him sent me a request that I would not make him the offer, because he had not yet recovered from the debts he had contracted in fitting out a former ship as commander; and in consequence of these debts he could not afford to take command of a ship as captain. Now, this must be a false and erroneous state of things, and cannot be for the interest of the pubiic service. Let the House remember the diplomatic duties captains of ships are often called upon to fulfil on foreign stations; and the hospitality they are required to extend to the officers of foreign vessels according to rules of the service which no one desires to see broken through. I am speaking in the presence of naval men, who can vouch for the truth of what I say; and I ask, can it be for the good of the service that officers should be exposed to such pecuniary loss in the discharge of their duties, that unless they are possessed of private means they cannot afford to take the command of a man-of-war? But how is it with foreign nations? Is it the case with France? Not at all. All officers in command of ships in the French navy have advantages that are not given to officers in the British service. In the first place their cabins are furnished; but a more important advantage is this—in the French navy there is regular system of table money on a scale proportionate to the rank of the officer, and, I believe, also to the class of vessel. There is also one scale of table money for the home ports, and another for foreign ports. This prevents the occurrence of instances like those I have mentioned, of officers whose services the country requires, and who ought to be afloat preserving that discipline which I am afraid is now impaired. It is most painful and distressing when an officer comes to the First Lord of the Admiralty and says, "I should be proud to hold a command, but it is too expensive, I cannot afford it." My noble Friend is in a position to know the fact; he is the man of all others to whom, on account of his knowledge and experience, the navy looks for some remedy for the evils complained of.

Sir John Pakington

The lieutenants have also complained much of their position; but I have great hopes that the proposals of the noble Lord, especially the suggestion I took the liberty to make—that their mates' time should be counted, and the increased rate of pay, will give satisfaction. But I am sorry to say, that the masters, the paymasters, the engineers, and the naval instructors, are all making complaints, more or less well founded; they all desire to be improved in their positions. I will not go into these complaints, as I do not wish to detain the Committee longer. But I am distinctly of opinion that it will be for the good of the service and the country if these matters are looked into. Anything like ill-founded and unreasonable complaints should, of course, be disregarded and set aside, but all well-founded complaints should be fairly and justly met. It is difficult to enter into the whole of the retirement question; I do not wish to put the scheme I ventured to propose into comparison with that of the noble Lord, further than it may conduce to the public good. I do not wish to carry any comparison of the kind beyond the fairest reasonable limit; but I cannot help thinking the best course for the Admiralty and the country would be to refer the whole question to a Commission. If the Admiralty is willing to deal with it, it is no doubt competent to do so. But it is a large question; taking the operation of the retirement pay and allowances, and all the complaints made by various ranks of naval officers, this course appears to me the most desirable. I would suggest to the Government whether an inquiry into the whole question by a competent Commission might not be satisfactory to the service. As far as I can judge of the scheme of the noble Lord at the moment, I think his plan is timid and unsatisfactory, that it is not likely to give that satisfaction to the service which is so desirable. In making these observations, I trust I have said nothing of which the noble Lord can complain. I assure him I have no motive whatever but the good of the naval service. No man can hold, even for a short period,

the office I had the honour to fill without admiring and taking a sincere interest in that noble service. I shall heartily thank the Admiralty for adopting any scheme that may really be for its benefit; and I shall be very glad to hear that the Government is prepared to refer the whole question to a Commission.

SIR CHARLES NAPIER said, he begged leave to thank the right hon. Baronet for the clear manner in which he had stated the grievances of the officers of the navy. Every word he had said would be received with satisfaction by the navy at large; there was no exaggeration whatever in his statement. As to the scheme of the Government, he thought the Committee had reason to complain that it had not been laid before it in time to receive full and sufficient consideration. He did not understand how the noble Lord could hope for such great advantages from his plan. He did not wish to see the system of selection done away with, though, as it was conducted, it gave dissatisfaction rather than encouragement. They were told of the promotions of the First Lord, and the patronage of the First Lord, till the House hardly knew what was meant by it. The patronage of the navy was given to the First Lord to dispose of fairly and properly. But it was impossible to avoid making most of the promotion in the navy, independent of political influence. Every one knew it was given by influence; it was nonsense to suppose it was not. If he commanded four or five votes in the House he could go to the First Lord of the Admiralty and insist on promotion for his son. They saw that men of influence and title always got on. The chief promotions were political. He held a list in his hand which showed that the promotions from the rank of commander to that of captain had been in 1854, 34; in 1855, 32; in 1856, 32; in 1857, 23; and in 1858, 22. They could not with any arrangements make promotions sufficiently large, without constant retirements from the service, and the way in which that result should be effected ought to be whatever way was least hurtful to the feelings of officers of the navy. In 1854, no less than 52 lieutenants were made commanders; in 1855 there were 61 thus promoted; in 1856, there were 68; in 1857, 30; in 1852, 52. Now, considering that every man who entered the navy must not expect to be an admiral, any more than every clergyman ought to expect to be a bishop, he must admit, he thought, there was no lack of promotions for a time of peace. [An hon. MEMBER: And partly a time of war.] He thought the noble Lord would do well to leave these matters alone, and leave the officers as they were at present. He did not find fault with the noble Lord's desire to benefit and ameliorate the condition of the navy; but when he said he intended to benefit the captains of the navy, all he did was to add five years to the captain's age before he retired, and to take *5s.* away from the captains when they were made admirals. He had not studied the plan proposed by the late First Lord, much as he respected, and he might say admired, the way in which he did his duty when he was at the Admiralty; but he did not think he was long enough at the Board of Admiralty to enter into the feelings of the old officers in the service. He would not, therefore, go into that plan, but he would suggest to the noble Duke at the head of the Admiralty the desirableness of withdrawing his plan for the present, and give the profession a fuller opportunity of considering it. It was not respectful to the Committee to place it in their hands a few hours only before it was discussed and to ask for more money, while at the same time it was proposed to inflict injury without conferring advantages on the officers in the service. He could not agree with the right hon. Member for Droitwich that it would be desirable to refer the matter to a Commission, because any such Commission would be appointed by the Admiralty themselves, and would in all probability, in reporting on the matter, do just exactly what the Admiralty bade them.

ADMIRAL WALCOTT: I did not understand that the noble Lord the Secretary of the Admiralty intended to press for any Vote of money to meet the scheme which he has advanced, but simply to lay it before the House; and I quite agree with the hon. and gallant Admiral (Sir Charles Napier), that, with such a short notice it would be impossible to bestow upon it that amount of consideration which is due to the officers whom it so immediately concerns. I am glad that the late First Lord (Sir John Pakington) has corrected his first proposition on the subject of retirement; if, according to his second plan, the Admirals were to be entitled to hold commands and be capable of nomination to pensions and honourable distinction, in the same manner as if they had been retained on the active list instead of being removed, as the case proposed, to a substantive list,

on their advance in age, the change could have afforded only a slight benefit to the service, whilst it necessarily struck a heavy blow on the hearts and feelings of the officers themselves who had been employed in the war, lasting with slight intermission, from 1784 to 1815, and been distinguished for gallantry and ability. It is peculiarly distressing to myself to refer to my own case; and if it had been possible to mention the names of other officers, I would gladly have declined the necessity. After having served as a lieutenant for upwards of six years and as a commander for seven years more, I became in 1822 a captain. It was my good fortune to perform services in the command of a frigate in 1823 which obtained the high approbation of the Admiral commanding the squadron on the station to which I was attached, and led to the recommendation of my name to the Sovereign in 1827 for the distinction of the Companionship of the Bath by his late Majesty, who then presided at the Board of Admiralty as Lord High Admiral. To this hour I have never received that honour, it has been denied to me by every successive First Lord, except Lord Ellenborough, who left at the Admiralty a Minute, that I should be promoted on the next vacancy—this was in 1846. I was entitled to it, by the fact of wearing a medal. The reason why I was not made in 1827 was that the number of Companions was then limited to one hundred. I am now told that the honour is restricted to officers whose names have been recorded in *The Gazette*. At the period to which I refer, 1827, actions against pirates were not entered in *The Gazette;* the case is now altered, and similar services have appeared in *The Gazette* with the names of officers raised to that distinction on their account, while I have been most cruelly refused that which they have been given. One other observation. If an officer declines to serve he is entitled to no consideration; in my case I challenge contradiction when I make the assertion that no officer in the navy, from 1824 to 1852 more earnestly, more emphatically sought employment than I did, and I had commanded a frigate in action; but I was told from time to time—firstly, that I was too low on the list of captains—secondly, in the middle—thirdly, too high for ships then about to be commissioned. The fact was I had no interest, and, therefore, I could get no employment. Every step I won through my own energy, and for thirty years I offered, year by year, myself for any description of service and for any station in the same spirit, and year by year came back the cold curt answer, enough to break my heart. In a case like this the question should be put, has the officer really endeavoured to serve? If he has not, let his name be set aside, but if he has, it is an excess of cruel injustice to punish him for his misfortune by placing him on a reserved list. Sir, I shall be pardoned for these remarks, when I remind you that my days are closing in, and the time approaches when no distinction of earth will be of value; but I could not allow the opportunity to pass of justifying the reserved Admirals, and of showing conclusively that Admiral Walcott who sat in Parliament was one who had not failed in exertion in his own profession. I could not brook any imputation to the contrary. The late First Lord had recommended that the patronage should rest with the First Lord for the time being, on the ground that he was accountable to this House for its just administration—but the real mode of employment was the following:—the First Lord would say to the Naval Lord, I intend to appoint Captain Black to such a ship, or to promote an officer, as the case might be, and without inquiry into the claims of other officers that favoured individual at once received appointment or promotion. Three only of from ten to fifteen admirals who are between the ages of fifty and sixty are in employment. Officers, while captains, do good service; but in their removal to the superior rank are rarely employed in command; the less occasion therefore for removing the more aged officers who gradually die off when promotion occurs from the captains' list. I cannot approve of the scheme of the late First Lord (Sir John Pakington) with respect to commanders. The postion of lieutenants is a standing proverb of neglect. It is flagrant injustice to withhold from that grade advantages which are bestowed for medical officers, when their services are equally meritorious. By the existing regulations a surgeon may attain the rank of lieutenant colonel, while a lieutenant of twenty years remained stationary. Permit me, Sir, to offer to the House my sincere thanks for the patience with which they have listened to my remarks in general, and for their kind attention when I referred to my own position. Would that I could indulge the hope that the time was at hand when promotion and honour would depend wholly on the con-

Admiral Walcott

duct of officers, and not on uncertain, and capricious regulations, which lead to bitter disappointment, and when the golden rule would be adhered to, *suum cuique*, give to every man according to his deserts.

SIR MICHAEL SEYMOUR observed, that in a great service like the navy nothing short of a full and efficient scheme could be of a permanent character. The scheme of the right hon. Gentleman opposite (Sir John Pakington) met generally his approval, and he should be glad to see it carried out. He should like to see the claims of the various classes of officers settled on a right basis. That part of the right hon. Gentleman's plan which referred to the admirals had been objected to, but he was sure there was no intention to cast any reflection on the services of those officers. He would be the last man to throw any reflection on those gallant officers, but he could not see how they could be affected by removal from one list to another. If benefit was to accrue to the service from such removal, he did not think there should be so much sensitiveness as had been exhibited on this subject. He deeply sympathized with the gallant Admiral (Admiral Walcott), than whom no one stood higher in the opinion of the service, although he might perhaps justly complain of the manner in which he had been treated. The principle of selection was tried in the higher branches of the navy upwards of 100 years ago. When it first commenced we had only twenty-one admirals; but the system finally broke down under Lord Howe, who made a selection of sixteen captains, who were passed over the heads of a large number of other officers, thereby exciting the greatest possible dissatisfaction. The question raised by that debate being a very important one, he trusted it would be examined in a comprehensive manner, and one that would result in advantage to the service.

MR. HENLEY said, he thought the discussion that had taken place on the noble Lord's scheme was calculated to attract a good deal of attention. The noble Lord held that no general plan could be laid down for meeting this subject, but that means must be taken to ease the shoe where it happened to pinch at each particular moment. The opinions of the House, however, appeared to be in favour of viewing the question in a broader spirit. A non-professional mind could not help remarking that the cost to the country of the retired list was very nearly equal to the entire charge for the officers who were now in active employment. That anomalous state of things existed, too, at a time when the navy afloat had been almost doubled within the last few years. The number of men now voted was between 85,000 and 86,000, whereas eight or nine years ago it was only between 40,000 and 50,000. With such a large increase in their force it might have been supposed there would not be much difficulty in promoting officers in the lower ranks; but they were told the fact was otherwise. The noble Lord gave a curious reason for the course he was about to take. He said he was going to promote commanders and lieutenants, but there stood an order in his way declaring that there should not be above one promotion for every three vacancies. Well, the natural, as well as the simplest course, would surely be to get rid of that order. The noble Lord, however, did not do that, but meant to create the vacancies instead, giving to a number of gentlemen an increased rate of pay, without regard to whether or not they had a fair claim to it, merely with a view to clear the way for the promotion of those below them. Would it not be far better to relax the order against the promotion of officers in the lower grades? When it had been strongly stated by his right hon. Friend, and confirmed by all the naval Members who had spoken, that there were captains in such a position that they would not serve because they would serve at a loss, it was pretty obvious that the whole service, both active and retired, required to be looked into in a large and comprehensive manner. We had now pretty nearly worn out the old French war list; and yet, although the navy had lately been greatly increased, the cost to the country for the unemployed was about equal to that for the employed. Whether that was remediable or not he could not tell; but it seemed to indicate that the arrangements of the service were very far from perfect, and the evil would hardly be cured by the bit-by-bit expedients suggested by the noble Lord.

LORD CLARENCE PAGET said, he wished to explain to the right hon. Gentleman that the crowded state of the half-pay list was not due to the present day at all, but was the result of past years. If any one looked at the lieutenant's list, comprising the young officers who had been promoted of late years—he would

find that almost every lieutenant upon it, who was fit to go to sea, was now in active employment. As his worthy and gallant brother Officer had told the House, they could not kill the elderly officers. He should, indeed, be very sorry to kill them, and would prefer that they should live in honour as long as it pleased God to spare them. It was all very well, therefore, to say the list was in an unsatisfactory state, and ought to be dealt with in a comprehensive manner, instead of by mere driblets; but it was impossible to get rid of the old admirals, old captains, old commanders, and old lieutenants. The right hon. Gentleman said that, if they dealt with the captains and commanders, it was but fair that they should deal in the same way with the admirals also. Why, it was asked, should they not carry their compulsory retirement for the junior ranks up to the admirals? Now, the admirals were in a totally distinct category. In the first place, they were necessarily officers of more distinguished service; and it became offensive to officers of their age to put them upon the retired list, unless that was absolutely unavoidable. The Admiralty did not find such a course to be necessary. They had plenty of young admirals, and they desired to have plenty of young captains and commanders likewise. When he was asked to produce a great and comprehensive scheme, he could only say that he did not think that such a scheme was proper at this time. Nor did he think the matter of sufficient magnitude to justify an inquiry by a Commission, as was asked for by the right hon. Baronet the Member for Droitwich. What he proposed was, a small boon to a certain number of officers, by which a flow of promotion, which was admitted on all hands to be desirable, would be created. Reference had been made to the hardship of not allowing mates' time to count; but if that were permitted, there could not be such short periods of service taken as at present; however, this point should receive the earnest consideration of the Admiralty. In former times officers served eight or ten years as mates, before receiving promotion; but that was not the case now, when every officer obtained promotion very soon after passing as mate. The right hon. Gentleman opposite (Sir John Pakington) had given a touching recital of the hardships suffered by captains of line-of-battle ships from insufficient pay; and had stated that officers had refused employment, because they could not afford to command a line-of-battle ship. He (Lord Clarence Paget) felt inclined to go some way in that expression of feeling, and was willing to admit that in some cases the pay of captains of line-of-battle ships did bear hardly upon individuals. Until within a few years the pay of captains graduated according to the size of the vessels they commanded; but in the late war it became necessary to employ some of the most distinguished and senior captains in vessels of light draught of water, and there arose complaints that while one officer commanded a frigate, another, who was his junior, commanded a line-of-battle ship, and had better pay. No doubt, the costs of living attaching to the command of a line-of-battle ship were great, but it should not be forgotten that of late years the Admiralty had done much for the captains. Formerly a captain had to go to a great expense in his outfit, but now he had nothing to take on board but his portmanteau. The Admiralty furnished almost everything — plate, furniture, linen, &c. He admitted there were some cases of hardship, but this was a question of expense, and it was the duty of the Government to economise the public money as far as was consistent with justice. He hoped that his right hon. Friend would not persist in his opposition to the Vote, as a great and comprehensive scheme would be a costly affair, and one that would not be certain of proving a permanent advantage to the navy.

SIR JOHN PAKINGTON observed that, while the noble Lord called this a small boon, he asked the Committee to adopt it because it was so small. Would the noble Lord say what the cost to the country would be, and whether this Vote would cover the whole expense? [Lord CLARENCE PAGET: Yes.] Then, was it to be understood that if the Vote were agreed to it would involve the sanctioning of the scheme by the House? Because, if so, that could hardly be asked of the House, seeing that the scheme itself had only been published that morning, and its reception by the Committee had not been very gratifying. Before committing themselves to this scheme, time ought to be given for the consideration of it.

SIR CHARLES NAPIER said, he fully concurred with the right hon. Baronet, and he hoped the scheme would be withdrawn, or he should feel it his duty to divide the Committee against it.

ADMIRAL DUNCOMBE also complained of the little time allowed for consideration

of the scheme. The complaints of captains of line-of-battle ships which had been stated by his right hon. Friend were well-founded, but could easily be remedied by a graduated scale of table money.

SIR CHARLES WOOD said, he desired to say that the change in the pay of captains was made while he was at the Admiralty. According to the old rule officers, of whatever standing, were paid according to the rate of the ships in which they were employed. A complaint was made during the Russian war that it was impossible to put captains of high standing into frigates or small vessels in which they might most advantageously serve the country, because by so doing they received a lower rate of pay than other officers of less standing who commanded line-of-battle ships. It was strongly represented that if officers were paid under all circumstances according to their standing in the service it would facilitate the choice of captains for the work they were most fitted to undertake, and that on the whole no injustice would be done. While the war was going on, vessels of light draught being greatly in request, it was thought very desirable occasionally to appoint to the command of them captains of high standing, whom under the old system they could not have so employed. He did not mean to deny that the captain of a line-of-battle ship might be subjected to higher charges than a captain commanding a frigate. But there was no rule to which objections could not be urged; and this, on the whole, was considered by his naval colleagues an advantageous one.

SIR CHARLES NAPIER said, the plan had been adopted by the Admiralty without thought, and the sooner the old system was reverted to the better. He moved that the Chairman report progress.

Motion made, and Question proposed, "That the Chairman do report Progress and ask leave to sit again."

LORD CLARENCE PAGET said, that after the opinions which had been expressed, he would beg to move that the Vote be reduced by the sum of £12,000—the cost of the proposed scheme—with a view of postponing the consideration of the subject. He hoped the Committee would allow him to pass the reduced Estimate.

SIR CHARLES NAPIER said, that under these circumstances he would withdraw his Motion.

SIR JOHN PAKINGTON said, he had no objection whatever to the course proposed by the noble Lord, and he sincerely hoped the scheme would never again be submitted to the House.

Motion and original Question, by leave, *withdrawn*.

The following Votes were then *agreed to*.

(5.) £679,262 Half-Pay.

(6.) £488,806, Military Pensions and Allowances.

(7.) £173,030. Civil Pension and Allowances.

(8.) £478,000, Freight of Ships, &c.

The House *resumed*.

Resolutions to be reported *To-morrow*.

Committee to sit again *To-morrow*.

ROMAN CATHOLIC CHARITIES BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. SPOONER moved the adjournment of the debate.

SIR GEORGE LEWIS said, the Bill was one entirely unobjectionable, being merely to bring Roman Catholic charities under the general law, and he therefore trusted the hon. Gentleman (Mr. Spooner) would not press his Motion.

MR. BOWYER said, the Bill would give the Commissioners the same power over Roman Catholic as over Protestant charities. It was merely a Bill to remove certain defects of title. He contended it was of importance that the House should go into Committee on the Bill, inasmuch as the Act of Exemption of the last year would expire on the 4th of July.

Motion made, and Question "That the Debate be now adjourned,"

Put, and *negatived*.

Main Question put, and *agreed to*.

Clause 1 *postponed*.

Clause 2 (No Proceedings to be instituted as to Dealings with Roman Catholic Charities, prior to 2 & 3 *William* IV., c. 115).

Mr. ADDERLEY said, he thought that the clause required some explanation.

MR. BOWYER explained that the object of the clause was to place Roman Catholic charities on the same footing as the Protestant charities. As respects this and the remaining clauses they were prepared by a most experienced conveyancer, Mr. Stoner. The object of this clause was to prevent litigation regarding matters which occurred previous to the passing of the

statute 2 & 3 *William* IV., c. 4, which placed Roman Catholics on the same footing as Dissenters. As the law gave no protection to the churches and schools of Roman Catholics before that time, it was just that the law should not take cognizance of anything done in the administrations of such unrecognized charities. The law should not exercise jurisdiction where it gave no protection. Hon. Members over-estimated the effects which the Bill was intended to produce. The object of the Bill was merely to remedy defects in title, and it was simply a conveyancer's Bill. The Attorney General had carefully examined the clauses of the Bill, with which he was perfectly satisfied, and he (Mr. Bowyer) hoped the Government would proceed to pass the clauses of the Bill.

Mr. DEEDES said, the hon. and learned Gentleman had given the very best reason why the Committee should further investigate this Bill, when he said there was no use in discussing it by persons not learned in the law, and he thought the debate ought to be adjourned.

Mr. ADDERLEY also objected to proceeding with the Bill. It had been said that inconvenience would arise if the Bill were not passed before the 4th of July. If so, why had not the Bill been proceeded with before?

Mr. BOWYER said, the Bill was introduced in the last Session, and re-introduced by him in the first fortnight of the present. If it had not made more progress the cause was to be found in a desire that the measure should be well considered, and the obstruction caused by the proceedings on the Reform Bill.

Mr. SPOONER said, he wished to know whether, under this Bill, the Charitable Trust Commissioners would have the same control over Roman Catholic charities as they had over other charities. He had been informed by good lawyers that they would not.

Sir GEORGE LEWIS said, the Bill went as far in that direction as was consistent with the peculiar circumstances of the case. The Attorney General had looked at it with as jealous an eye as the last speaker himself. He (Sir George Lewis) conscientiously recommended the passing of the clause to the Committee.

Mr. BOWYER said, the Charity Commissioners would exercise the same control in both cases.

Captain STURT said, he objected to proceeding with a Bill of a purely legal nature without the presence of the Law Officers of the Crown.

Mr. ADDERLEY concurred, and proposed that the present stage should be passed, and further discussion reserved for the third reading.

Sir GEORGE LEWIS said, he thought that would be the best course.

Clause *agreed to.*

House resumed.

Bill *reported*, as amended, to be considered on *Monday* next.

House adjourned at a Quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 15, 1860.

Minutes.] Public Bills.—1ª Infants Marriage Act Amendment.
3ª Bank of Ireland; Union of Benefices.

INDIA.—LEASING OF CHILDREN.

RETURNS MOVED FOR.

Lord BROUGHAM said, he had yesterday *presented* a Petition praying for the suppression of a gross abuse that existed in India, that of parents leasing out their children, and had stated that it was a practice destructive of all morality. He hoped, by returns, for which he meant to move, to show fully the infamous character of this description of slavery. The specific evil to which he referred was that of individuals leasing out their female children, of eight, nine, or ten years, for ninety-nine years, for purposes of prostitution; and leasing out their male children for purposes of mutilation. He hoped that steps would be taken to put an end to this monstrous evil, to alter the law, if that was found necessary; but if no alteration of the law was required, to have it declared in such a way as to make it known to the people of India.

RIFLED CAST-IRON GUNS.—QUESTION.

The Earl of CAMPERDOWN said, he wished to ask the Under Secretary for War a question of considerable importance, of which he had given notice. It was a question connected with the national defences of the country. He was one of those who believed that the defence of this country must mainly depend upon our maintaining our navy in a greater state of efficiency than that of any other country in the world, and it gave him great satisfaction when the Secretary for War stated

in February last in the other House, in moving the Army Estimates, that he was anxious, as soon as possible, to issue rifle guns for the use of the navy. The right hon. Gentleman then stated that he hoped, by means of enlarging the Royal Factory at Woolwich, and with the aid of Sir William Armstrong's factory at Elswick, to have, between the 1st of January last and the end of the next financial year, something not very far short of 3,000 rifled guns on board Her Majesty's ships. When rifled guns were about to be introduced into the French and other navies, he hoped the answer which his noble Friend was able to give would be that a large number of guns had been rifled and delivered to the navy. He had so framed his question that it might have reference to cast-iron guns, because he found this class of guns distinctly mentioned in the evidence of Captain Caffin before the National Defence Commission. When asked about the guns that were being prepared for the navy, he said—"The present arrangement is to encase a cast-iron gun in a wrought-iron cylinder;" and on being further asked if Sir William Armstrong was doing that, his answer was "Yes." Now he was informed that the Government had been warned that these cast-iron guns, when they came to be tested, would be sure to burst. Nevertheless, large contracts for cast-iron guns had been entered into by the Government, and he was informed that when experiments came to be made the result was that the whole of the guns experimented upon burst. The consequence, he believed, was that the contracts had been cancelled. He wished, therefore, to ask his noble Friend the Under Secretary for War, What number of cast-iron guns have been rifled and delivered to the navy; by whose advice cast-iron guns have been hooped and rifled; what has been the results of the experiments upon the cast-iron guns so treated; and whether the Ordnance Select Committee were consulted on the subject, and approved of the rifling of the guns in question? He asked this question because he was at a loss to know who was responsible for the advice that had been given—whether it was the Secretary for War, the Commander-in-Chief, or Sir William Armstrong. He thought it was an anomalous position to place Sir William Armstrong in, a gentleman enjoying a salary from the Government, to ask him to make a report on the very article which he had contracted to manufacture for the Government. He thought it right that the very best advice should be given to the Government on such a subject, but it was unfair to place an individual in the invidious position of being a contractor for the manufacture of an article, and then to call on him to give advice to the Government with respect to the very article he and his partners were manufacturing.

THE EARL DE GREY AND RIPON, in answering the Question of the noble Earl, had, in the first place, to draw their Lordships' attention to the circumstance, that he thought it desirable that he should answer it strictly as it stood on the paper, and in the next, that there were good reasons why he should not go into all the particulars to which his noble Friend had referred. With regard to the question, what number of cast-iron guns had been rifled and delivered to the navy, his answer was that no rifled cast-iron guns had been delivered to the navy; for that description did not apply to the guns called the Armstrong guns, which were not cast-iron guns. With regard to the second question, by whose advice cast-iron guns had been hooped and rifled, he had to state that at the end of last year, and in the early part of the present, it was a subject of serious consideration with the Government how they should be able, at the earliest possible period, to supply both the army and navy with rifled guns. The gun of Sir William Armstrong had been adopted after a full and satisfactory trial, but it was found that Sir William Armstrong's guns could only be delivered comparatively slowly. The Government had therefore to consider whether they might not issue guns not exactly so perfect as the Armstrong, but still rifled guns, that could be supplied more rapidly. At that time orders were given that cast-iron guns should be provided, and subsequently rifled by Sir William Armstrong. A certain number of guns were prepared and hooped, and some of them were subsequently rifled. The rifling was upon what was called the "shunting" plan, which was suggested by Sir William Armstrong. Those guns were tried, but the result was not satisfactory, and all proceedings with respect to guns rifled upon that plan had been suspended. The hooped guns—that was, the ordinary service guns turned down and hooped, but not rifled—had also been tried, and in the experiments those smooth-bore guns had stood considerable trials, but all had ultimately burst—in fact, they

had been tested to destruction; and although it was not in his power to say that the hooped smooth-bore guns had established any marked superiority over the ordinary smooth-bore guns, yet neither could he say that the trials had proved them to be failures. It would be, in fact, rather premature to pronounce upon the matter as it then stood. The noble Earl had further asked whether the Ordnance Select Committee had been consulted on the subject, and had approved the rifling of the guns in question. That question implied some misconception on the part of the noble Earl as to the nature of the functions of the Ordnance Select Committee. That Committee was a body of officers of experience and scientific attainments, to whom every description of invention for warlike purposes that was brought forward was referred. They examined all those inventions and reported to the Secretary of State whether they were likely to be useful, or whether they were of such a nature as to render it undesirable that the Government should have anything to do with them. The Committee had no function to decide what description of gun or other materials should be ordered for experiment—that was the function of the Secretary of State—it was the province of the Committee to conduct the experiments and to report the result. Therefore, the answer to the third question of the noble Earl must be in the negative—that the Ordnance Select Committeee was not consulted before these guns were rifled. The noble Earl, at the conclusion of his speech, had alluded to the position of Sir William Armstrong, and had spoken of that gentleman as contractor with the Government. It was due to Sir William Armstrong that that matter should be cleared up. The facts were that Sir William Armstrong was not a Government contractor at all, for he was not a partner in the Elswick Iron Works, which supplied the guns. He had no profitable interest in those works, but he had advanced money to that concern, for which he held security, and of course received interest, but none of the profits of the concern. It was also true that Sir William Armstrong was a partner in certain iron works at Elswick, but those were not the works which supplied ordnance to the Government. Having now answered the noble Earl's questions, he would only further observe that their Lordships would not expect him to give very minute information upon a subject of this nature. He had answered the questions, he hoped, to the satisfaction of his noble Friend, but certainly as far as was consistent with the public interests.

Earl de Grey and Ripon

FURIOUS RIDING AND DRIVING BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The Marquess of WESTMEATH, in moving that the Bill be now read a second time, said, that by the present law the penalty for furious riding or driving through the streets of the Metropolis, so as to endanger the life and limb of any person, or to the common danger of passengers, was but 40*s*., a sum totally inadequate to ensure protection for the lives and limbs of Her Majesty's subjects. It appeared from a Return laid upon their Lordships' table that, within the last two years, no less than 134 persons had been run over and killed outright, and 1,827 injured. Of those who had been run over but not killed at the time, eight had subsequently died, and of those who had been knocked down, nine had afterwards died. Even this inadequate penalty of 40*s*. might, under certain circumstances, be reduced to 2*s*. 6*d*. He thought it was monstrous that any person should be able to set the law at defiance merely because he was able to put his hand into his pocket and pay the fine imposed. He therefore proposed that in cases of accident or loss of life through reckless driving, the perpetrators should be visited with imprisonment, and not mulcted in a fine. He had himself seen examples of reckless driving in the streets of London, particularly in those neighbourhoods in which the traffic was not very great, such as in Belgravia, which was perfectly inconsistent with the preservation of public safety. The furious driving was principally by persons in one-horse carts belonging to tradesmen and others. The noble Marquess cited several cases of the lamentable and even fatal effects of furious driving:—among them the case of one Thomas Barnard, who had been tried in February previously for feloniously killing a man by furious driving. It appeared that Barnard had driven against a poor old man of 70, and knocked him down, and he died in two hours afterwards. The defence was that the driver was on the right side of the road. That man only got two months' imprisonment; but within a few minutes afterwards a man was convicted of stealing

a watch, and sentenced to three years' penal servitude. He thought such an inequality of punishments afforded ample justification for bringing forward the present Bill.

Moved, That the Bill be now read 2ª.

THE LORD CHANCELLOR said, he was obliged to the noble Marquess for his laudable efforts to improve the law in this particular, but doubted whether the Bill would effect the object. This question had very recently been considered by a Select Committee, consisting of all the law Lords and other Peers, and after great deliberation they came to the unanimous conclusion that the law upon the subject ought not to be altered as was now proposed. The noble Marquess did not appear to have accurately studied the existing law. It would be supposed from the noble Marquess's statement that if a man by furious driving killed another he was only subjected to a fine; but the law really was that if a man by furious driving maliciously killed another, he would be in jeopardy to lose his life; and if it were done by negligence he would be guilty of manslaughter, and would be liable to a sentence of penal servitude. Now, the Bill before their Lordships was only confined to improper driving where no injury was sustained. As the law now stood, upon any such occurrence a pecuniary penalty might be inflicted upon the offender by summary conviction before the magistrates; but the noble Marquess proposed that even where no injury had been done, any person might be convicted of furious driving—that was, in fact, for driving at a greater rate than some nervous or timid person thought he ought to do—before a single magistrate, and sentenced to imprisonment with hard labour. For so undefinable an offence as furious driving, unaccompanied by personal injury, he thought it would be hard to inflict a punishment so severe. Believing the provisions of the Bill to be inexpedient and improper, he must ask their Lordships to reject the second reading.

THE MARQUESS OF WESTMEATH said, he did not think the explanation of the noble and learned Lord was any answer to the very serious state of things disclosed by the Return which he had quoted.

LORD PORTMAN moved, that the Bill be read that day three months. The Bill only proposed to inflict a punishment of imprisonment, but without hard labour he could not see that that would be of much use in checking the evil complained of.

Amendment *moved*, to leave out ("now"), and insert ("this day three months").

LORD DENMAN recommended the noble Marquess to withdraw the Bill.

THE MARQUESS OF WESTMEATH said, that after the strong expression of opinion from the noble and learned Lord Chancellor—an opinion from which it was, nevertheless, his misfortune strongly to dissent—he would not persevere in the Motion for the second reading of the Bill.

Amendment and original Motion, by leave of the House, *withdrawn;* and Bill, by leave of the House, *withdrawn.*

AUSTRALIAN COLONIES.—INTRODUCTION OF ANIMALS.

QUESTION.

THE EARL OF CARNARVON asked, Whether the Question of introducing and acclimatising in the Australian Colonies Animals of a rare and valuable Character, has been brought under the Consideration of the Secretary of State for the Colonies, and is favourably entertained by Her Majesty's Government? The question, he thought, did not fall within the category of ordinary questions, inasmuch as no principle of public policy was involved in it; but it was one, nevertheless, of considerable interest and importance both to the Colonies and to this country. The expediency of introducing and acclimatizing in Australia various British and other animals had been mooted some time since, and had been brought under the notice of the Colonial Office by an Australian gentleman, and since then a scheme for that object had been sketched out, and had now acquired considerable maturity. The noble Earl here mentioned several of the animals which had been introduced into that country, and stated that Her Majesty had countenanced the scheme by sending out specimens. The introduction of British fish into Australia was a matter which received a good deal of attention, and, considering the great value of the salmon fishery in this kingdom, the introduction of the salmon would, doubtless, be of the greatest advantage to Australia. Moreover, numbers of the fine birds which thronged the English woods, or flew about the fields, had been exported to Australia, and he was glad to think that in the groves and streams of the British colonies the birds and fish of the mother country would be revived. The Victoria Government had given £500 towards the encouragement of

this scheme, and in public meetings the Government had been urged to increase the grant to £2,000. He should certainly not wish to make any addition to the Miscellaneous Estimates of this country in the present year, because he thought them high enough already; but the scheme might be promoted by other means besides money, and much might be done for it by the expression of opinion in its favour.

THE DUKE OF NEWCASTLE said, that the subject of the introduction and acclimatizing animals of a rare and valuable kind into a distant quarter of the world was no doubt one of very great interest, not only in a scientific point of view and with reference to the enjoyment which it was calculated to produce, but also for a more practicable reason—namely, the value of those animals to those countries in which they were introduced. The matter had attracted some attention for a number of years, and two great attempts had been made to introduce animals from this and from other countries into Australia. One of these attempts had hitherto been successful, while the other had met with eminent success. The first, of course, was the introduction of salmon into the Australian waters. That was attempted during the previous time that he was at the head of the Colonial Office; but that undertaking, although it was conducted under very scientific superintendence, failed in consequence, it was now supposed, of mistakes which might in future be obviated. Another effort was at present being made for the attainment of the same object, and he earnestly hoped that it might prove successful, because it would tend greatly to the pecuniary advantage as well as the social enjoyment of the colonists. The second experiment to which he referred was the introduction of the alpaca into Australia; which he believed might already be said to have completely succeeded. His noble Friend said that he did not wish that any Vote should be taken in the present year among the Miscellaneous Estimates for the promotion of these experiments; but he (the Duke of Newcastle) should go rather further than his noble Friend, and he should express his belief that, as a matter of principle, it would not be desirable to take a Vote in any year for such a purpose. He believed that the Government could assist such an undertaking more effectually in other ways than by any pecuniary contributions, and he felt persuaded that the general superintendence of such schemes would be best conducted by private individuals. That was the opinion he had maintained with respect to the transmission of botanical specimens, and he held it with respect to the removal of animals also. He could, however, assure his noble Friend that he was sincerely desirous of assisting those who engaged in such experiments by addressing communications in their favour to the Governors of colonies, and other measures. In the case, for instance, of the removal to Australia of that very rare and delicate fish which had originally come from China to the Mauritius, he had written to the Governor of the latter colony for the purpose of asking him to give all the aid in his power to the undertaking. As his noble Friend had brought forward that subject he (the Duke of Newcastle) thought it would be wrong for him not to give credit to a gentleman connected with Australia—namely, Mr. Edward Wilson, for his efforts in ensuring the success of the experiment as far as it had gone. He certainly could not hold out any expectation that the Government would contribute pecuniarily to that object; but on the other hand he should feel it to be both a duty and a pleasure to afford every other kind of aid in his power to those who were so generously and patriotically promoting an object of such great social and scientific importance.

THE EARL OF CARNARVON said, the noble Duke had misunderstood him upon one point. He had not expressed the opinion that a Vote should be taken either in the present or in any future year. On the contrary, he believed with the noble Duke that such an object as the introduction of animals into Australia should be left to the enterprise of private individuals.

BANK OF IRELAND BILL.

THIRD READING.

On Motion, That the Bill be now read a third time;

LORD MONTEAGLE objected.

On Question, *resolved* in the *Affirmative*.

Bill read 3ª, and *passed*.

PROTEST.

DISSENTIENT:

"Because no Evidence or Argument has been adduced to prove that the Restraint imposed on the Bank of *Ireland*, prohibiting the Loan of Money on Mortgage or other Landed Security, has been productive of Injury to that Establishment, or of public or private Inconvenience, and has thus justified its Repeal.

"Because this Restraint forming a part of the

original Constitution of the Bank of *Ireland*, and steadily maintained to the present Time during a Period of about 80 Years, has been shown to be consistent with a System of successful and prudent Management, upholding public and private Credit, not only in prosperous Times but during Periods of Commercial Pressure and of Political disquiet.

"Because even during the Crisis which produced the Bank Restriction that Measure was recommended, adopted, and condemned in *Ireland* less in reference to Dangers or Exigencies affecting *Irish* interests, than as a Consequence of the Suspension of Cash Payments enacted by the Legislature of *Great Britain*.

"Because the Repeal of this Restraint upon Loans and Mortgages of Land, which has so long subsisted, cannot but be interpreted as giving the Sanction of the Legislature to the Investment in Landed Securities of the Capital of Banks issuing Promissory Notes payable on Demand; a Practice which has been condemned as contrary to sound Principle, and therefore open to serious Objection.

"Because the ultimate Security of the Promissory Notes payable on Demand is insufficient for the Public Interests, unless their immediate Convertibility is also provided for, and for this reason the practice of locking-up Capital thus rendered unavailable to answer pressing Demands is inconsistent with the true Theory of Banking, or with its safe Application.

"Because if this Repeal of the wholesome Restraint of the *Irish* Bank Charter Act, 21 & 22 *Geo.* III. Cap. 16, had taken place during the existence of the Agricultural Distress consequent upon the Failure of Crops, it can hardly be doubted that a Pressure so urgent would have been cast on the Bank of *Ireland* as would have led them to unwise and dangerous Advances, adding to the existing Agricultural Distress the further Risks attendant on an imprudent Extension of the Circulation.

"Because the Danger of the Principle involved in the Bill becomes greater when it is proposed that it should be applied to the central and most important Bank in *Ireland*, which, as holding the Public Accounts of the Treasury and Exchequer, as paying the Dividends, and intrusted with the Public Remittances from *England*, stands in all these important respects in the Position of a National Bank, and is liable, if deviating from its present more prudent Course, to risk the certain Convertibility of its Notes by Investments not available in the immediate Discharge of its legitimate Banking Engagements.

"MONTEAGLE OF BRANDON."

DUCHY OF CORNWALL (LIMITATION OF ACTIONS) BILL.

REPORT OF AMENDMENTS.

Order of the day for the Report of the Amendments in this Bill read.

LORD KINGSDOWN stated for the information of their Lordships the mode in which the accounts of the Duchy were kept.

LORD VIVIAN rose for the purpose of asking the noble Duke below him (the Duke of Newcastle) a question as to the meaning of a remark which the noble Duke used in a former debate, but which then escaped his notice. The noble Duke was reported to have said that the Duchy had always exercised its rights with leniency and forbearance, and that many of those noble Lords and hon. Gentlemen who were now most forward to complain had received favours at their hands. He wished the noble Duke would explain who were the parties to whom he referred. A noble Lord who opposed the Bill the other evening, but who was not now in his place (Lord Churston) had authorized him to say that he had never received any favour at the hands of the Duchy; for himself he could say that he had never asked for or received any. The Council of the Duchy, he considered, had failed in their duty if they had granted any, and he challenged the noble Duke to mention the names of the noble Lords and hon. Gentlemen to whom he referred. He might say here, too, that he had been taken to task for applying the term "sharp practice" to the officers of the Duchy. He was quite aware that that term ought not to be applied unless there were ample means of justifying it. He did not apply the term to the Council—the term was applied to some of the subordinates; and he only wished that noble Lords who were on the Council would examine into these questions and see for themselves whether their conduct did not deserve the name of "sharp practice." He had formerly explained that he had no longer an interest in the Bill—the case in which he was interested was decided before this Bill was brought forward; but he had thought it right to refer all the correspondence that had passed between him and the officers of the Duchy in reference to that case to the hands of an eminent counsel, whose name he was not at liberty to mention because he had only received his reply as he entered the House; but it was to the effect that he thought a degree of pressure existed which few gentlemen would have thought it desirable to exercise; and however technically justifiable the course of the Duchy might be it was one which he would not advise any client of his to take unless he were a Jew or "some sharp practitioner." It was legally right, but it would hardly be thought right by any fair-dealing man. He might also add that he was borne out by many of his Friends—some of them Members of the other House of Parliament

—in the application of the term "sharp practice" to the conduct of the officers of the Duchy.

THE DUKE OF NEWCASTLE said, he did not rise to discuss the provisions of the Bill, but to reply to the question of the noble Lord—a question, however, he must say, which appeared to him to be not only a singular but an irregular one. The noble Lord asked him what he meant by an assertion that was made in the noble Lord's own hearing, and which he then allowed to pass without challenge, but now came down with it cut out of a newspaper, and challenged its correctness. He had not a word to say against the correctness of the report, which he believed conveyed a fair representation of what he said, but the noble Lord had put into it a word which he did not use, and which he did not think was in the report. He never said that either Lords or Gentlemen had received favour at the hands of the Duchy. What he said was, that noble Lords and hon. Gentlemen who were most forward in complaints had derived great advantages at the expense of the Duchy. In saying this he intended no personal attack on the noble Lord himself, still less on the noble Lord who had been before alluded to (Lord Churston), there was no one who had shown more courtesy, and he might say kindness, to the officers of the Duchy than that noble Lord. He was stating a general fact which applied to all the landed gentry of Cornwall. There was no reflection on them; but, nevertheless, for several years past a course of events had taken place tending, *pro tanto*, to enrich the landowners at the expense of the Duchy. Fifty or sixty years ago a measure was passed through Parliament by which about 20,000 acres of land, the property of the Duchy, were disposed of at nominal prices. Then came a dispute about the settlement of the septennial leases. Though it was generally admitted that the holders of those leases could not enforce any right to renew, yet by the Cession of Manors Bill the property thus held on leases was converted into freehold, by which several years' value was added to the property of the landowners. Then, one of the most ancient rights of the Duchy of Cornwall was the duty on tin. Disputes, however, arose with respect to them, and a Bill was introduced by Lord Monteagle, when Chancellor of the Exchequer, by which these tolls were given up, the Duchy receiving a compensation out of the public Exchequer. He had no hesitation in stating that if those rights were existing now they would be worth £25,000 a year. Altogether he believed that the property the Duchy had lost of late years in this way was of the value of between £50,000 and £60,000 a year; and this was a public question, because it must be remembered that the revenues of the Duchy diminished the provision that must be made from the public Exchequer for the heir to the Crown. The subordinates of the Council had been accused of sharp practice. As to that he must say that they had occasional law suits; but considering the nature and extent of the property these were very few, and he did not recollect a single case in which the Duchy had not been successful. Was not that a proof there was no sharp practice in the matter? He could assure the noble Lord that he would not make either himself or his colleagues angry by the employment of these terms; and as to the opinion which the noble Lord had read he knew nothing of the counsel or of the case that had been submitted to him; but he was quite willing to take the opinion of any independent and honourable man whether the opinion which the noble Lord had read was a fair description of the transaction. The noble Lord had made these complaints to him several months ago, and also to his noble and learned Friend opposite, the Chancellor of the Duchy (Lord Kingsdown); and they had both gone over the noble Lord's case with the utmost minuteness, calling in the aid of their most experienced servants, and they convinced themselves that there was no just cause of complaint against what had been done. He did not say the noble Lord had not a case; when both he and his noble and learned Friend began to look into it they thought he had cause of complaint, but they were now satisfied that the decision was legally, morally, equitably, and generally right. As to any other complaints the noble Lord or others might have, he could only say that if they were sent to the Council he would take care that they should be investigated.

LORD VIVIAN thanked the noble Duke for his offer, and said he would accept it.

LORD PORTMAN said that the noble Duke who had to-night defended the rights of the Duchy of Cornwall was not a Member of their Lordships' House when the first investigation was made into the affairs of the Duchy. The Report then made

to the House was that customs had been abandoned, fees and heriots had been lost, boundaries of estates had become doubtful, and adverse claims had been made which had grown into habits, if not into legal rights. It had taken the Council twenty years to put the affairs of the Duchy to rights. The Council did not wish to encroach upon the property of others, but it was their duty to guard the rights, privileges, and estates of the Duchy.

THE MARQUESS OF WESTMEATH said, he remembered, in the days of His late Majesty, George IV., great complaints had been made of malversation in favour of particular individuals, and against the interests of the Duchy. He deprecated the employment of such terms as "sharp practice."

Amendments *reported;* and Bill to be read 3ª on *Friday* next.

UNION OF BENEFICES BILL.

BILL READ 3ª, AND PASSED.

Order of the Day for the Third Reading read.

THE EARL OF ELLENBOROUGH observed that some of the Commissioners under the Bill were to be appointed by Corporations. Now, whatever might be the merits of Corporations, they were certainly not religious bodies, and he recommended that this portion of the Bill should be altered.

THE BISHOP OF LONDON said, this point had received very serious consideration. It was difficult to say in what way the Commissioners should be appointed, and the mode proposed in the Bill was adopted as the least objectionable that could be thought of. The duties were not wholly of a religious kind. There was property to look after, and Corporations were considered the proper guardians of such property.

Bill read 3ª.

On Question that the Bill do pass,

THE BISHOP OF LONDON moved to insert at the end of the 1st Section the words—

("And a Benefice, Sinecure Rectory, or Vicarage in the Suburbs of any City, Town, or Borough in the Schedule to this Act, and the Parish of any such Suburban Benefice, shall, for all the purposes of this Act, be deemed to be within such City, Town, or Borough, and shall be included in and subject to the provisions of this Act accordingly.")

Amendment *agreed to;* words added.

THE EARL OF POWIS moved to insert in Clause 17 words to permit the appropriation of the disused churches to foreign congregations not being in communion with the Church of Rome. The object of this proposal was to include the Greek Church, to which a large and influential community in London, Manchester, and Liverpool belonged; and which was not at all of a hostile character as regarded the Church of England. But for the remarks of a right rev. Prelate (the Bishop of Durham), it would never have occurred to him that such an Amendment as he proposed would be thought objectionable; for the object of the contemplated enactment had nothing whatever to do with questions of orthodoxy, but it was simply a matter of international courtesy, such as English congregations often received in foreign countries.

Moved in Clause 17 line 31, instead of ("Foreign Protestant Congregations,") to insert ("Christian Congregations not in communion with the Church of Rome.")

THE BISHOP OF DURHAM, after the pointed allusion of the noble Earl, felt bound to explain that he did not oppose the Amendment proposed by the noble Earl on the ground that the Greek Church was a hostile or proselytizing body. Still he could not forget that there were important differences between the docrines of the Greek and the English Churches —that the former did not hold the same doctrine as the latter with regard to the Procession of the Holy Ghost; that it held as much as the Roman Catholic Church the dogma of the Real Presence; that it enforced compulsory confession; and that, though it did not worship images, in indulged in the adoration of pictures. He considered that there was in particular a spirit rising in this country against compulsory confession, and he thought it would be unwise to do anything that might seem to encourage that practice.

THE EARL OF ELLENBOROUGH preferred the existing words of the Bill—"Foreign Protestant Churches." The Amendment would allow churches to be appropriated to congregations of Mahomedans, Jews, or Buddhists.

LORD REDESDALE conceived that under the proposed clause Unitarians would be admitted, which would be very repugnant to the feelings of English Churchmen. If the clause was good for anything it was good as showing that the English Church took a comprehensive and tolerant view of the subject, and that the Christian Protes-

tant Church of England held out the hand of fellowship to other Christian Churches.

THE BISHOP OF LONDON thought that in introducing the clause he was only following out principle and precedent in allowing churches to be used by foreign Protestants, and he considered that the clause should remain as it was.

THE BISHOP OF ST. ASAPH was of opinion that the qualification of "Christian" was equally necessary.

THE BISHOP OF ST. DAVID'S approved the Amendment.

LORD STANLEY OF ALDERLEY said, he thought it would show a very great want of Christian charity if we were expressly to exclude the members of the Roman Catholic Church from the power of the clause. The Roman Catholics were a very large proportion of our fellow subjects. We provided chaplains who professed that religion for the army, the navy, and various public establishments, and, in his opinion, to except Catholics in a case of this kind would be an offensive provision, and one which he should regret to see adopted. There should be a community of religious feeling between all Christian Churches; he trusted therefore that their Lordships would not give their assent to the Amendment now proposed.

Amendment *negatived.*

Clause enabling the reseating and rearranging of churches inserted.

Bill *passed*, and sent to the Commons.

House adjourned at Half-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 15, 1860.

MINUTES.] PUBLIC BILLS.—1° Votes for Disqualified Candidates.

ANNUITY TAX ABOLITION (EDINBURGH) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 14 *agreed to.*

MR. MURE moved the following proviso at the end of the clause:—

"Provided always, That upon the death or removal of any of the present ministers of any of the above-mentioned thirteen churches, the successor or successors of such minister or ministers shall not be entitled to a salary or stipend of more than £550 per annum until such time as the Commissioners named in this Act shall have made such provision as they may deem expedient for payment of a salary or stipend, amounting to not more than £550 per annum to the ministers to be nominated by them to the Tolbooth Church and the Old Church under the powers by this Act conferred upon the said Commissioners."

The hon. Gentleman disclaimed any wish to interfere with the principle of the clause. His object was simply to give power to the Commissioners to deal with the matter of the amount of salaries of the successors of the present incumbents to a limited extent, so that, if they thought it expedient, they might fix the salaries of successive ministers at £550.

THE LORD ADVOCATE held that the interests of religion and of the Established Church would be more effectually served by the maintenance of thirteen ministers at a salary of £600 or £700 a year, than by keeping up two inefficient charges such as these, at a cost of a diminution of the stipends of the other ministers. He would not, however, oppose the Amendment if his hon. Friend would consent to leave out the specification of the two churches, and say "any minister nominated by the Commission."

MR. MURE said, that he had no objection to comply with the suggestion of the learned Lord.

Amendment, with the alteration proposed, *agreed to.*

Clause *agreed to*, as was also Clause 15.

Clause 16 (Accounts to be kept and published by the Commissioners).

THE LORD ADVOCATE suggested that this clause should be postponed for further consideration. He would, however, take that opportunity of explaining the facts of the case with respect to Trinity College church to which the clause referred. It appeared that the North British Railway of Scotland, being obliged to take down the church for the purposes of their railway, paid a sum of £16,000 to the Town Council, to be applied to the rebuilding of the church on another site. Owing to some differences of opinion upon the question, an action was commenced against the Town Council to compel them to build the church according to the agreement. The Lord Ordinary decided against the Town Council, and the money would be handed over to the Commissioners for the rebuilding of the church. The arrangement was, that the church should be rebuilt after an interval of five years, during which time the minister of Trinity College church was to be maintained at a salary of £600 a year. After the rebuilding of the church there would be a balance of between

£5,000, and £6,000. A Committee of the House had recommended that a portion of this fund should be applied to the redemption of the Annuity Tax. On the part of the Town Council he had been pressed over and over again to take the money for the same purpose, and he thought it would be fair enough to relieve the town on the one hand and give the church the benefit on the other. The Amendment he was going to introduce was that the money should be handed over to the Commissioners, who should be bound to build the church and to apply the remaining fund as had been already stated.

MR. E. ELLICE (St. Andrews) thought that if any parties had reason to complain, in respect to this matter, it was the Railway Company itself. They were compelled by the Town Council to pay a large sum of money for the rebuilding of this church. He observed that although this money had been extorted by the Town Council from the North British Railway Company for the specific purpose of rebuilding the church on another site, the Town Council had resorted to every technical quibble, to every mode of legal chicanery they could think of, in order to escape from the obligation which they took upon themselves when they received the money. As a matter of equity, if after rebuilding the church any balance remained, the Town Council ought to hand it back to the Railway Company.

MR. BLACK contended that the former part of the transaction was highly creditable to the Town Council; and he might say that he was himself the Town Council on that occasion, because it was left entirely to him to arrange with the Railway Company in London. The Company at first proposed to remove the church and go to a jury to declare the value of the land; but he (Mr. Black) required that they should rebuild the church, and the Parliamentary Committee decided in his favour. The Company then preferred to pay the money, and he left it to the Company's own architect to say what sum the church could be built for. After that he (Mr. Black) left the Council; but he could not defend the Council for attempting to evade the obligation he had undertaken. Up to that point he maintained that the Council had acted very liberally towards the Company. The Company, in endeavouring to overreach the Council, had been overreached themselves.

MR. BLACKBURN said, that the fault of the Council lay not in accepting the money, but in attempting to misappropriate it. If after the church was built a balance remained it should be applied to the support of the church, but not to the relief of the inhabitants.

MR. HADFIELD was surprised that not a single Scotch Member had a word to say for the Town Council of Edinburgh. He was satisfied from what he knew of members of the Council that they had acted in an honourable manner.

Clause *postponed.*

Clauses 17 to 20 *agreed to.*

Clause 21 *postponed.*

Clauses 22 to 24 *agreed to.*

Clause 25 *agreed to,* with Amendments.

Clauses 26 and 27 *agreed to.*

Clause 28. (Provost, Magistrates, and Council to pay to succeeding Minister and his Successors a Salary of £200 per annum.)

MAJOR CUMMING BRUCE proposed an Amendment which would have the effect of giving to the ministers of the Church of Montrose a salary of £250 a year, instead of £200. The town was a very large one, and he was sure the Committee would admit that even £250 a year was not more than adequate to enable the minister of such a place to maintain his position.

Amendment proposed, in page 12, line 38, after the word "hundred," to insert the words "and fifty."

MR. BAXTER reminded the Committee that the original proposal for the settlement of the Annuity tax was, that the salary of the minister should be £340. Now it was proposed that £200 should be paid as the stipend of the minister, and that the remainder of his income should be made up from the pew-rents, &c. That arrangement was acceptable to the Church party in Montrose, and so far as the result was concerned, the salaries of the ministers, so far from being reduced, they would rather be increased by the operation of the Bill. He should certainly oppose the Amendment of the hon. Member.

MAJOR CUMMING BRUCE said, that he was informed that, a little time ago, the Town Council of Montrose were willing to have the salary fixed at £250, but that when the smaller sum was suggested they readily accepted it. He spoke in the interest of the minister, who, he considered, should not be left dependent on the generosity of any body of men.

MR. MURE objected to the proposal, because it would interfere with the administration of relief to the poor, who received aid out of the church-door collection.

THE LORD ADVOCATE said, he should not feel himself justified in agreeing to the proposition of the hon. Gentleman opposite (Mr. C. Bruce), inasmuch as he believed it would have the effect of disturbing the arrangement that had already been agreed to by the Church party in Montrose.

Question put, "That the words 'and fifty' be there inserted."

The Committee *divided*—Ayes 42; Noes 70: Majority 28.

Clause *agreed to.*

Clause 29 (Stipends of the Ministers of the Montrose Church).

SIR JOHN TRELAWNY suggested that, as the Bill was a compromise on this subject, it was desirable that no element should be left in it which could give rise to future misunderstanding and irritation. They had experience of the effect of pew-rents in England, and he did not think it would be wise to extend that principle in Scotland. It was very desirable that a certain portion of every church should be reserved for the poorer classes, and that they should have absolute security that those free seats would be reserved for them. He wished, therefore, that a clause should be introduced giving the poor a right to adequate accommodation in the church.

MAJOR CUMMING BRUCE said, it was his intention to propose that one-tenth of each church should be appropriated to the poor. He proposed in line 15 after "case," to leave out to the end of the clause, and to insert "it shall be lawful for them to increase the salary or stipend of the ministers of the said church to an amount not exceeding £340." He did not think that the salaries of the ministers should be made dependent upon pew-rents or church-door collections, which should be devoted to the poor.

MR. BAXTER urged upon the hon. Gentleman not to persevere in his Amendment, which would have the effect of creating much dissatisfaction.

MR. BLACKBURN said, he supported the Amendment, on the ground that if the people knew that those collections would be appropriated to other purposes than the relief of the poor they would cease to contribute to the poor-box.

Amendment *negatived.*

MAJOR CUMMING BRUCE proposed an Amendment in the clause appropriating one-tenth of the church at Montrose to the use of the poor in the same way as had been arranged in the churches of Edinburgh.

SIR JOHN TRELAWNY proposed a proviso at the end of the clause, by which not less than one-third of each church should be appropriated to the public without costs.

THE LORD ADVOCATE opposed the proviso, on the ground that the accommodation already provided for the poor was amply sufficient, and that, if adopted, it would only lead to confusion.

Proviso *negatived.*

Amendment *agreed to.*

Clause as amended *agreed to.*

Clauses 30 and 31 were *agreed to.*

Clause 16 (Accounts to be kept and published by the Commissioners).

THE LORD ADVOCATE then proposed that the clause should be framed to this effect:—

"That the moneys now in the hands of the Town Council of Edinburgh for the purpose of rebuilding Trinity College church, including all interest and accumulations, should be handed over to the Commissioners under this Bill in November next, and that after an interval of five years, the Commissioners should appropriate these moneys, or such amount as should be necessary, to the rebuilding of the said church according to the plan already agreed upon; and that during the said period of five years the minister of that church should receive a stipend of £600 a year."

The rebuilding of the church would cost £12,000, which would leave a balance of £6,000 or £7,000 to be applicable to other purposes set forth in the Bill.

Clause *agreed to.*

Clause 21 (If Commissioners fail in the Discharge of their Duties, the Lord Advocate may bring a Complaint before the Court of Session.)

MR. STIRLING proposed the following Amendment:

"After 'on,' leave out the rest of the clause, and insert, 'and after the passing of this Act, the advocation, donation, and right of patronage of the following City churches—namely, St. Andrew's, St. George's, Greenside High Church, New Greyfriars, Old Greyfriars, St. John's, Lady Yester's, St. Mary's, St. Stephen's, Trinity College, Tron Church, and New North Church, shall cease to be in and belong to the Magistrates and Council, and shall be vested in the Commissioners; and the right of patronage of the said churches, as vacancies shall occur among the ministers thereof, shall be exercised by the Commissioners, assisted by representatives annually elected by the Kirk Sessions of the said churches, one by each Kirk Session, from among its own members, for the

special purpose of acting with the Commissioners in filling up such vacancies, subject to the rules of the Church of Scotland."

He did not wish to cast any imputation on the manner in which the Council had exercised their patronage; but the altered circumstances of the case, he thought, required this change. He denied that the Council had any right to compensation for the withdrawal of the patronage, inas much as it was a trust vested in them on behalf of the public. No compensation was proposed to be given to the Town Council of Edinburgh, when the University patronage was withdrawn; and in this very Bill the patronage of the second charge in Montrose, was to be transferred to the elders and members of that church, without compensation to the Town Council.

THE LORD ADVOCATE held that the Town Council had always exercised their patronage well and wisely, and had been hardly dealt with in the University Bill. An ordinary patron could, of course, sell his right; but the Town Council could not alienate their patronage, which was, therefore, at present not saleable. He thought it right that they should have the power of negotiating for the disposal of their patronage, and could not consent to its being forcibly withdrawn from them.

MR. NEWDEGATE said, it appeared to him that the clause proposed was one so just and reasonable, that it ought to receive the general assent of the Committee. They should recollect that it was this question of patronage which had occasioned the great schism in the Church of Scotland. When they were changing the application of those funds, he thought it was but a just concession that this patronage should be given to the unexceptionable body proposed. It was most desirable that the patronage of the Church should be exercised by the members of the Church.

MR. BLACK said, he quite agreed with the hon. Member for North Warwickshire; but as the right of presentation had always been treated as property, it was but fair that the Council should be permitted to sell a property which belonged to the City of Edinburgh. He suggested that the patronage should be transferred to the Kirk Session and congregation, instead of the Commissioners, as in the case of the church of Montrose, and that a year's rent should be the price of the patronage.

MR. BLACKBURN said, in the case of Montrose church, there was no price; the Council merely held the patronage as a public trust; and if it were for the general good that it should be transferred, that was no reason why the Council should receive money, and make a profit out of it.

MR. DUNLOP said, nothing could be more injurious than to transfer the patronage from the public Council to another body, elected in a wholly different manner. Let the Council sell it, or let it be transferred in each instance to the respective congregations.

MR. E. ELLICE (St. Andrews) pressed on the Lord Advocate the propriety of taking away the patronage from the Council, who had no title to compensation. The patronage ought to be transferred to the congregations; but sooner than see it remain in the hands of the Council, he would vote for the Amendment.

MAJOR CUMMING BRUCE thought there were grave objections to giving congregations this patronage; because very frequently there were two or more pastors amongst them; and the result was, that in the exercise of this patronage much animosity was engendered.

MR. BUCHANAN said, that in this case there were very special reasons for vesting the Church patronage in the congregations; because they would look out for the most popular minister, whereby the seat-rents would be increased.

MR. STIRLING had no objection that the patronage should be vested in the congregation, and suggested that the Lord Advocate should put the clause in a shape that would satisfy all parties.

Clause *negatived.*

THE LORD ADVOCATE said, he would not undertake to bring up a clause in place of it; he would, however, consider whether he could so amend it that it ought to meet the wishes of all parties.

Preamble *agreed to.*

House *resumed;* Bill *reported* as amended, to be considered on *Monday* 25th June.

BERWICK-UPON-TWEED ELECTION.

Message from *The Lords,* That Her Majesty has appointed To-morrow, at half-past Twelve of the clock, at Buckingham Palace, to be attended with the Address of both Houses of Parliament, under the provisions of the Act 16 *Vict.* cap. 57, with respect to the Berwick-upon-Tweed Election, and that the Lords have appointed the LORD STEWARD and the LORD CHAMBERLAIN of the HOUSEHOLD to attend Her

MAJESTY therewith on the part of their Lordships, and to desire this House to appoint a proportionable number of its Members to go with them.

Ordered, That four Members of this House do go with the Lords mentioned in the said Message to wait upon Her MAJESTY with the said Address.

Ordered, That Viscount PALMERSTON, Sir GEORGE LEWIS, Viscount CASTLEROSSE, and Lord PROBY do go with the Lords mentioned in the said Message.

Ordered, That a Message be sent to the Lords to acquaint them therewih; and that the Clerk do carry the same Message.

On Motion "That the House, at rising, adjourn till *Monday* next,"

UNIFORM WEIGHTS AND MEASURES.

QUESTION.

MR. GARNETT said, he wished to ask the Secretary to the Treasury, Whether it is the intention of the Government to take any steps in accordance with the recommendation of the Astronomer Royal and the Comptroller-General, contained in the Letter of the latter of the 9th February, 1859, and the Report of the former gentleman, on the subject of the better administration of the Law with regard to Weights and Measures, and the organization of a separate office for that department.

MR. LAING said, that the question raised by the Report of the Astronomer Royal, was no less a one than whether the Government should take upon themselves to establish a centralized agency for insuring uniformity of weights and measures throughout the kingdom. The connection of the Treasury with the subject was very slight; it merely related to seeing a standard of weights and measures deposited in the Exchequer; the extension suggested would fall within the department of the Home Secretary. He could not say that the Government had made up their minds to the introduction of any measure on the subject.

COMMERCIAL TREATY WITH FRANCE.

QUESTION.

MR. BAINES said, he would beg to ask the President of the Board of Trade questions relative to the Treaty of Commerce with France, namely, first, it having been stated that applications are pressed upon our leading commercial men to proceed to Paris, under the auspices of the Board of Trade, to convince the French Commissioners that liberality is the true policy, whether it is true that leading commercial men have been pressed to proceed to Paris, and, if so, for what purpose; and, secondly, it having been publicly alleged that the Treaty is an universally admitted failure, whether the President of the Board of Trade can state if anything has occurred in the progress of the negotiations, to cause the Government or their negotiators to believe that the Supplementary Convention will fail to carry out the original design of the Treaty?

MR. MILNER GIBSON: If it has been stated that the Board of Trade have urged upon any commercial gentlemen to go to Paris in order to convince the French Commissioners that "liberality is the true policy," I can assure my hon. Friend that the statement is entirely incorrect. No commercial gentleman has been asked to go to Paris for any such purpose; but, it being necessary under the Treaty that a Supplementary Convention should be concluded in order to convert the *ad valorem* duties into specific duties, and also to settle the actual amount of such duties, it was thought desirable to obtain from the Chambers of Commerce, and from persons interested in the various branches of industry affected, the best information possible, in order that the conversion might not take place in a manner disadvantageous for the interests of the trade of this country for want of information. The Chambers of Commerce were invited to supply the Board of Trade with information, and it was suggested that deputations should go to Paris. But the suggestion thrown out on our part was that delegates should go to Paris, sent by the Chambers of Commerce, representing the various branches of trade and industry affected, in order to supply the special information practically necessary to settle the details of the Treaty. That was the course taken, and that was the most reasonable and the most proper course to be taken; and unless it had been taken, it would not have been possible to convey to the Commissioners the special information on the various branches of our manufactures and industry which it was necessary for them to possess in settling the duties. There is not, therefore, the slightest truth in the statement that any gentlemen have been sent by the Board of Trade for the purpose of recommending any particular policy. Those gentlemen

went to Paris for the simple purpose of supplying the necessary information, which can only be afforded by skilled persons connected with the various manufactures and trades that will be affected by the Treaty. In answer to the other Question which my hon. Friend has put—whether the Treaty is not held to be an universally admitted failure, I will only say that such a statement is entirely new to me. As far as I am aware, the negotiators are succeeding in carrying out, by a Supplementary Convention, the original design and intention of the Treaty. All that I hear leads me to believe that its practical commercial value has been much underrated.

COMMERCIAL TREATY WITH FRANCE.

QUESTION.

MR. SEYMOUR FITZGERALD said, he wished to repeat the question which he had put to the noble Lord opposite a few days ago, as to whether any steps have been taken for the enlargement of the period at which the *ad valorem* will be turned into specific duties. The question was of great importance, because though it was possible that the French Government might not fix a lesser duty than 30 per cent *ad valorem*, if it were left in their power to do so, if the change were once made into specific duties it would no longer be in their power to increase, though they might, if they chose, diminish their amount. But if the time within which the *ad valorem* were to be changed into specific duties were allowed to lapse, it would be at any period in the power of France to lower the *ad valorem* duties from 30 to 10 per cent; or, on the other hand, to raise them from 10 to 30 per cent. The British manufacturer, consequently, would never have any certainty as to the amount of duty which his goods might be called on to pay on their entrance into France. It was, therefore, highly important that either the *ad valorem* should be turned into specific duties within the period prescribed by the Treaty, or else that by mutual consent the time should be enlarged in a Supplementary Convention?

UNIFORM VALUATION OF PROPERTY. LONDON CORPORATION.

QUESTIONS.

MR. STANLEY said, he wished to ask the Secretary of State for the Home Department if it is his intention, now the Reform Bill is withdrawn, to bring in his Bill this Session, to enforce a uniform Valuation of Lands and Tenements in England? The right hon. Gentleman stated some time since that he had a Bill prepared for procuring an equal valuation of all the property in England, and that he did not lay it on the table owing to the pressure of business—alluding as he (Mr. Stanley) understood to the Reform Bill—which he said was likely to take up the whole time of the House. That Bill was now withdrawn; and the House would probably agree with him that it was of the greatest importance that a Bill for a more perfect valuation of property should be introduced in case another Reform Bill was brought in proposing a rating franchise, such a valuation would be absolutely necessary.

SIR GEORGE LEWIS said, he was quite prepared at once to introduce the Bill for the Amendment of the parochial valuation; but he feared, though the Reform Bill had been withdrawn, there was little prospect, from the pressure of business, of bringing the Valuation Bill under the consideration of the House. He wished, however, to caution the House against the expectation that the Bill would establish one uniform system of valuation, similar to that of Ireland. As long as the English system was parochial it was impossible it could be so uniform as one established under a single Government Board.

NEW HOUSES OF PARLIAMENT.

QUESTION.

COLONEL WILSON PATTEN said, he rose to ask the First Commissioner of Works what arrangements have been made since the lamented death of Sir Charles Barry to complete the Houses of Parliament and the adjacent buildings; and whether there is any plan left by Sir Charles Barry for the completion of the whole, on which it is intended to proceed. During the lifetime of the late Sir Charles Barry various steps were taken more or less ineffectually, in order to ascertain when the Houses of Parliament would be finally completed. Like the clock just alluded to by the hon. Member for Peterborough, the Houses, commencing at an estimate of £750,000 had already cost the nation £2,400,000. Now, at the death of Sir Charles Barry it became an object of special interest to the public to know

whether the works were completed; if not, how much remained to be done; and what would be the extra cost. He also wished to know who was the person deputed, or to be deputed, to carry out any additional works which had been projected by Sir Charles Barry. It was generally understood that Sir Charles Barry had prepared plans, not merely for the completion of the Houses, but other plans of an extensive nature for improving the neighbourhood, including the removal of the Courts of law, the formation of the approaches to the bridge, and of a quadrangle in New Palace Yard, and other alterations. He wished to know whether the Government were in possession of Sir Charles Barry's plans for those improvements; and if so whether they were prepared to act upon them? Another question he wished to ask was this: It was well known that a short time previous to Sir Charles Barry's death a misunderstanding existed—a misunderstanding of very long continuance—as to the rate and mode of remuneration for his services; and he wished to ask the right hon. Gentleman whether that misunderstanding had been finally arranged, and if so upon what terms? He would also ask whether arrange ments had been entered into with the person who had been appointed to succeed Sir Charles Barry and complete any works that remained, which would not be subject to the like misunderstanding; and whether the Government had agreed with that individual for the final and total completion of all works at present unfinished connected with the Houses of Parliament?

THE PARKS AND CHARING-CROSS.

QUESTION.

Mr. W. EWART said, he would beg to ask the First Commissioner of Works whether more seats round the larger trees in Kensington Gardens and the Parks can be placed there for the accommodation of the public; also, whether the large piece of ground lately used as a reservoir for one of the Water Companies, opposite Grosvenor Gate, can be thrown into the Park for the use of the public; and whether the unsightly iron railing round the Statue of King Charles I., at Charing Cross, might not be advantageously removed?

Mr. COWPER said, that when the country was deprived of the services of Sir Charles Barry, there were some works in progress in connection with the Houses of Parliament which had been commenced some time ago, when his predecessor in office had proposed a final Vote for the completion of certain works which it was then agreed should be carried on. Those works were of small extent, and in selecting an architect to finish them, he thought the right course to pursue was to ask Mr. Edward Barry, the son of Sir Charles Barry, to undertake the direction of them, because he knew he had assisted his father in their construction, that he was in possession of the plans and designs, and had manifested his competency for the task by the results which he had achieved in the case of Covent Garden Theatre and the Floral Hall. He had proposed to Mr. Barry that he should accept the same amount of remuneration as that which it had been agreed his father should receive —that was to say, 3 per cent on the whole outlay on those works, with 1 per cent additional on the measured work. The plan which Sir Charles Barry had prepared in order to enclose New Palace Yard as a Quadrangle, had been laid before Parliament in 1855; but in his office there were no further details than those contained in the Parliamentary Returns. The design consisted of three parts; the first was intended to occupy the place on which the houses in Bridge Street now stood, and would cost £67,000; the second portion would extend from the east end of Bridge Street to the Courts of law, and would cost £80,000; while the third would occupy the site of the present Courts of law, and would cost £150,000. Hereafter, when all the houses in Bridge Street were pulled down, the House would probably deem it desirable that buildings should be erected on that site for the accommodation of the public offices, and likewise that the site of the Courts of law should be built upon; but it was as yet premature to come to any decision on these points.

In reply to his hon. Friend behind him (Mr. Ewart), he could say that he was extremely anxious to provide as much sitting accommodation as possible for the public in Kensington Gardens and the Parks, and steps had been already taken for increasing the number of seats. With respect to that hideous circle in Hyde Park, opposite Grosvenor Gate, which had hitherto been used as a reservoir, he had to state that it had only lately passed into the hands of the Crown, and that it would be necessary soon to determine to what purpose it should be applied. He should be

very glad if the subscribers to the Monument which it was proposed to erect in Waterloo Place to the memory of the Guards who had fallen in the Russian war, and which, he thought, was too large for the present site, could be induced to place it in the circle to which he was referring; but he could give his hon. Friend no positive information as to how that particular spot would be ultimately disposed of. He quite concurred, he might add, with his hon. Friend in condemning the unsightly iron railing which surrounded the statue of Charles I., and he knew of no necessity for its being continued. It was a work of ancient date, and had been erected probably from a feeling that some of the mob might at that time be disposed to mutilate the statue as being an emblem of principles of which they disapproved. He found that there were three Royal equestrian statues in the Metropolis, and of those, that of George IV. in Trafalgar Square, was unprotected by a railing; while in the case of the statue of George III., in Cockspur Street, which had until lately been so protected, he had taken the liberty of ordering the railing to be removed, and the result had been that the appearance of the pedestal had been improved without any injury to the statue having arisen. He believed, therefore, that the best course to take would be to remove the railing which surrounded the pedestal of the statue of Charles I., and he felt assured from the quiet and becoming demeanour of the people in the streets of the present day no harm to the statue need be apprehended.

COLONEL WILSON PATTEN asked, what the Estimate was for the completion of the remaining works connected with the two Houses of Parliament?

MR. COWPER: In the Estimates which have been laid on the table, no sum has been put down for the completion of any such works. The works which are now being carried out are to be paid for by means of a Vote which was taken in a former year.

COLONEL WILSON PATTEN: Are there any works remaining to be carried on for which an Estimate will be required?

MR. COWPER: None.

DISTURBANCES IN NEW ZEALAND. QUESTION.

LORD ALFRED CHURCHILL, in rising to put a Question on this subject, said the disturbances to which he wished to call the attention of the House had their origin in the circumstance that a native chief had taken it upon himself to endeavour to prevent the sale of a plot of land in the province of New Plymouth, with which the owner was desirous to part. To such interference the Government of the colony could not, of course, submit, and martial law had been proclaimed in the province. The consequence had been that the Europeans had been brought into collision with the natives, and it being recollected that a number of the settlers were at some of the outlying positions, a force of about 265 strong, including volunteers, colonial militiamen, and some men of the 65th Regiment, had been sent out to secure their safety. The volunteers, who had been sent in advance, while the military, under the command of Colonel Murray, remained some distance in the rear as a reserve, came upon the enemy and attacked them in the most gallant manner. Being, however, in an isolated position, and being in danger of being surrounded, they sent one of their number back to Colonel Murray to ask for support. Now, what did Colonel Murray do? He stated that the volunteers had brought themselves in the difficulties of their position without orders, and he shortly afterwards took the troops home. No doubt he was acting according to the strict letter of his orders; but he did not think that was quite the way in which an officer commanding Her Majesty's forces ought to act when 140 of the finest volunteers the colony possessed were in advance and in a dangerous position. There could not be the slightest doubt that but for the arrival of Captain Cracroft and his blue jackets—who deserved all honour for their gallant conduct—these unfortunate settlers would have been cut to pieces during that night, being short of ammunition. He did not wish to cast any imputation on Colonel Murray. He only hoped the Government would call on him to give an explanation of his conduct. Having said so much on that point, he wished to state some facts as to what he believed had been the cause of this outrage. First of all there was the system of Europeans acquiring possession of land under the direct title of a native chief which a European Government would not recognize. Then, two years since, an arms ordinance, enacted by Sir George Grey, preventing the selling of arms and ammunition to natives, was repealed. He at the time put a question to the Colonial

Secretary as to whether the repeal of that ordinance had received the sanction of the Government; and the reply he received was that it had become a dead letter and was inoperative, and that, therefore, there was no use in longer retaining it. No doubt the natives by various means did acquire arms and ammunition, but the Act did impose a great check on them, and the probability is if that Act had not been repealed we should not have had the arms to contend with which were brought against us on this occasion. He had received a letter from a gentleman largely connected with the colony, which stated:—

"The European population of that province is only about 3,000 souls. The lands are principally held by the natives, who appear to have been encouraged to resist the sale of them by Europeans of the very vilest character who have settled among them, such as runaway convicts, sailors of different nations, and others, who, preferring a life of licentiousness, have lived among the natives, and encouraged them, not only by their advice but by subscriptions, to resist the Queen's authority. A considerable sum was raised last year to support the pretentions of this rebellious chief to the kingly authority, and I regret to say that there has been large quantities of gunpowder recently shipped for New Zealand from London."

This extract was fully borne out by the intelligence received by the last mail, that Sir Henry Barkly, the Governor of Victoria, had issued a proclamation against the importation of arms from Melbourne and New South Wales; for in this instance, as in the Kaffir war, it was found that individuals in the Colonies and this country had been supplying the natives with arms to fight against us. There was another point to which he wished to refer—the difficulty at all times of employing soldiers against the natives of New Zealand. They might do very well for garrisons, but they could not be taken into the bush, serving, as they did, from the very nature of their clothing, as a mark for the enemy. The army had not taken that part in this affair which they ought to have done, the blue jackets and volunteers being chiefly engaged; but the fact was that a ship of war, a gunboat or two had much more effect on the natives than a whole regiment of soldiers; for the simple reason that they could be moved about without difficulty. He had seen in the New Zealand papers that not fewer than seventy-six waggons were required to convey the baggage of the soldiers. They could not, therefore, be of much use in that colony. Volunteers and a greater number of blue jackets were chiefly required. He trusted that at any rate the Government would declare the lands of all the chiefs who had joined in the rebellion forfeited. Without some such exemplary punishment a proper effect would not be produced on the native mind. He also hoped the Government would reimpose the ordinance against the sale of arms to the natives, which would have a considerable effect in preventing the natives obtaining ammunition. With these observations he begged to ask the Under Secretary of State for the Colonies to state to the House the information received respecting the recent disturbances in New Zealand, whereby Her Majesty's forces have been brought into collision with the native tribes, and also what course Her Majesty's Government intend to pursue?

COLONEL DICKSON hoped hon. Members would express no opinion as to the conduct of Colonel Murray before further information had been received. He was quite sure the noble Lord did not mean to throw out any imputation on that gallant officer. He had not the slightest personal knowledge of Colonel Murray, but he had seen upon former occasions that officers had incurred blame, which the House had reason afterwards to regret when full information as to the actual facts had been obtained.

MR. CHICHESTER FORTESCUE was afraid he could not add much to the statement of facts made by his noble Friend. He had stated both the cause of this unfortunate outbreak in New Zealand, and the facts themselves quite accurately. As to the facts, he really could not add anything to the account they had read in the newspapers. As to the conduct of Colonel Murray, it would certainly be premature to pronounce any opinion. There had been a want of co-operation, however, between the military, volunteers, and militia, which required explanation, and he had no doubt in due time that explanation would be received. One word as to the causes of this collision between the colonists and the natives. One could not deal with these matters without being painfully conscious of the difficulty of getting at the full and exact truth and rights of the case; but, nevertheless, with the pretty full information they possessed at the Colonial Office he was glad to say there was every reason to believe that, however this unfortunate affair had originated, the New Zealand Government were in the right. No doubt

this was a critical moment in the history of New Zealand. On the one hand the colonists were rapidly increasing in numbers and power; they were longing for the use of the land which was lying useless on all sides around them, the nominal owners not being capable of turning it to account; on the other hand, these lands belonging to some native tribe or family, they had to deal for every acre of them with native owners, among whom there was often a strong feeling against the increase of territory in the hands of the white race, partly arising from the sense of their own decay in power and numbers, and the rapid increase in both of the colonists. The Governor was strictly adhering to the rule, evidently a just one—on the one hand to take no land from any native who could not show a fair title; and, on the other, if such a title was shown to allow no other native or tribe to interfere with the sale of land by such an owner. That was exactly the case which had arisen. The chief who sold this plot of land was admitted to be the proprietor of it. That admission was made by the leader of the present revolt, although he pretended to have some vague claim to it of a feudal character. It appeared that the natives themselves admitted that, even according to their own usages and notions of equity, the sale of the land was perfectly legitimate. Though the value of the plot was not very great, the question involved was one affecting the whole future acquisition of land in New Zealand, and also affecting, in the highest degree, the welfare both of the colonists and the natives. It was manifestly necessary for the colonists that they should be enabled to buy land, and it was likewise for the interest of the natives that they should be at liberty to dispose of the lands they could not turn to account, and thereby contribute to that prosperity in which they would themselves participate. Such being the case, there had been, he feared, nothing for it but to decide the question at issue by force of arms. The Government deplored that necessity. As far as they knew, they believed the Governor had acted with great judgment and vigour; and his Excellency had hopes that the disturbances would not proceed any further.

MR. ADDERLEY said, the circumstances that had occurred in New Zealand illustrated the wisdom of his recommendation that the Colonies should be left to provide for their own defence. 1,400 regular troops, entirely paid by this country, were employed to keep the peace of New Zealand, and on the very first occasion when they might have been of use, they had proved themselves of no use whatever. ["No, no!"] Not only were they of no use, but they did absolute mischief. They took no part in the action, but they had created a feeling of bitterness between themselves and the colonists by abstaining from action. They left the whole brunt of the day to the volunteer force. The volunteers had proved themselves capable, as far as courage and skill went, of undertaking their own defence, all that they required being increased numbers; but why were they not more numerous? Simply because the Colonies had been taught to lean upon England to find troops for them, and while that was the case they would never develope their own resources. In New Zealand we were having an exact parallel to what happened in North America when General Braddock was sent to aid the colonial militia. The moment the regular troops appeared the colonial militia broke down and became utterly valueless. In that case also regular troops had proved equally unfit to cope with native warfare. In the portion of New Zealand where the disturbance broke out there were only 50,000 natives, men, women, and children, while the number of British emigrants, chiefly, of course, adults, was 70,000. Surely, then, if the colonists were left to depend upon themselves, they would soon organize a force that would render any such native insurrections as these absolutely hopeless. Let it not, however, be imagined that the colonists would not ask for Queen's troops. They were certain to ask for them as long as the business of supplying those troops produced one of the best trades the settlers could have. But the only result of sending out regular soldiers was that they broke down the volunteer forces, strong and well adapted as they were for the purpose, while they were themselves utterly useless against the natives.

MR. CHICHESTER FORTESCUE said, he could assure his right hon. Friend that, so far from the success that had been gained being due to the volunteers, that force was a mere handful; and in the opinion of the Governor and every authority in New Zealand, the safety of the lives of every European man, woman, and child in the colony depended on Her Majesty's soldiers and sailors.

Afterwards,

CAPTAIN JERVIS thought that some observations with respect to the conduct of our officers in New Zealand ought not to pass unnoticed. The hon. Member for North Staffordshire (Mr. Adderley) in order to cry down the Colonial system, had been pleased to state that the British troops had not conducted themselves in that distant part of the world as they ought to have done, and the case of General Braddock had been quoted. But there was not the slightest similarity in the cases. What was the cause of General Braddock's disaster? That he would go into the woods against advice, and consequently he had his troops destroyed in a jungle. The commanding officer in New Zealand was ordered on no account to allow himself to be drawn into a jungle, and not to remain after daylight. He obeyed his orders and saved his troops, and the only thanks for his services were insinuations, in order to prove that the Colonial system was not what it ought to be.

MR. CHILDERS wished to correct a very grave inaccuracy in the statement that the native population in the district in which this unfortunate affair had taken place was less than the English population. The native population of New Zealand was lately between 100,000 and 150,000, and the entire English population from about 50,000 to 70,000; and in this part of the Northern Island the English were outnumbered by about ten to one. When the despatches came home he hoped they would be laid on the table, and he believed they would show that, however, gallantly the volunteers had behaved, the conduct of Colonel Murray had been free from all blame. He regretted that the right hon. Gentleman had again put forward his peculiar views about Colonial defences. He did not say that our Colonial possessions must not partly depend for defence on the military prowess of forces raised among themselves, but in the colony which had been most successful in raising volunteers the success was due to the fact of there being a considerable number of British troops in the place. In Victoria there had been 1,000, and there were now 400 or 500 British troops, and 2,000 efficient volunteer rifles, cavalry and artillery had been raised. Much of this success was due to the assistance which they had received from the officers of the regular army, and from being brigaded with the regular forces in the colony.

MR. SIDNEY HERBERT said, he entirely concurred with those gentlemen who had spoken of the unfairness of complaining of an officer who had no opportunity of answering the accusation which had been made against him. Colonel Murray had given an account of his own proceedings, which appeared to have been strictly in obedience to orders, but he had had no opportunity of rebutting the particular allegations made against him. He would not enter into the question of how far the Colonies ought to defend themselves, but with regard to the opinion formed in New Zealand of the value of British troops, there was clear evidence that the first thing done was to send off in hot haste to Sydney and Melbourne to get the assistance of regular troops from the neighbouring colonies, and he was glad to say that assistance was immediately rendered.

COLONEL LINDSAY thought they ought to know who was responsible for the conduct of the operations—was it the officer in the command of the troops, or was it the officer in immediate charge of the volunteers? There ought not to be a divided command, and the volunteers ought not to be able to go where they pleased. In this case it appeared, not that the volunteers were successful, but that being rather in a scrape the blue jackets got them out of it.

EUROPEAN ARMY IN INDIA.

QUESTION.

SIR DE LACY EVANS said, he wished to ask the Secretary of State for India, What was the date of his communication to the Indian Council on the subject of the abolition of the local European army in India, and whether the Council collectively declined expressing their dissent on the ground of its being too late to do so? The right hon. Gentleman stated the other night that as long as the question between the abolition and retention of a local army was pending in the Cabinet, he thought it unadvisable to consult with the Indian Council on the matter. What, then, was the Indian Council appointed for? The right hon. Gentleman said in effect that he belonged to two Councils, each consisting of sixteen members—the one being the Cabinet Council, possessing no specific knowledge of India whatever, and the other the Indian Council, composed of men most capable of giving advice relative to the affairs of that country, and chosen expressly for that object. Of what use was the Council of India, which cost the coun-

try some £25,000 or £30,000 a year, if the Cabinet was to decide such questions first, and then to consult these gentlemen afterwards? These gentlemen were, he believed, high-minded men, and if they were to be thus treated, they would naturally think the country might be spared the expense of their salaries.

MR. SPEAKER suggested to the hon. and gallant Member that he should confine himself more strictly to the question he wished to put to the Indian Minister.

SIR DE LACY EVANS: The right hon. Gentleman having statod that he at last made a formal communication to the Indian Council for the purpose of allowing it to express its dissent from the decision of the Cabinet, and that the Council then declared that it was too late to do so, he therefore wished to know whether the Council collectively declared that it was too late, and what was the date at which the right hon. Gentleman made his communication to that body?

SIR CHARLES WOOD said, he could only repeat what he had said on a former occasion — namely, that throughout the whole of the autumn, while the question of the abolition of the local army was pending, he was in constant communication with the leading members of the Council of India, though not in their collective capacity, and was, therefore, in perfect possession of their opinion. Whether that opinion was expressed individually or collectively, the result was practically much the same. The essential point was that in taking part in the Cabinet, he should be able to state what was the opinion of the members of the Indian Council on this important question. It did not seem to him that it would be proper to bring the subject formally before the Indian Council till some step was to be taken in one direction or the other. If the decision of the Cabinet had been in favour of maintaining a local army, no step whatever would have been necessary, but things would have gone on as they had done before. The decision of the Cabinet was come to on the 16th of May, and on the very next day he stated what that decision was to the Indian Council. He said they would be sorry to hear that the decision arrived at the day before by the Cabinet was against the maintenance of the local army; and, therefore, that now, for the first time, he could bring before them a practical question on the subject; and that he was ready to do so in order that any Member who wished to put on record his dissent might have it in his power to do so. The proposal he should make was that a letter should be written to the Commander-in-Chief, desiring him to suspend recruiting for the Indian army, and any member of the Council wishing to raise objection might then do so. An opportunity was thus offered to the Council to express an opinion, but they said that the Goverment having come to that decision, they thought it was too late for them to express assent or to attempt to alter that determination. He could not say how many of the Council expressed that view, but no one expressed a contrary opinion. He did not therefore actually propose the writing such a letter, as the Council did not seem to wish to record opinions against it; and the rosult was that, having had an opportunity to dissent, they had declined to avail themselves of it.

LORD JOHN RUSSELL, in answer to the Question of the hon. Member for Leeds (Mr. Baines) said, he was informed by Lord Cowley that considerable labour had been employed in the task of bringing the *ad valorem* duties into the shape of specific duties, but that it was not likely that the task would he accomplished in the time proposed for it in the Treaty itself. Lord Cowley, therefore, expected that some prolongation of time would be required, but he was unable to say how much, and as he had some observations to make upon the subject, he begged Her Majesty's Government to wait for those observations before they took any determination with regard to the prolongation of the period. He could not therefore give a more definite answer; but as soon as he heard from Lord Cowley on the French Ambassador here the matter would receive his immediate attention. He agreed in the statement that it was of great advantage that the task should be accomplished, but it required a great deal of inquiry and specific information, which occupied much time. There were one or two other questions which from time to time had been asked, and to which he had not been able to reply.

With regard to the case of Senor Escalante, the gentleman who was imprisoned in Spain upon suspicion of distributing the Bible, he was imprisoned for a considerable time, though in a very indulgent way; but on application to the Superior Court, that tribunal had, upon his plea, decided in his favour, and he had been set at liberty.

A Question had been asked respecting the export of unmanufactured cork from Spain. There had been a correspondence with Spain on the subject, and the Minister of Finance said that he could not make out that there was any duty on the export of unmanufactured cork except from one province—the province of Gerona; that the Spanish Government were employed very assiduously in endeavouring to improve the tariff of Spain, and that they wished to show the same liberal spirit to us as we had manifested towards Spain in respect to wines; but that there were conflicting interests, which were found difficult to be dealt with, just as in England a similar difficulty had been felt, as the experience of the opposition to the repeal of the Paper duties showed.

Mr. SEYMOUR FITZGERALD inquired whether the proposed changes in the Spanish tariff were to be effected by a supplementary convention?

Lord JOHN RUSSELL: Yes, it will be done by a supplementary convention.

HARBOUR OF HOLYHEAD.

QUESTION.

Colonel DUNNE said, he wished to ask the Under Secretary to the Treasury, when the new Boats will be put on the Holyhead Station; when the Piers at that Station will be completed; and, as to overtures said to be made to the Midland and Chester Railway Companies on that subject? He had heard that some offer had been made to the railway companies that if they forewent the building of the piers they should be allowed half an hour in addition to the time agreed on for the journey; but he trusted to hear that no such offer had been made.

Mr. LAING believed, that large boats would commence running on the 1st of August. The works going on at Holyhead belonged to three classes. First, the large outer works; second, the pier from which the present boats ran; and third, the new pier partly for Irish boats and partly for the Transatlantic steamers, on the plan of Mr. Hawkshaw. The latter plan was not yet commenced, and was likely to undergo some modification, as, Irish ports being made points of departure for Transatlantic steamers, it was not probable that Holyhead would be used for that purpose. The estimate for the work was £450,000, but if the Transatlantic steamers' pier were not required, the expenditure would be very much less. Under any circumstances, some additional accommodation would be required at the existing pier, because the other could not be completed under a period of three or four years. It had been represented by the City of Dublin Steam Packet Company that it might be more advantageous to lay out money on the present pier, in making it a permanent stone structure, instead of a wooden structure, than upon the other proposed by Mr. Hawkshaw. He believed there was a good deal to be said on both sides, and as a considerable amount would have to be laid out, it would be desirable to have a little experience of the working from the present pier before deciding the question. The arrangement with the railway companies was, that they were bound by a contract to complete the whole transit between London and Dublin in eleven hours; but he understood that the penalties attached to the contract with regard to that time were not to take effect until the requisite accommodation was provided at Holyhead for carrying the mails direct on board the steamboats without stopping at the station. About two years would elapse under any circumstances before the accommodation could be complete, and as in the meantime the railway company had only access to the pier by a very sharp curve, which could not be traversed with safety by the large engines, they very naturally claimed some allowance of time before being subject to the penalties. No express allowance had been made, but the understanding come to was that half-an-hour should be allowed, and that all parties were to do their best to accomplish the transit in the shortest time which the present circumstances would admit. He hoped that the delay would not be more that a quarter of an hour or twenty minutes.

House at rising to adjourn to *Monday* next.

ARMY (MEDICAL OFFICERS).

ADDRESS MOVED.

Colonel LINDSAY rose to move that an humble Address be presented to Her Majesty, praying that She will be graciously pleased to reconsider the eleventh Clause of the Army Medical Warrant of October, 1858, as far as relates to its retrospective application to the Medical Officers at that time serving in the ranks affected, having due regard to the Public

Service. The clause to which he alluded was as follows:—

"With a view to maintain the efficiency of the service, all medical officers of the rank of surgeon major, surgeon, or assistant surgeon, shall be placed on the retired list when they shall have attained the age of fifty-five years, and inspectors general and deputy inspectors general when they shall have attained the age of sixty-five years."

He did not mean to attack this compulsory system of retirement generally; on the contrary, he thought that, acted upon in the case of all subsequent entrants it would be productive of great public advantage; but he did attack the retrospective application of the clause to those who were already in the service. The junior ranks would derive advantage from it, but they would obtain that advantage at the expense of their seniors. He admitted that the public good ought in all cases to be paramount to all other considerations; but when that public good did not clash with existing interests, those interests ought to be respected. On this subject he might quote the opinions of two Commissions which sat on the subject of general promotion in the army. The Commission which sat in 1854 stated,

"If the system recommended were at once substituted for that which has been hitherto in force without adopting some means to protect the interests of those whose prosperity would be affected by the change, much injustice would be inflicted on those who have relied on the continuance of the present regulations. We are of opinion that a liberal view ought to be taken of the claims of those officers, and that in introducing a change which the public good requires, they ought to be carefully protected from injury and from having their just expectations disappointed."

In 1858 another Commission was issued, and they reported that,

"It appears to us that an officer enters the army subject to any changes in the existing regulations which Her Majesty from time to time may think necessary for the good of the service to make. Yet, on the other hand, we are of opinion that great care should be taken to introduce these changes in the manner which shall as little as possible prejudice the interests of the officers affected, and that every consideration should be shown which may be compatible with the public objects in view. When great changes are necessary for the advantage of the public service, we hold it to be expedient, because just, to give to individual interests and claims every consideration which is compatible with the attainment of the public objects in view."

He regretted that the same view was not expressed by the Sanitary Commission. They said—

"It is true that all general rules must occasionally press hard upon individuals, but at the same time they inflict no individual injustice, though they may produce individual hardships, for all are aware of the existence of the rule and of the effect it may have."

But all officers were not aware of the existence of the rule. One gentleman—he believed it was Dr. Lucas—who received the first intimation of his removal from the service by seeing his name in *The Gazette*. That was a mode of dismissal in which he apprehended no gentleman would treat his servant. He would now state some cases of the hardships of this rule. The first was the case of an officer who had been thirty years in the service, twenty-one of which were spent abroad, and he was still in full vigour. His colonial service had in fact ruined his prospects. During the Crimean war he was in the Colonies; he had, therefore, no war employment; having no war employment he had not been promoted; and not having been promoted to the rank of Deputy Inspector, he was removed at the age of fifty-five instead of sixty-five. There was another case, that of an officer who was first for promotion when the warrant came out. The rule by which an Inspector General should retire after having served three years had previously been issued. An officer at Malta had not only served these three years, but had been removed from the service; he was, however, kept at Malta when the late Director General should have gone out. It was not convenient to send the latter gallant officer out, and the other was kept at Malta though not in the service. He was afterwards replaced in the service, and received his full retiring allowance, but the effect was, that the officer who had been first for promotion, and who under other circumstances, would have become Deputy Inspector General, lost that advantage in consequence of the delay, because he was fifty-five years of age, and was consequently, by the terms of this warrant, compelled to retire. What did he (Colonel Lindsay) now ask? That those officers who had been forced to retire in the full vigour of life, under a warrant which had no existence when they entered the service, should be fully compensated, inasmuch as by quitting the service they forfeited the high pay and allowances to the enjoyment of which they had a right to look forward under the former warrant. The compensation which a staff surgeon of the first class was to receive was an advance of 1*s*. 6*d*. a day. That was what had been said to him (Colonel Lindsay) by way of answer when he brought this matter under the notice of the House on a former occa-

sion. He must, however, say that the answer was anything but a satisfactory one. Eighteenpence a day was not a sufficient compensation for officers, who had passed so many years of their life in the service of the country, and who had been deprived of that higher rank to which they had looked forward, and which they would have received only from this alteration. In the proposals just circulated by the Admiralty for the compulsory retirement of naval officers at the age of sixty the scale was much more liberal. It was there proposed that naval officers who would have been in receipt of 10*s.* 6*d.* a day should have their half-pay increased to 18*s.*, and those whose position entitled them to 12*s.* 6*d.* would receive 20*s.* He hoped he should hear from the right hon. Gentleman that some change would be made, especially as there was in the retiring allowances proposed for some of the naval officers a precedent, which might, in this case, be followed with great advantage, and with a due regard to what was just on all hands.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to re-consider the Eleventh Clause of the Army Medical Warrant of October 1858, as far as relates to its respective application to the Medical Officers at that time serving in the ranks affected, having due regard to the efficiency of the Public Service."

MR. SIDNEY HERBERT regretted very much that he could not accept the view which the hon. and gallant Member took of this question. The hon. and gallant Gentleman admitted that compulsory retirement even in the army was necessary for the public good. [Colonel LINDSAY: In this particular case.] Well, that compulsory retirement was necessary in this particular case; but he complained of the age at which the retirement was placed; that it was placed at an earlier age in the case of surgeon and surgeon major than in that of deputy inspector and inspector. But there was this difference between the two cases—that the former officers were executive—they prescribed and operated; but the deputy inspector and inspector were simply administrative. That was the reason why the retiring age was placed, in the case of the one class—surgeons major and surgeons—at fifty-five, while in the other—deputy inspectors and inspectors—it was fixed at sixty-five. He believed that the rule was a perfectly sound one, and had been productive of much advantage to the medical profession, though like most other regulations it might in some cases be productive of individual hardship. He believed that compulsory retirement in the case of medical officers was less disadvantageous than was supposed. As a general rule, medical officers on their retirement from the army got into practice in civil life as consulting practitioners, and in most instances a fair amount of practice was the result. In fact they themselves had always urged that they should be allowed to retire at the age of fifty—five years earlier than that fixed for their compulsory retirement—if they wished to do so. As to the question of the retrospective operation of the warrant, it was true that the warrant was retrospective, and acted upon all men who were already in the service; but to postpone a change of the kind till every man in the service at a particular date had left, would be to postpone to an indefinite period an alteration which it was admitted was beneficial to those now entering the service. He must ask the hon. and gallant Gentleman, had no advantage accrued to the medical officers from the warrant of which he now complained? Had there not been established by that warrant an increase of rank, an increase of full pay, and an increase of half-pay, in favour of those officers? Their position, as a class, was immensely improved by it. But if they allowed officers to say, "I shall take this because it is an advantage to me, but I refuse to submit to this other, because I consider it a disadvantage to me," they would get into inextricable confusion. The hon. and gallant Member had referred to individual cases of hardship; but he (Mr. Sidney Herbert) did not admit that illustration by personal cases was the best kind of argument in cases of this kind. He should prefer to deal with the case generally. He admitted that there was a particular provision in this warrant that was open to argument against it; but it was counterbalanced by those which conferred the advantages to which he had just alluded. In the case of the captains of the navy there was nothing to gild the pill for them when they were compelled to retire, and, therefore, it was necessary to give them a larger retiring allowance; but there were several excellent medical appointments in military establishments which did not require any great activity, but might be regarded as retirements. The Government had exclusively devoted those

to officers who were affected by the warrant of 1858. One of those was in the College of Sandhurst, another in the Asylum at Chelsea, a third in the Hibernian School, a fourth at Enfield, and so on. He thought it was mischievous to be constantly changing, or trying to change, that which had been done. Had he yielded to the suggestions made even during the present Session for alterations in military regulations of recent date, the Army Estimates would have been increased by some £40,000 or £50,000 per annum. He was anxious to do all in his power to meet what he admitted to be cases of individual hardship, but he thought the best mode of doing this was to give to the officers who had been affected by the warrant priority in appointments to the different situations which might fall vacant and to which they were eligible.

COLONEL DICKSON thought that the provision in the warrant by which higher ranks were given to medical officers was in some respects unwise; but he concurred with his hon. and gallant Friend (Colonel Lindsay) in thinking that an injustice was done to many of those officers by the retrospective operation of the warrant in the manner so clearly pointed out by him; and for that reason he should support his hon. and gallant Friend's proposition. In dealing with such cases as these expense ought never to be allowed to outweigh the claims of justice.

COLONEL LINDSAY in reply quoted the evidence given before the Sanitary Commission by the director general, Dr. Smith, in which he stated that the rank of first-class staff surgeon was generally not executive but inspectorial—that was, that the first-class staff surgeons did not, for the most part, treat disease, but inspected those who did, and took their share in the administration of the Hospitals. As he (Colonel Lindsay) thought that his object might be effected by the ventilation of the matter, he should not press his Motion.

Motion, by leave, *withdrawn*.

VOTES FOR DISQUALIFIED CANDIDATES BILL.

LEAVE. FIRST READING.

MR. BUTT moved for leave to bring in a Bill to amend and declare the Law relating to Votes given for a disqualified Candidate at Parliamentary Elections. The hon. and learned Member said that it was a perfectly well established principle of law, that if the party voted for a person who was disqualified, with a full knowledge of such disqualification, his vote was forfeited. But the decisions of Committees of that House, in respect to votes for disqualified candidates, were contradictory. Some of them went the length of holding that the mere service of notice on the elector of the candidate's disqualification forfeited his vote for that candidate if disqualification was afterwards established. In some cases the question of disqualification turned upon a nice question of law; so that it was going a great length to say that the mere putting of a paper in an elector's hand, and stating that the person for whom he was going to vote was disqualified, forfeited his vote, in case the Committee of the House afterwards decided that the candidate was disqualified. In 1835, in the case of Mr. Feargus O'Connor, who had been returned by a majority of votes for the county of Cork, a Committee decided that a lease of lives renewable for ever was not a qualification which entitled a man to sit in Parliament for a county. Notice of Mr. O'Connor's disqualification had been served on the electors; but it was almost universally believed in Ireland that a lease of lives renewable for ever was a qualification. Nevertheless, the votes of the electors who had voted for Mr. O'Connor were declared forfeited, and Mr. Longfield, a relative of the hon. and learned Member for Mallow, was declared by the Committee to have been duly elected, though it was notorious that the great majority of the electors were opposed to him. In like manner, Mr. C. O'Dwyer had been unseated as Member for Drogheda, and his opponent, who had not got one-third of the number of votes recorded for him, declared duly elected, though the latter was the last man in Ireland whom the great body of the electors would have returned. The voters in such cases could not be expected to know that the candidates were disqualified, for there was no reason why they should take for granted the mere statements of the opposite parties upon the subject. The state of the law was such, that if Committees were to follow some of the precedents, it would be possible that, without the slightest fault on the part of the electors, a person might obtain a seat in that House whose political principles were disliked by nine-tenths of the constituency he would be supposed to represent. The question then arose how was that evil to be remedied? It had been proposed they should declare that no

one could be duly elected a Member of the House for whom a minority only of the electors had voted. But he was not prepared to go quite that length. A person might give his vote for a foreigner, or for a man convicted of high treason, or any individual who was manifestly disqualified by law from sitting in that House; and it was only fair that he should pay the penalty of such perversity of conduct. All that it was necessary to provide in such cases was that votes should not be thrown away which had been given with an intention of making a fair and reasonable use of the franchise. The measure which he then proposed to introduce would contain three provisions. It would declare that in no instance should a vote be deemed null in consequence of its having been given to a disqualified candidate, unless the Committee which inquired into the case should be convinced that it had been given perversely, and with a knowledge that it had been given to a person legally incapacitated from sitting in that House. The Bill would further provide that the vote should not be annulled, unless a notice of the disqualification of the candidate had been given before the candidate had been put in nomination; and it would further contain a provision to the effect that a vote should be held valid in case of a candidate being unseated for corrupt practices, unless the corruption had been proved previously to the election, and before a legally constituted tribunal. With that explanation he would beg for leave to introduce the Bill.

Mr. M'MAHON seconded the Motion.

Leave given.

"Bill to declare and amend the Law relating to Votes given for a disqualified Candidate at Parliamentary Elections, *ordered* to be brought in by Mr. Butt, Mr. Mellor, and Mr. M'Mahon."

Bill *presented* and read 1°.

SELLING AND HAWKING GOODS ON SUNDAY BILL.

SECOND READING. PRIVILEGE.

Order for Second Reading read.

Mr. DIGBY SEYMOUR rose to call the attention of the Speaker to a question of privilege. There was a clause (the 11th) in this Bill which provided that a certain part of the penalties which might be imposed under its provisions within the Metropolitan Police district or within the City of London should be paid over to the Receiver of the Metropolitan Police district or to the Chamberlain of the City of London, as the case might be, and applied in aid of the expenses of the police. Now, he (Mr. Digby Seymour) understood that a considerable portion of the cost of the Metropolitan and City police was provided out of the Consolidated Fund, and if that were so, the Bill was one which would lessen the taxation imposed upon Her Majesty's subjects. Two Resolutions were passed by that House bearing on such legislation in the years 1831 and 1849 respectively. The first of those Resolutions declared that when, in any Bill sent down from the House of Lords for the purpose of receiving the concurrence of this House, it appeared that any pecuniary penalties were imposed, raised, or taken away, the Speaker, before the second reading of the measure, should report to the House whether the object of the provisions imposing, varying, or taking away such penalties was merely to punish and prevent offences, and whether it was expedient for the House to exercise its privilege with respect to such enactments. If there ever was a moment when it was expedient for the House to assert its authority over questions of taxation it was the present. The Resolution of 1849 was an amendment of the rules of the House as modified by the Resolution of 1831. It declared—

"That with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with Amendments, whereby any pecuniary penalty, forfeiture or fee shall be authorized, imposed, appropriated, regulated, varied or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:—

"1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences."

"2. Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

"3. When such Bill shall be a Private Bill for a Local or Personal Act."

The first clause of that Resolution apparently relaxed the general effect of the Resolution to which he had referred, but the objection he raised was supported by the second. He submitted that the present Bill, being one which would indirectly come in aid of the revenue, it ought to be laid aside and not entertained by the House.

MR. BRIGHT: I think it very likely that the House may consider there is some force in the objection which has been raised by the hon. and learned Member for Southampton (Mr. D. Seymour); but I think it a great pity that the case was not brought before your notice at some time before the second reading of this Bill, in order that you might have looked into the case and been fully prepared to give an opinion with regard to it. But the hon. and learned Gentleman is not to blame, because I believe his sagacity has only very recently enabled him to discover the point, and I believe during the time when you were not in the Chair this evening. I do not make this observation for the sake of blaming the hon. and learned Gentleman; but for your convenience, and that of the House, I think it would be better not to proceed with the Bill now, but to adjourn the further consideration for a few days, in order that you may have an opportunity of considering the question fully, and to see whether or not we are establishing a precedent which hereafter we may have occasion to regret. I do not know whether I should be in order in moving this at this stage—but if it is thought I am in order, I would move that the Order of the Day for the second reading stand adjourned to this day week.

MR. SPEAKER said, it appeared to him that the hon. and learned Gentleman the Member for Southampton had taken rather a nice distinction in regard to the Bill. As it was very desirable that no opinion should be given on the point thus raised without due consideration, he should prefer the opportunity which would be afforded by the adjournment of the Bill for considering the subject.

MR. DIGBY SEYMOUR said, that the point had not occurred to him before, but he had lost no time in bringing the matter before the House the moment he discovered the informality.

LORD ROBERT MONTAGU said, that if the Speaker wished for time to consider this matter, he certainly should not object to the adjournment. He must say, however, that he thought the course taken by the hon. and learned Gentleman was rather unprecedented. He had not given the slightest notice of his intention, and he (Lord R. Montagu) thought it would have been better had they gone into the principle of the Bill. The hon. and learned Gentleman expected that fines would be levied: but the Resolution said:

"The House will not insist upon its ancient and undoubted privileges, &c., where such fines are not made payable to the Treasury or the Exchequer."

Now, the fines imposed by the Bill were not made payable to the Treasury or the Exchequer. [Read!] Well, "or in aid of the public revenue." [Mr. D. SEYMOUR: Hear!] It appeared the hon. and learned Gentleman rested his case upon that. How was an Act which levied fines to prevent Sunday trading to be held to be "in aid of the public revenue?" Was it to be supposed that no Act could be brought in by the House of Lords, or that no penalty could be enforced by them for the disobedience of that Act? It appeared to him that this passage which the hon. and learned Gentleman had read excluded altogether the question of privilege. He was glad, however, that the hon. Member entirely disproved the only solid argument which had been raised against the Bill. It had been very generally asserted, that the Bill, if passed into law, would intend to suppress Sunday Trading, but that it would be as inoperative as the present law. But now, on the contrary, the objection which is raised rests on the supposition that the Bill would be operative, and that fines would be raised under its provisions. As, however, time to consider the question was desired by the Speaker, he moved that the debate be adjourned to that day fortnight.

Notice being taken of Clause 11, relating to the Appropriation of Penalties, which was alleged to be inconsistent with the Privileges of this House,

Second Reading *deferred* till *Friday* 29th June.

TITHE COMMUTATION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1, (Corn Rents under Local Acts may be converted into Tithe Rent-charge).

SIR JOHN TROLLOPE expressed his opinion that the measure would be an extremely useful one.

SIR GEORGE LEWIS said, he was glad to learn that the Bill met the approval of the hon. Baronet.

SIR JOHN TROLLOPE remarked that the average prices of corn had fluctuated more since the establishment of free trade than they had done before.

Clause *agreed to*, as were the remaining clauses.

The House resumed.

LORD HENNIKER moved the following Clause to follow Clause 30 :—

"Whenever it shall be shown to the satisfaction of the Commissioners that by reason of error as to boundary or otherwise, any rent-charge or portion of rent-charge shall have been charged by any confirmed instrument of apportionment on lands not within the parish in respect of the tithes of which the aggregate rent-charge, the apportionment of which shall have been so confirmed, was agreed or awarded to be paid, the Commissioners may, if they see fit upon the application of the owner or owners of the said lands, and without the consent of any owner of land in the said parish, or of the person for the time being entitled to the receipt of the said rent-charge, by an order under their hands and seal, direct that such rent-charge or portion of rent-charge so charged on lands not within the parish, shall be redeemed by the payment by the owners of lands charged with the residue of the said rent-charge by the said apportionment or any of them, of such a sum of money, and within such time as the said Commissioners shall, by such order, direct and appoint, such sum not being less than twenty-four times the amount of such rent-charge ; and, if there shall be any question touching the situation or boundary of the lands which shall be alleged to have been erroneously included in the said apportionment, the Commissioners shall have the same powers for hearing and determining the same as are given by the said first recited Act for hearing and determining 'any difference whereby the making of an award of rent-charge in lieu of tithes is hindered."

The noble Lord said that he submitted for consideration and adoption the clause of which he had given notice, and stated that it was for the purpose of affording a remedy for a grievance inadvertently, or perhaps somewhat through their own negligence, caused to owners and occupiers of land and tenements, whereon apportionment of rent-charge had been twice awarded in consequence of disputed boundaries of adjoining parishes, and thus they have been rendered liable to payment of a double amount of rent-charge for the same property—this clause, being an extension of the powers given by the Act of 9 & 10 *Vict.* c. 73, and the 10th & 11 *Vict.* c. 104. He trusted there would be no objection to the proposition for rectifying so palpable an error, and he might add injustice, as that alluded to, which had arisen in many instances; for, unfortunately, the apportionments being confirmed, there was no appeal, nor had the Tithe Commissioners the power to relieve the parties concerned.

SIR GEORGE LEWIS said, that he had no objection to the clause of the noble Lord.

Clause added.

Bill *reported*, as amended; to be considered on *Monday* next.

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, —"That Mr. Speaker do now leave the Chair."

MR. HASSARD said, that since the reprinting of the Bill he found no Amendment in it sufficient to remove his objections to the measure. The first part of the Bill was intended to enable owners of property to raise money for the purpose of improvement; but there was an Act of Parliament already passed that enabled them to do this better than was proposed by the present Bill. The fund from which it was to come was one to be objected to. There was a still greater objection to the machinery by which the Bill was to be carried out, the application for the purpose having to be made to the Board of Works. It was also proposed that loans applied for should be by application to the Chairman of Quarter Sessions; but although he had a great respect for Chairmen of Quarter Sessions, he thought that they were not qualified for the purpose. He was to be a barrister of ten years' standing; but unless he was a resident and knew the country, he could have no adequate local knowledge and no knowledge of land. He would suggest that this first part of the Bill be left out altogether. The Bill also proposed to introduce the provisions of the Montgomery Act; but he did not think this could be effective. He did not think that any man would consent to submit his case to the Chairman of Quarter Sessions, or, if done at all, it should be submitted to the Quarter Sessions itself. With regard to the leasing powers, he thought it would be much better to adopt the Bill on that subject which had been introduced by the right hon. Gentleman the Member for the University of Dublin. As to the third part of the Bill, which related to tenants' improvements, and for which object alone he believed the Bill was introduced, he thought it ought to depend upon agreement between landlord and tenant. He saw no more reason why they should interfere in contracts between landlord and tenant than in contracts between the owner of a ship and the man who chartered it. His principal objection was that it was sectional legislation. It applied only to Ireland, but he was at a loss to understand why, if it were good for Ireland, it was not equally good

for England. He hoped, therefore, that it would be made an Imperial measure.

COLONEL GREVILLE said, the Secretary for Ireland deserved great credit for having introduced the Bill and shown a desire to settle a question which had been long agitated; and he thought the objections of the hon. Gentleman applied rather to the details than the principle of the measure. Although it did not go so far as he could wish, and did not meet what he considered the justice of the case, he was prepared to go into Committee to give every assistance to the Government and to amend those details which could be amended without endangering the passing of the Bill. It was said that there was great apathy, and that the farmers in Ireland did not call for the measure. The fact was that the farmers were tenants at will, and they were afraid to set themselves in opposition to their landlords lest they should be told they could leave. But what was just eight years ago was just now. It was right that a tenant who had, with the tacit consent of his landlord, made improvements which increased the letable value, and was suitable to the estate, should receive compensation upon eviction. But as Bills with retrospective clauses had failed to pass for the last four or five years, it was not likely that the House would grant such a demand now. There was no chance of passing a retrospective clause, and it was only delaying the Bill to propose it. The same might be said of the provisions which the hon. Member for Tipperary (The O'Donoghue) wished to introduce into the Bill. He hoped, therefore, that the hon. Gentleman would be content to take what was now in the Bill without endangering its passing into law by proposing Amendments which it was not possible to carry. Contrary to the opinion of the hon. Baronet who opposed the second reading of the Bill, he thought it was of great advantage that all the different branches of the subject were treated in one Bill. If the Bill passed into law, though it would not settle the question so effectively as he could wish, it would still do a great deal of good, and he should therefore support it.

MR. MAGUIRE: I ask the indulgence of the House for a very few moments, while I refer to a matter of some importance, as well to several hon. Members as to myself. It is well that, as we are now on the eve of the discussion of a measure which is of vital interest to the people of Ireland, there should be no misconception, either in this House, or elsewhere, as to the reasons for the course which was adopted in 1858 by gentlemen with whom I had the honour to act, in reference to what is termed the retrospective principle. I have been specially attacked for the course which we were compelled to adopt in 1858, and I have even been denounced —I admit by a very small and insignificant number of persons—as a traitor to the cause of the tenant. Now what are the real facts of the case? As my hon. and gallant Friend (Colonel Greville) has stated, the retrospective clause of the Bill of 1855 was negatived by a majority of this House. In 1857, Mr. Moore, then Member for Mayo, introduced his Bill, or the Bill of the League. Mr. Moore, being naturally anxious to push his Bill as far as he possibly could, organized a deputation to the noble Lord who was then as now at the head of the Government. The deputation consisted of 44 or 45 Irish Members, as influential as any who have ever represented any class. Mr. Moore stated his case, and wished to know what course the noble Lord was inclined to take with respect to the further progress of the Bill. The noble Lord expressed strong objection to the Bill, but to one feature—the leading feature—of it in a special degree. That was the provision for retrospective compensation. The noble Lord even refused to permit the Bill to be read a second time and sent into Committee, saying that he would not sanction or affirm the principle of the Bill. Mr. Moore soon after lost his seat, and the Bill was not further proceeded with. What happened in 1858? I, with my hon. Friend the Member for Tipperary, had the honour of re-introducing the same Bill that year. When the discussion took place on the Motion for a second reading, the retrospective principle of the Bill was denounced in the strongest manner by the leaders on both sides of the House, by the noble Lord, the present first Minister and by the noble Lord, the Member for Cockermouth (Lord Naas), who represented on that occasion the opinions and determination of his party. The result of that condemnation was, that on the division we were beaten by more than three to one—I believe by four to one. And it is the fact, not before stated, that it was only by the persuasion of myself and others that several Irish and several English Members were induced to vote for the second reading,

but on the understanding that by so doing they sanctioned the principle of compensation but not the particular application of the principle. Had that not been so we should have been beaten by as many as six to one. Well, Sir, what were we to do, after such a division?—what course were we to adopt, after a pronouncement so emphatic, and a majority so overwhelming? Were we to act the part of hypocrites, and continue, for party purposes, to keep up a false cry in the country? Were we to tell a trusting people that a measure embracing retrospective compensation could be carried under the circumstances then existing? I should be ashamed of myself—I should be unworthy of my position, as a Member of this House, if I lent myself to so dishonest and so base an imposture. What did we then do? Some twelve or fourteen Members of us determined to endeavour to effect something for the people we represented, although we could no longer hope to obtain all that we desired to accomplish. We saw that some legislation was absolutely necessary, we knew that a general feeling of discontent pervaded our people,—we beheld them leaving the country in vast bodies,—we felt that this migration originated in an almost universal sense of insecurity, and in that "hope deferred" which "maketh the heart sick." We waited on the then leader of this House, and through him we urged on the Government—which we had previously supported—supported solely on public grounds—the absolute necessity which existed for legislation on this subject; while at the same time we stated—I certainly did—that we could not ask for the re-introduction of a clause which had been defeated but a few days before by an overwhelming majority, and the re-introduction of which we felt convinced would ensure the immediate rejection of the measure we demanded. We did not insist on that which was no longer possible of obtainment; but we did ask for an honest and comprehensive measure of prospective compensation; and, Sir, if I am called a traitor to the cause of the tenant for the conduct which I have described, I think I need not care much for the judgment of the person who called me such. As to the principle of retrospective compensation, I hold the same opinion with respect to it now that I ever did. I think it as just and as fair as that of prospective compensation; but I find that, although it is a just and right principle, and one which in conscience and equity ought to be maintained, I cannot avoid remembering that this is an assembly with landlord sympathies and landlord instincts; and believing that this assembly will not recognize it, I certainly will not condescend to be a party to perpetuating a mockery and a delusion upon a subject of such grave importance.

MR. BUTT said, he was anxious to go into Committee on the Bill, and deprecated further discussion at the present moment.

MR. VINCENT SCULLY never knew a Bill that had so little in it, and considered that it was even a greater sham than the Reform Bill. The Conservatives, for that reason, liked the Bill, and would not oppose the Motion to go into Committee, because they did not object to swallow this harmless "bread pill," as it had been called. The Bill introduced by Lord Derby's Government contained a very strong retrospective clause. It was carried in 1853 by a large majority, when the late Solicitor General for England (Sir Hugh Cairns) voted, as he had always done, for the retrospective clause. The noble Lord at the head of the present Government also voted for it, and agreed in 1855 to support the principle. Hon. Gentlemen opposite, representing extreme tenant league views, were then loud in their support of a retrospective clause, and urged that the Bill must be rejected if it were not retained. It was monstrous, therefore, for them now to get up and oppose and denounce a retrospective clause.

Question put, and *agreed to*.

House in Committee.

Mr. MASSEY in the Chair.

Clause 1, *agreed to*.

Clause 2 (Application of Act).

COLONEL DUNNE objected to the proposed title inasmuch as it limited by anticipation the operation of the Act to Ireland. He moved that the clause be postponed.

MR. HENNESSY said, there was no precedent for the insertion of an interpretation clause at the beginning of a Bill.

MR. CARDWELL said, he should have thought it was a matter of the greatest possible indifference whether the clause was placed in the early or the latter part of the Bill. It was put in the early part, in order that the Committee might have notice of the subject-matter with which it had to deal, which, in his opinion, was a great advantage.

MR. E. P. BOUVERIE apologized to

Irish Members for interfering in the discussion, but objected to the Motion for the postponement of the clause as informal, and thought it ought not to have been received by the Chairman. A clause could be postponed by consent on the suggestion of the Gentleman having charge of the Bill, but in no other way. There could not be two questions before the Committee, and the question in Committee was always upon some Amendment, or that the clause should stand part of the Bill, a question interposed that a clause be postponed, was a Previous Question, and in Committee the undoubted rule was, that the Previous Question could not be put. Such had been the invariable practice of his predecessor and successor in the office of Chairman of Committees as to Motions for postponement, and such was the principle on which he himself had acted during his tenure of that office; otherwise their discussions in Committee would be interminably protracted.

THE CHAIRMAN, in reference to what had fallen from the right hon. Member for Kilmarnock, said he understood the practice was different from that stated by the right hon. Gentleman. It was undoubtedly a rule of the House that a Motion to postpone a Vote in Committee of Supply could not be put, because there was no period to which the Vote could be postponed; but it was quite competent to any Gentleman to move the postponement of a clause in Committee on a Bill, because the arrangement of the clauses was a matter over which the Committee had control. A Motion to that effect on the part of the Minister or the Gentleman introducing the Bill was constantly agreed to, and it certainly would not have been competent for him to refuse to put the Motion.

LORD NAAS rejoiced at the decision which had just been made, that in Committee the House was at liberty to consider which portions of a Bill it deemed most important to discuss; and believed that it would facilitate their future deliberations. The practice of introducing an interpretation clause at the beginning of a Bill was certainly a departure from the usual practice, but it was a convenient course, and one which, if generally adopted, would prevent the inconsiderate extension of measures to a part of the United Kingdom for which they were not intended.

COLONEL DUNNE withdrew his Motion.

Clause *agreed to;* as was also Clause 3.

Clause 4 (Clerk of the Peace).

MR. VINCENT SCULLY submitted that the Bill could be better carried out by the Landed Estates Court and the Valuation Office than by the Quarter Sessions.

LORD NAAS said, this question was most important, but it would be best raised upon the 10th clause.

MR. CARDWELL accepted this suggestion; and thereupon the clause was *agreed to.*

Clauses 5 to 9 were also *agreed to.*

The House resumed.

Committee report Progress; to sit again on *Tuesday* next, at Twelve of the clock.

House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 18, 1860.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILLS.—2ª Infants Marriage Act Amendment.

BUSINESS OF THE HOUSE.

RESOLUTION.

On the Motion of Lord REDESDALE, it was *Resolved,*

"That this House will not read any Bill a Second Time after Tuesday, the 17th of July, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the Second Reading is moved, that the Circumstances which render Legislation on the Subject of the same expedient are either of such recent Occurrence or real Urgency as to render the immediate Consideration of the same necessary.

CATHEDRAL AND COLLEGIATE CHURCHES COMMISSION.

QUESTION.

LORD LYTTELTON, in rising to put the question of which he had given notice, Whether Her Majesty's Government intend to bring in any measures founded on the Report of the Commission for inquiring into the Condition of Cathedral and Collegiate Churches (1852), or the Report of the Select Committee of the House of Lords for inquiring into the Deficiency of Means of Spiritual Instruction and Places of Divine Worship in the Metropolis and populous Places (1858), said that these were strong instances of a practice too common in these days, by which important subjects

were examined and reported, or with the utmost diligence by Royal Commissions or Parliamentary Committees, but nothing further was done in the matter. The two bodies to whom the Question referred had applied themselves with great diligence to the investigation of the subjects. The recommendations of the Cathedral Commissioners alone occupied six folio pages, and in every case their recommendations were proper matters for the consideration of the Legislature. If these recommendations were shelved it would be an extraordinary instance of waste of labour upon a difficult and important subject. The subject of spiritual destitution was one of a different kind; and on this point there could be no doubt that the Report of the Committee of their Lordships' House which sat about two years ago had had considerable effect in diffusing information throughout the country. The Committee also had made various recommendations, one only of which had been taken up, namely, that relating to the union of benefices, a subject on which a Bill had been introduced by the right rev. Prelate near him (the Bishop of London); they had suggested that an alteration should take place in the law relating to pews and the sale of livings under the patronage of the Crown; also that power should be given to tenants for life to leave property for churches and parsonages in the same way as was now done for purposes of education. These and other minor recommendations were made by the Committee, and there were also in the evidence of Archdeacon Sinclair recommendations of various kinds on the same subject. He did not ask for legislation on these matters this Session or in any particular Session, but he wished to know whether the Government could hold out any hope that in a future Session they would be prepared to carry out any of the recommendations to which he had made reference.

THE DUKE OF NEWCASTLE said, he need hardly remind his noble Friend that it would be hopeless to hold out the expectation that legislation with the purpose of carrying out the resolutions and recommendations of the voluminous Report of this Commission could be initiated at so late a period of the Session as the 18th June. Indeed, his noble Friend had acknowledged that he did not put the question in the hope that any legislation could take place in the present Session, but rather with a view to ascertain whether the Government, in a succeeding Session, would be ready to take up the question. He, however, thought that in matters of this kind, except under very peculiar circumstances, it was not desirable that a Government should pledge themselves as to the course of legislation they intended to propose in an ensuing Session. Such a course he held to be neither politic, wise, nor just. The Report of this Commission was very voluminous and complicated, many of its recommendations were at variance with the course of legislation for many years past, and great caution was required in dealing with such a large subject. Two points recommended in the Report of the Commission had already become the subject of legislation—first of all, that which referred to the union of benefices, and, in the next place, that provision which enacted that where surplus funds were paid into the hands of Ecclesiastical Commissioners the locality from which they were drawn should have the first claim upon them, if its spiritual necessities were not already provided for. With regard to the first of these, his noble Friend was aware that a Bill had been brought in on the subject by the right rev. Prelate (the Bishop of London), which had passed their Lordships' House and was now in the Commons; and, as regarded the second point, a Bill had been brought into the other House by the Secretary of State for the Home Department, in which there was a clause to enable the Ecclesiastical Commissioners to meet local deficiencies. This clause would, he hoped, meet the views of his noble Friend on that subject. At any rate, he was unable to hold out to his noble Friend any hope of further legislation on this subject during the present Session.

CHURCH TEMPORALITIES (IRELAND) ACTS AMENDMENT BILL.

COMMITTEE.

House in Committee (according to Order.)

Clause 6 (Commissioners appointed by Her Majesty and the Archbishops to be removable.)

EARL POWIS said, that this clause contained an extraordinary provision relative to the removal of the Ecclesiastical Commissioners by the two Archbishops of Ireland. By Clause 1, it was enacted that there should be two Ecclesiastical Commissioners receiving a salary,—one to be appointed by the Crown, in order that the Government might be properly represented, and the other by the Primate and

Archbishop of Dublin, jointly, to protect the interests of the Church; but the 6th clause provided that the latter Commissioner should be removable, not by the authorities who appointed him, but by the Crown. In the analogous case of the English Church a directly contrary course was adopted, they were appointed during good behaviour, and he thought that the English precedent was the one to be observed in this case. He would, therefore, move as an Amendment that the Commissioners appointed b y Her Majesty should be removable by the Crown, and that those appointed by the Lord Primate and the Archbishop of Dublin should be removable by those Prelates.

THE EARL OF ST. GERMANS said, that this was no new provision created for the first time by this Bill. The 3 and 4 *William* IV. already gave to the Crown the power sought for in the Bill, which merely sought to continue that power. Moreover, the Act in question had been originally framed by the Ecclesiastical Commissioners themselves, and had been passed with their concurrence.

THE BISHOP OF DERRY said, he thought the matter of little importance, but preferred that the clause should stand as it did.

THE MARQUESS OF CLANRICARDE said, that if any alteration or Amendment were made, it should consist in the reduction of the two Commissioners to one, and he believed that was the general impression in Ireland. One Commissioner, he believed, had recently transacted the business.

THE EARL OF ST. GERMANS said, he understood the work was more than one Commissioner could transact, although it was true that during the illness of Sir Henry Meredith, Mr. Quin had transacted the business of the Department.

Clause *agreed to.*

Clause 8 (Officers to be appointed).

THE EARL OF DONOUGHMORE proposed an Amendment to

"Omit ('as the Ecclesiastical Commissioners for Ireland now pay to such Officers respectively, or such other Salaries as the Ecclesiastical Commissioners for Ireland shall from time to time hereafter, with the approbation and consent of the Lord Lieutenant, testified in writing under his hand, think fit to allow") and insert in lieu thereof ('the several Salaries set forth in the Schedule to this Act annexed, such Salaries to be payable from and after the passing of this Act, due credit being given to each of such Officers for his past services')."

THE EARL OF ST. GERMANS objected that it was very unusual to fix such salaries in a Bill. The more desirable course would be to leave the matter in the hands of the Commissioners, as was usually done in regard to similar departments.

THE BISHOP OF DERRY stated that it was the intention of the Commissioners to re-arrange the salaries of their officers.

Amendment *negatived.*

Clause *agreed to.*

Amendments made; the Report thereof to be received on *Thursday* next.

THE ECCLESIASTICAL COMMISSIONERS' VALUATION.

QUESTION.

LORD PORTMAN inquired of Her Majesty's Government, What progress had been made by the Ecclesiastical Commissioners in the Valuation ordered by the Act 3 & 4 *Vict.*, c. 183, s. 77? The matter was one of very considerable importance, and it was very desirable that the valuation in question should proceed. From circumstances, however, which had come within his observation, it appeared as if the Commissioners had been guilty of some neglect of duty or disobedience of the law. Unless some answer could be given, the Ecclesiastical Commissioners ought either to ask Parliament to repeal the clause, or else Parliament ought to put such a pressure upon them as to oblige them to carry out the law. His Question appeared to assume that some progress had been made. He had, however, reason to believe that, had he moved for a Return, the answer would have been "*nil*," and he asked the question to elicit some information.

THE EARL OF CHICHESTER said, that his noble Friend had answered his own question. The object for which this valuation was to be made, or rather completed, was to enable the Commissioners to ascertain the value of the poor livings. One reason why they had not proceeded to cause a fresh valuation to be made was that they had obtained no additional powers since the last valuation, and there was no reason to believe that any new valuation would be more accurate than the last. The value of the property they were called upon to deal with was constantly changing, and the Commissioners believed that they were justified in postponing the valuation, in consequence of the great loss of time and labour, to say nothing of expense, which would be involved without commensurate results.

INDIA.—EUROPEAN TROOPS.

RETURNS MOVED FOR.

THE MARQUESS OF CLANRICARDE, in moving for certain Returns referring to the amount of European regiments in India, said he did not intend to enter upon a discussion of the difficult question of the expediency or wisdom of abolishing the local army; for abolition it would be, whether called by the name of amalgamation or absorption, if the Queen's regular army was to do all the work of European troops in India. Upon that point he had formed no decided opinion; but as it was mixed up with the question of the whole administration of India, he thought it important that full information should be given to the House. The Returns for which he moved would not give much information by themselves, but they would add to the information conveyed by the Papers which had been presented to the other House, and the presentation of which to their Lordships had been most unaccountably delayed. The noble Marquess concluded by moving an Address for—

"Return of the Number of local European Regiments in each of the Presidencies of British India, and the Total Amount of that Force on the 1st January 1830, 1835, 1840, 1845, 1850, 1856, 1857, 1858, 1859, and 1860; specifying whether Infantry, Cavalry, or Artillery: Also,

"Return of the Number of Regiments and the Total Amount of Force of the Queen's Army in the same Presidencies at the same Periods: And also,

"Return of the Number of Recruits sent from England in each of the last Four Years to different Regiments of either Army; and of the Number of Officers and Soldiers sent Home invalided or discharged from either Service in those Years:

THE EARL OF ELLENBOROUGH said, it was extremely important that the information now asked for should be supplied; but he should, on this occasion, imitate the example of the noble Marquess, and not go into the general question respecting the manner in which it was proposed to deal with the local army in India. At the same time he would suggest for the consideration of the Government a matter upon which silence had hitherto been observed, and which, though of great importance, must, he presumed, have escaped attention. One of the reasons assigned for the amalgamation of Her Majesty's army and the local army was, that it was most desirable that all the regiments serving in India should from time to time come to this country. Now, it was impossible for Parliament, within any period to which they might reasonably look forward, to give effect to that object. He apprehended that Parliament would be bound by its own solemn pledge, recently given within the last two years, and that it would not impose what hitherto it never had imposed—compulsory service upon any body of soldiers whatever. The position in which the affair stood was this:—The Company's army was transferred to the Crown, subject to the same conditions as those on which it was held by the Company—that is to say, it was liable to serve within the same territorial limits only, as if it had continued in the service of the Company. It was impossible, therefore, for Parliament to give to the Crown any power to send from India to England any portion of that force, unless the men should choose, on being discharged from the service, to re-enlist as if they had entered into one of the Queen's regiments. Now, it would be rather dangerous to let the bird loose from the cage, in the hope of its flying back into the window. That experiment had lately been tried, and had failed. Last year they had lost 16,000 men, and this year it was possible they might lose 15,000 more. It was not until the expiration of the men's service, which continued for ten years, and of the officer's service, which continued for life, that it would be possible for the Government, under any circumstances, to direct the transfer of any local force now in India to this country.

EARL GRANVILLE, in assenting to the returns, deprecated discussion at the present stage of this question, and until the whole matter was before their Lordships.

THE EARL OF ELLENBOROUGH said, under the circumstances he had stated, this amalgamation, however important it might be, would be practically deferred, in the case of the men, until the expiration of ten years; and in the case of officers, during the whole of their lives.

VISCOUNT HARDINGE said, there was one question which he wished to ask the noble Earl—namely, whether if an officer was once appointed to the Staff, he remained there for life, and was never remanded to his regiment?

EARL GRANVILLE thought, it would be desirable to postpone this question, as the whole subject of the Staff was under the consideration of the Government. He, therefore, deprecated any discussion upon it at present.

VISCOUNT HARDINGE asked when the

papers moved for would be laid upon the table?

EARL GRANVILLE: Probably to-morrow.

THE EARL OF ELLENBOROUGH asked the Government, in laying the papers on this subject upon the table, to publish, *in extenso*, the letter of Lord Canning, of which, as yet, only an extract had been produced. He hoped the whole despatch might be printed entire, without injury to the public service.

Motion *agreed to*.

ITALY.—NAPLES.—RUMOURED INTERFERENCE OF FRANCE.—QUESTION.

LORD BROUGHAM (who had attempted to put this Question before the Orders of the Day) said:—My Lords, the experience of this evening teaches us that in order to put a Question to the Government on any subject, however urgent or important, it is necessary on every occasion to give notice of the question, and have it printed amongst the Orders of the Day. Such a course will be very inconvenient, and will often give rise to long and unnecessary discussions; for I have observed that when questions are asked without notice, they are at once answered, and there is an end of them; but that when notice is given they almost invariably lead to debates, which may sometimes be of long duration. The Question I am about to put to my noble Friend, the Lord President, arises from an impression that has prevailed for the last two days, both in Paris and London, and which has created very considerable alarm in both cities. I hope and trust that I shall receive as distinct a denial of it as my noble Friend and his colleagues are capable of giving;—but, in my opinion, their denial of having received any information or notice upon this subject from the other side of the water will be in itself a substantial contradiction of the report. It has been said, both in Paris and London, during the last two days, that the French Government are either sending, or are preparing to send, a very considerable force to the south of Italy—to the kingdom of Naples. [The Earl of ELLENBOROUGH: A military force?] A military force. A naval force they have already there, consisting of seven ships; but the despatch of a military force, as I am reminded by the noble Earl, stands in a totally different position, and naturally creates very considerable anxiety and alarm. I confess, for my own part, that I do not partake of that alarm; because, even if it were true that there is a force despatched, or about to be despatched, to the kingdom of Naples, I am perfectly convinced that it is an impossibility such force should be despatched for the purpose of interposing between the King of Naples—I can now, happily, only call him the King of Naples; and not the King of the Two Sicilies—it is utterly and absolutely impossible that any force should be sent for the purpose of protecting him against his former subjects in Sicily; or of protecting him, I will venture to hope, against his subjects on the mainland. I do not believe, therefore, that if this measure is in contemplation, or if it is begun to be executed—that it could be for any one purpose connected with the King of Naples, with respect to his subjects on the mainland, or the restitution of his dominion in the island of Sicily. What might be the object of the movement, if unhappily it were about to take place, I will not venture even to conjecture, but I am only satisfied and comforted in a firm and entire belief that it cannot be for the protection of the King of Naples. My Lords, I say, therefore, first, that I cannot believe there is any foundation for the rumour. If it had any foundation, some notice must have been given of it to Her Majesty's Government, and, upon finding that they have no intimation whatever from Paris on the subject, I shall believe it to be entirely erroneous. I confess I shall be glad to find I am right, and that the report is groundless; and I rejoice to think that I shall hear from my noble Friend opposite that it is so; but if not, the alarm I feel is not for the liberties of Sicily or of Naples, but it is lest there may be some intention entertained by the French Government of interfering, either with the Duchies, or with Sardinia, or with the Pope, or with Venice, and lest, therefore, there should be danger to the peace of Europe.

EARL GRANVILLE: I regret that the noble and learned Lord should have been put to the inconvenience of waiting until now in order to submit his Question to the Government. There is some difference between giving any notice of a question and inscribing the formal notice to be printed with the Votes previously to the day on which the question is to be asked. Now, the noble and learned Lord has never given me the slightest intimation of his intention to put this question. It is, I think, convenient, not only to Members of the Cabinet, but to the public, that no-

tice should be given of any question of importance, inasmuch as it often happens that the Member of the Government of whom the question is to be asked finds it necessary to communicate with the head of the Department to which the subject specially refers, in order to be enabled to make a complete and satisfactory reply. If I had stated what I knew when the noble and learned Lord first put the question to me, I could only have stated my individual belief that Her Majesty's Government had received no such information as that to which the noble and learned Lord has alluded, and that it would be inconsistent with all the declarations we have received on the subject from the Emperor of the French. I have had an opportunity, however, through the delay which the forms of the House have occasioned, of communicating with my noble Friend the Secretary for Foreign Affairs on the matter, and I am enabled to state upon his authority that there is no foundation for the rumour of any French military force having been sent to the south of Italy, or that there is any intention of so doing. It is true the French have ships of war there, as we have, for the protection of British subjects and their property; but I repeat that I do not believe there is any intention of sending any troops there.

THE EARL OF ELLENBOROUGH said, it was satisfactory to find that this rumour was as great a fiction as the report that the British marines had taken possession of Castellamare.

LORD BROUGHAM: If no information has been received from Paris, or elsewhere, of such intention, it is clear to my mind that the rumour is groundless. Let us hope, therefore, that there will be not only no breach of the peace, or disturbance of the tranquillity now prevailing in Italy, excepting in the South and in Sicily, but that Sicily and the South of Italy are, the one already free, and the other nearly free, from the tyranny under which they have laboured.

House adjourned at Eight o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 18, 1860.

MINUTES.] PUBLIC BILLS.—1° Parochial Assessments; Stipendiary Magistrates; Inland Bonding; Union of Benefices; Trustees, Mortgagees, &c.

2° Criminal Lunatic Asylum.

Earl Granville

BERWICK-UPON-TWEED ELECTION.

ANSWER TO ADDRESS.

LORD CASTLEROSSE, the Comptroller of the Household, appeared at the bar with Her Majesty's Answer to the Address.

I have received the joint Address of the Two Houses of Parliament, in reference to the Report made by the Select Committee of the House of Commons appointed to try a Petition complaining of an undue Election and Return for the Borough of Berwick-upon-Tweed; and I have given directions accordingly for the appointment of Commissioners for the purpose of making the Inquiry prayed for by the Address.

ANCHORS.—QUESTION.

VISCOUNT RAYNHAM said, he wished to ask the Secretary to the Admiralty, Why the description of Anchor reported by the Anchor Committee of 1852 as the most approved, and now used on board Her Majesty's Yacht the *Victoria and Albert*, has not been generally adopted in the Royal Navy?

LORD CLARENCE PAGET said, there was no objection to any officer having one of these anchors supplied to him if he asked for it.

VISCOUNT RAYNHAM: Why are they not in general use?

LORD CLARENCE PAGET: Because they are objected to generally by the profession. There are very few officers who do not object to the use of them.

INFECTIOUS DISEASES.—PUBLIC CARRIAGES.—QUESTION.

VISCOUNT RAYNHAM said, he would now beg to ask the Secretary of State for the Home Department, Whether, in order to prevent the serious consequences which at present result from persons suffering from infectious diseases being conveyed to hospitals in public carriages, regulations can be made enforcing the detention at the hospital of the carriages so used until certificates shall have been given to the Commissioners of Police to the effect that such carriages have been by proper and sufficient purification rendered incapable of spreading disease.

SIR GEORGE LEWIS said, that under the existing Police Act there was no such

power as that referred to by the noble Lord, and therefore it would be impossible that any such directions could be given without further legislation by that House. He would state to the noble Lord and the House that the subject had not escaped the attention of the Police authorities, and they had, under the authority of the Secretary of State, provided a carriage for the conveyance of persons suffering from infectious complaints, and not only for their removal, but for the removal of prisoners and all other persons infected in any manner who might be found in the common lodging-houses, which were subject to the control of the Police. He would also take that opportunity of stating that if any parochial authority, or any person locally interested, should desire to see the carriage which had been provided by the Police, he would receive permission to do so on application being made to Sir Richard Mayne at the Police Station, Bagnigge Wells Road, Clerkenwell.

PUBLIC BUSINESS.

VISCOUNT PALMERSTON: Sir, considering the advanced period of the Session and the quantity of business which still remains to be transacted I hope there will be no objection to the Motion which I have to make, in conformity with the ordinary usage, that the Government take an additional Order Day; and, as Friday is now a Motion Day, that for the rest of the Session Orders of the Day have precedence of Notices of Motion on Fridays, and Government Orders precedence of others. I hope hon. Members will have no objection to an arrangement which will tend very much to facilitate public business.

COLONEL FRENCH said, he wished to know whether the noble Lord proposes to allow the system still to continue by which questions are put on the Motion for Adjournment, and by which, in effect, one Motion has precedence over all the Orders.

VISCOUNT PALMERSTON: That is a matter with which Government cannot interfere; it must rest in the discretion of private Members.

SIR HENRY WILLOUGHBY said, he would beg to ask whether any alteration will be made by the new arrangement in the position of the Savings Bank Bill, which at present stands first in the list for Friday.

VISCOUNT PALMERSTON: If any alteration be made notice will be given to the House either to-night or to-morrow.

Resolved,

"That upon Friday next, and upon every succeeding Friday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having priority."

PROMOTIONS FROM THE RANKS.

ADDRESS MOVED.

Order for Committee (of Supply read;) Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. M'EVOY said, the right hon. Gentleman the Secretary of State for War, in defending a recent appointment, had stated that it would be a cowardly and shabby thing if he were to pass over an officer who was perfectly qualified for the post in his gift, merely because he held a place at Court. He was now about to afford the right hon. Gentleman an opportunity of proving his ingenuousness in that remark. A practice had grown up of late years of giving an increased number of commissions to deserving non-commissioned officers, and the present Commander-in-Chief had done more in this respect than many of his predecessors. But, while men were thus promoted it was not fair that their new position should place them in circumstances of embarrassment. A man, after perhaps twenty-five years' service, on being promoted from the ranks, was not allowed to make this the ground of a claim towards a pension, though, by a rule of the War Office for which he could not find any authority, it was the custom to allow him to count half his previous service. So that a man entering the army at twenty years of age, and obtaining his commission at forty-five, would have to serve till he was sixty-five years of age, before he was entitled to retire upon full-pay. But a man at forty-five, after enduring all the fatigues and hardships of his profession, was in no condition to commence a new term of service before he could look forward to the enjoyment of a full retiring allowance. Quartermasters and paymasters —on what ground he was unable to say— were allowed to count the whole of their previous service. To the argument that the latter could not expect promotion, was to be opposed the fact that men ordinarily obtained their commissions at an age when they could not expect to rise higher than the command of a company. The sum produced by the half-pay of a captain and the investment of the price of his commis-

sion was insufficient to support him in the position to which he was entitled; and a case had come to his knowledge in which an officer who had received his promotion in the manner referred to, applied for the post of recruiting officer, for which he was perfectly eligible, but was unable to obtain it, because he was not allowed to count his former service. The cost to the State of the change which he advocated would be trifling; the aggregate amount would not, he believed, exceed the pay of one general officer.

Amendment proposed,

" "To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying that She may be graciously placed to order that those Officers in the Army who have been promoted from the ranks may be allowed to reckon their previous services in the ranks, in the same manner as is now permitted to Paymasters and Quarter-masters, so as to enable them to avail themselves of the 30th section of the Royal Warrant of the 14th day of October, 1858, which regulates the retirement of Combatant Officers in the Army and Ordnance Corps,'"

—instead thereof.

COLONEL DUNNE seconded the Amendment, and said he was convinced that the sympathies of the House would be with those officers who, through their own efforts and because of distinguished service, had risen from the ranks. There was no army in which the expenses attaching to the position of an officer were greater than in the British army, and yet there was none in which the officers were treated more niggardly. He hoped that the right hon. Gentleman the Secretary at War would show good reason why the boon now asked for officers who had risen from the lower grades of the army should not be granted to them. It was not the rank which such men valued, but the money which would enable them to provide for their families and maintain them in the position which their good conduct had attained. The House had been told the other night of a naval officer who had refused the command of a vessel, because, as he said, he could not afford it; and he hoped that the men whose merits deserved promotion in the army would not be obliged to decline commissions when offered to them for a similar reason. Promotion ought certainly to be granted under circumstances which would render it a boon and not a punishment.

MR. SIDNEY HERBERT said, in answer to the question which had been put to him by his hon. and gallant Friend, that he quite sympathized with him in his desire to do away with everything which was unfair to those officers who had risen by their merit from the ranks to hold commissions in Her Majesty's army; but he thought his hon. and gallant Friend did not draw a sufficient distinction between non-commissioned officers rising to be ensigns or lieutenants, as the case might be, and those who were selected to be quartermasters and paymasters. Those posts required peculiar qualifications, and very few of those who were promoted from the ranks to commissions would be found to possess those special qualifications. The peculiar advantages given to all officers who rose from the ranks should also be considered. He (Mr. Sidney Herbert) confessed that he was not certain that it was always a very great advantage to a man to be raised from the ranks; and experience had shown that although we should always keep that reward open, by which we might hope ultimately to attract a better class of men into the army, yet he believed that, in the majority of the cases, the officers so promoted regretted their promotion. Look, on the other hand, to what were the advantages which were given to a man promoted from the ranks compared with those of an officer who possessed a commission and had not been in the ranks. In the first place, a rigid examination was exacted from every officer who was preparing for a Queen's commission, and it was laid down that it must be certain that he was possessed of a certain amount of education and attainments. In the case of an officer promoted from the ranks, that rule was broken through entirely, for otherwise no man could be promoted from the ranks. Therefore, a great exception was made in favour of a man who was promoted from the ranks. When first he had the honour of filling the office of Secretary of State for War a man promoted from the ranks had out of nothing to purchase his whole outfit. A change had been made, and now £150 was allotted to every man who was promoted from the ranks in the cavalry, and £100 to every man promoted to an ensigncy in the infantry. A commissioned officer was allowed nothing. Here, again, was an advantage which the officers who had not risen from the ranks did not obtain. Further, the officer from the ranks had the advantage of being allowed to count two years in the ranks as one towards his

pension or retirement as a commissioned officer. [Mr. M'EVOY: On what authority?] He could not quote the authority; but it was their universal practice at the Horse Guards, in the case of officers who rose from the ranks, to allow two years in the ranks to be counted for one of commissioned service. Here, again, was a very great advantage. If, again, they referred to the case of paymasters and quartermasters, they would find that in that service, which, as he said before, was of a peculiar nature, the service in the ranks was not counted unless there were so many years' service with the commission. The difference between the two was not so great. An officer who rose from the ranks, if he wished to dispose of his commission, was allowed £100 for every year he had held it. That did not apply to the commissioned officers, but the rule was made in favour of men who had risen from the ranks. He did not see that they could safely extend the rule so as to allow non-commissioned service to count as commissioned service beyond what was already permitted. He thought they had gone as far as it was expedient, by allowing two years to count for one, and giving those other and great advantages which it was wise and politic to give to non-commissioned officers promoted from the ranks. It should be recollected there was a very great difference between non-commissioned and commissioned service. One was the service that obeyed, the other the service that commanded. The service that commanded required the higher qualifications; the whole distinction between the ranks rested on the additional value given to the officer above the man. He did not think he would be justified in holding out a prospect that any alteration such as had been proposed would be made.

COLONEL DICKSON considered that the right hon. Gentleman had overstated the case against officers who rose from the ranks, but who did not fill the position of either paymaster or quartermaster. He denied that they required less qualification than either paymasters or quartermasters. On the contrary, they generally became adjutants, and that was a post which required not only the greatest qualification but the greatest tact and manner, because it was on such an officer that the efficiency of a regiment mainly depended. The £100 allowance spoken of was given in lieu of the right to sell out, but it in no way compensated for that right; for if, for example, he held a lieutenant's commission for three years he got £300 for it on retiring, though its value was £1,100. The great advantage which the non-commissioned officer derived from his promotion was the value of the commission, and that advantage he should have the power of realizing to the fullest extent by being allowed to sell out like other officers.

COLONEL LINDSAY remarked that, as a general rule, the service wished to give an opportunity to non-commissioned officers, as far as practicable, to rise from the ranks into the position of commissioned officers. It might not be usual for non-commissioned officers to desire to obtain commissions, or that a very large promotion from the ranks was desirable; but he would leave it open to every man to have an opportunity of rising. What they wanted was that the officer should be allowed to count his service as a non-commissioned officer, in order that he might come with the greater rapidity to that position when he could retire on full pay. They also wished that service as a non-commissioned officer should be allowed to count towards the sale of the commission, that he might receive the full price of it for the benefit of his family if he had one; if he had not, the officer generally remained in the service till he advanced another step, and then retired on full pay. He thought this was a small boon to be asked for by those officers, and one that might be granted without any injury to the finances of the country. It was not likely they would ever have a larger infusion of such officers, but it was very desirable to give the opportunity of rising to as many as possible.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

MR. DARBY GRIFFITH rose to call the attention of the House to the stoppage of a portion of a cavalry officer's pay for forage; and said that this point had been taken up by both the late and the present Secretaries at War, but that the Treasury had in each case refused to entertain the question. He condemned the practice as anomalous and contradictory. If the Government had refused to find forage for the horses of the cavalry altogether that would have been intelligible; but he could not understand with what consistency they first professed to give the forage and took back more than half the price by this miserable deduction. It was well known

that the officering of the cavalry had of late years become a difficult matter, as there were no fewer than thirty-six vacancies without applicants during the last year. There were several causes for this. In the first place, it was found that from the changes in the art of war, professional work was now demanded from the officers, so that gentlemen could no longer enter the cavalry as a mere source of amusement. The system of examination had also produced a discouraging effect. The next he was about to mention might appear a small matter, but he was satisfied it had its weight. Formerly it was only the officers of the cavalry that were allowed to wear moustaches, and hence moustaches were regarded as the badge of the aristocratic branch of the service; but now that all officers were allowed to wear them the *prestige* of the enjoyment of a particular privilege in that respect had gone from the cavalry service. Well, what was the course taken by the Government? They had taken certain steps in the right direction. They had reduced the price of commissions, and they had allowed officers to obtain their chargers from the regimental stud; but still there remained this great anomaly of which he complained. He had already mentioned that the objection to its removal came from the Treasury. He had always supposed that when "My Lords" of the Treasury decided on anything, it was at a real meeting of the Board with the First Lord of the Treasury at their head; and believing that he certainly had some difficulty in reconciling the narrow views expressed in the Treasury correspondence with that great knowledge of social life which the First Lord was well known to possess. But it lately came out, in the course of another discussion, that this Board, like some other Boards, was a mere fiction; that there was no meeting of "My Lords," and that the whole was done by the Secretary of the Treasury. That quite altered the case, for it was not surprising that a gentleman lately taken from commercial pursuits should be wholly unacquainted with the military service of the country. Some of his arguments were certainly very surprising. The Secretary at War stated that they had now to do with a less opulent class of officers, and it would be necessary, therefore, to reduce as much as possible their expenses. To this the reply was that the more the cost of the service was lowered the more the extra price of commissions would be enhanced, and that they must deal with this question on commercial principles. That showed a surprising want of knowledge of the world. Why, upon commercial principles no man would go into the army at all. His pay did not afford to him a reasonable annuity for the capital expended in the purchase of his commission, so that it might be said he served his country for nothing. A man went into the army for honour, for distinction, for status in society, for a few inches of ribbon or a medal, and the commercial principle was the last consideration that entered his head. He concluded by moving the following Resolution:—

"That, in the opinion of this House, it is unjust to the Officers of Cavalry, and not creditable to the Country, that a stoppage should be made from their pay of 8½*d.* per horse per day for the forage supplied to the horses which they are required to keep for the performance of their regimental duty, and that it is expedient that such deduction should be discontinued in future."

Mr. SPEAKER said, that as the House had decided on the last Question, "that the words proposed to be left out stand part of the Question," it was not competent for the hon. Member to move another Motion. The Question was that he do now leave the Chair.

ORDNANCE SURVEY.—CIVIL ASSISTANTS.—OBSERVATIONS.

Mr. DIGBY SEYMOUR rose to call the attention of the House to the position and pay of the Civil Assistants employed upon the Ordnance Survey, and more particularly to a portion of them, numbering about 700. Their complaint resolved itself into four distinct heads:—1. The insufficiency of pay as compared with that of the *employés* in other public departments. 2. The capriciousness of the mode of promotion in the Ordnance Survey, and the absence of any proper system of classification. 3. The absence of holidays, such as were allowed in other public Departments. 4. The hours of business, longer than in other establishments of the State. He had taken some trouble to put the Secretary of War in possession of the facts of the case, and had had the honour of receiving a lengthened reply; but as the right hon. Gentleman had not satisfied him, he wished to bring the matter under the notice of the House. He held in his hand a tabular list of the persons employed on the Ordnance Survey, and he found that the number of persons who received from 4*s.* to 6*s.* per

day amounted to 145, and those who received from 2*s.* to 4*s.* per day amounted to 600, although their length of service averaged from 15 to 25 years. Between those two classes were the computors and draughtsmen — a large and most useful body. Taking the whole of the civil staff, the average pay was at the rate of 3*s.* 6*d.* a day; and, as they were not paid for Sundays, as the military staff were, taking 313 working days in the year, their average income amounted to less than £55 a year. When he turned to the military staff, he found that their incomes at an average rate of pay of 5*s.* a day amounted to £75 a year, and if the fuel and lodging provided were taken into account, the sapper on the military staff was much better off than the civil assistant. There were 496 persons on the military staff, and out of them 116 were superintendents, who performed no daily work whatever. The House would, he thought, be somewhat surprised at the proportion which the superintendents presented to the working staff. At Southampton there were sixty draughtsmen, and these had one captain, one lieutenant, one quarter-master-sergeant, one sergeant, and two corporals. There were thirty computors and fifty engravers, who had also a like proportion of officers as the draughtsmen. There were therefore a large number of officers, embracing lieutenant-colonels, majors, captains, lieutenants, sergeant-majors, &c., who presided over a number of persons who only amounted to about 140. The proportion between those who commanded and those who served in the military department was perfectly ridiculous. A few years ago, when the sanitary survey was being taken, a large proportion of civil assistants were employed, and they were all placed under the superintendence of two officers and two assistant-sergeants. Next look at the Topographical Office in London, where there were four commissioned and three non-commissioned officers superintending twenty-two persons, involving an expense which might be largely saved to the country. He would also ask the House to consider the position of these civil assistants as compared with other civil servants in the various departments of Somerset House. Messengers and porters received from £65 to £95 a year, and clerks commenced at £90. At the War Department the commencing salaries were £90; in the Customs, £80; and in the Long Room, £75. It was clear, therefore, that these men engaged in the survey were not paid with anything like the same liberality as the Custom House and Somerset House civil clerks. In the case of these latter, moreover, there was a regular system of promotion according to merit; but in the case of those for whom he pleaded, the sergeant or corporal did as he pleased, and merit and long service had little chance of being regarded. And lastly, they had but fourteen days' holidays, while the civil service clerks had a month, and, at the same time, their daily labour was longer. He trusted on all these grounds, that the Government would take the case of these persons into consideration.

MR. VANCE said, he could corroborate the general statements of the hon. and learned Gentleman the Member for Southampton. He wished to know whether those men were to be entitled to the benefits of the Civil Service Superannuation Act.

MR. SIDNEY HERBERT said, the hon. and learned Gentleman's statement was founded on an entire misconception as to the facts. In answer to his statement he would refer the House to the authentic Report of the number and cost of the men, civil and military, employed upon the Ordnance Survey, from which it would be seen that the real numbers did not tally with those given by his hon. and learned Friend. In calculating the cost of the military staff he had thrown in the cost of the superintending officers; but, in calculating that of the civil staff he had omitted the cost of supervision altogether. The best answer to his observations was, perhaps, the fact that the allowance made to civilians was sufficient at all times to secure an abundant supply of labour—that they never found men leaving the service, while there were always others anxious to obtain such employment, and upon the whole they were well paid. The hon. and learned Gentleman had quite misrepresented the fact as regarded the officers. If they had nothing to do but look after the men, it would be undoubtedly true that they were too numerous and overpaid; but so far from that being the case, they had enormous numbers of plans to inspect and manage, and were responsible for the expenditure of considerable sums annually. It should be remembered, in instituting any comparison between the allowances of soldiers and civilians, that the latter had only specified duties to perform, and were not liable to be removed at any mo-

ment to some distant scene of war or to colonial service. It gave him great pleasure to find that he admitted the correctness and value of the survey, but he could assure him he was altogether mistaken in the case which he had submitted to the House. With regard to the duration of the holidays he had only to observe that those men had risen by their merit from the position of day labourers, and that there were very few people of their condition in life who could obtain even a fortnight's inaction every year.

ITALY.—FOREIGN ENLISTMENT.—THE PAPAL ARMY.—OBSERVATIONS.

MR. EDWIN JAMES said, he rose to call the attention of the House to the fact of the enlistment now going on in Ireland to furnish the Pope with troops in Italy; and to ask the Government what measures they have adopted, or intend to adopt; and what official communication they have received upon the subject. The hon. and learned Gentleman said that the question was one of some importance, and was exciting considerable interest and some surprise among the people of this country. He had in his possession extracts from Irish journals of all shades of politics: some of them rejoicing at the defiance with which the proclamation issued by Her Majesty's Government had been treated, and all stating the enormous number of recruits who were leaving Ireland to join what was called "The Pope's Own." He took it for granted that in the present state of Europe Her Majesty's Government must be extremely anxious that it should be known whether they had power to prevent this flagrant violation of the law, or whether it was to be assumed that they tacitly sanctioned the proceedings which were going on. As long ago as the 28th of May, it was stated in various newspapers that Waterford and other seaports of Ireland had been made ports for what was sometimes called "emigration," but what was sometimes openly admitted to be the embarcation of recruits for the Pope's army. In the first instance it was put forward by the priests, who had taken a large part in this recruiting, that these persons were mere emigrants to Italy. Afterwards it was said that they were going to join the municipal army in Italy; and it subsequently appeared that they were enlisted for the purpose of recruiting the army which was to defend the Pope in case of any collision with his subjects. Her Majesty's Government had issued a proclamation, with a view to prevent the infraction of the law; and no sooner did it appear than the conductors of this enlistment hurled defiance at the Ministry. The newspapers boldly stated that these recruits were intended for a foreign army; and in one instance he believed a justice of the peace was present at their embarcation. This had been going on for some weeks; and some of the recruits had been presented to the Pope, had performed an obeisance to which he did not intend to refer in any terms of ridicule, and had been thanked by his Holiness for having joined his army. All this was in flagrant violation of the Act of Parliament, because he would show the House that not only the enlistment, but the procuring, or endeavouring to procure, the enlistment of persons to serve in a foreign army was an offence against the statute. The law upon the subject was as clear as law could be. In earlier times the youth of Britain were fond of going abroad to advance their interests, and frequently formed the guards of foreign sovereigns. Thus Louis XI. had his Scotch guard, as the Bourbons had their Swiss one. The first Act of Parliament upon the subject was passed in the year 1605, about the time of the Gunpowder Plot. That statute the 1st *James* I., cap. 4—commenced with a curious recital, which had been copied into subsequent Acts:—

> "That, forasmuch as it is found by late experience, that such as go voluntarily out of this realm to serve foreign princes, states, and potentates are, for the most part, perverted in their religion and loyalty by Jesuits and fugitives, with whom they do there converse."

And it enacted that any one who went out of the country without having taken the oath of allegiance to His Majesty should be deemed guilty of felony. There was another Act of the 9th of *Geo.* II., cap. 30, entitled "An Act to Prevent the Listing of His Majesty's Subjects to serve without His Majesty's Licence," which enacted that if any subject of His Majesty should enlist himself, or procure any other person to enlist, or should even attempt to procure any other person to go beyond seas, with an intent to be enlisted, to serve any foreign Prince without His Majesty's Licence he should be guilty of felony, and should suffer death without benefit of clergy. These were Acts of great severity; they had now become to a certain extent

obsolete; and he admitted that he could find no case in which they had been enforced. The Act of Parliament which was now in force was the Act of 59th *Geo.* III., cap. 69, called "The Foreign Enlistment Act." It was introduced by Sir Samuel Shepherd, at that time Attorney General, and supported by Mr. Canning, and was intended to prevent persons going to assist the States of South America, which were then at war with Spain. The question was much discussed in that House, but ultimately the Act passed, and its provisions had been enforced. It might be suspended by an Order in Council; and in the year 1835 it was so suspended, in order that the subjects of the English Crown might enter the army of Queen Isabella of Spain, who was then at war with her uncle, Don Carlos. The matter was discussed in the House of Commons, the suspension of the Act being opposed by Lord Mahon, but after a debate the Order in Council was sustained. The law was now distinct and clear that it was an offence to enlist in the service of any foreign prince for any purpose whatever, and that those who procured or incited to that enlistment were guilty of a misdemeanour punishable by fine and imprisonment. The proceedings which had been carried on lately in Ireland had excited attention both in this country and Europe, and it was important that the Government should state whether or not they had power to put a stop to this enlistment. There could be no want of evidence. Numerous journals had published their defiance of the Proclamation. The priests had enlisted the men in the broad daylight; a magistrate had countenanced their embarkation: they had a depôt in London, in the neighbourhood of Tower-hill, and the offenders might be caught *in flagrante delicto*. Her Majesty's Government professed to observe neutrality abroad, and it was therefore important that they should state whether it was the will or the power which they wanted to stop the embarkation of the persons who were engaging in what was called a "crusade,"—an enterprise which had all the folly and none of the sublimity of the crusades which were preached by St. Bernard and Peter the Hermit,—and should inform the country what steps they intended to take in the matter. At present it appeared as though the Government were unable to prevent a violation of the law, or that they were making no serious efforts for its prevention. A good deal was said upon a previous occasion about a subscription for Garibaldi, and the Solicitor General had given an opinion as to its legality with which some other lawyers did not agree: but whatever doubt might exist as to whether the contribution of money to that subscription was or was not an offence at common law, there could be no question that the enlistment of persons to serve in the Pope's army, without a suspension of the Foreign Enlistment Act by an Order in Council, was a direct violation of the Act of Parliament. He hoped that he had brought this matter before the House with temper and moderation. He respected the religion of every one; but religious enthusiasm might carry men too far, and he thought it was the duty of the Government to let the House know whether they had the power to put a stop to this enlistment, and whether or not it was carried on with their sanction and approbation.

MR. CARDWELL said, he had no complaint to make of the temper in which his hon. and learned Friend had brought this subject before the House. He should best respond to the spirit in which his hon. Friend had acted by confining himself to a simple statement of what were the facts of the case as far as they were known to him, and what had been the conduct of the Government. About the 26th of May last the Government were first informed that persons were being engaged in Ireland, under pretence, as it was at first stated, of going to make a railroad at Ancona, but, as was suspected and believed, for the purpose of their being enrolled in the army which was being raised for the service of the Pope. The Government immediately acted upon that knowledge, and caused, not a proclamation, but a police notice, containing an accurate statement of what was the law on the subject of foreign enlistment, to be universally circulated throughout the length and breadth of Ireland. Why it should be ridiculed he did not know; it was a simple statement of the terms of the Act of Parliament, and was intended to inform the people what they were prohibited by law from doing, and what the penalty would be if they continued to do the acts so prohibited. At the same time orders were given to the constabulary to enforce the law. Those orders had never been in any degree enfeebled by any instructions or want of instructions of the Government, and they

were the orders under which the constabulary had acted from that day to the present. The Government had received continual reports from the constabulary officers, and those reports had been regularly submitted to the legal advisers of the Crown. He was very glad to have to reply to his hon. and learned Friend, because, as no one was better acquainted than he was with the proceedings of courts of law, no one could better appreciate the difference between statements in newspapers and the evidence necessary to sustain a prosecution. All he could say was that when statements had reached the Government which afforded the least reason to believe that further inquiry might furnish evidence which would sustain a prosecution, he had always directed that further inquiry should be made, more especially if the evidence was against, not the individuals offering for service, but the much more culpable persons constituting themselves agents for obtaining recruits for the Papal service. There had not, however, been a single case in which the legal advisers of the Crown thought it possible that the Crown could institute a prosecution. The Government had, therefore, not taken any such step, and he was quite sure that his hon. and learned Friend well knew that to institute a prosecution upon statements in newspapers, upon rumours, and upon hearsay evidence which could not be substantiated in a court of justice, was not the duty of the Government, and would not conduce to the honour and dignity of the Crown. With regard to a depôt in London, he believed that his right hon. Friend the Secretary of State for the Home Department was without any evidence to justify him in instituting a prosecution in London as the Irish Government up to the present moment were without evidence to justify them in instituting a prosecution in Ireland. What they had done was this —they had given fair notice of what were the prohibitions of the law, and what were the penalties by which those prohibitions were supported. They had given instructions to the police and to all the authorities under their command to maintain the dignity of the law and to support it. They had not had any evidence on which it was possible to institute a prosecution, and they had certainly not taken the course of bringing into court a case founded upon rumour or newspaper testimony, which would recoil on the authority of the law in the shape of a series of ridiculous failures, and bring the Crown and Government into contempt.

MR. VINCENT SCULLY understood the law to be correctly laid down by the hon. and learned Member for Marylebone, that all persons who procured or incited others to enlist in a foreign army were guilty of misdemeanour. He thought it very unfortunate that such a state of things should arise, and that any persons, whether from religious or any other enthusiasm, should be tempted to desert their own country—if indeed the Irish people could be said to have any country to desert. He was not prepared to deny that numbers of persons, who would be excellent subjects if kept at home, were going out to take part in supporting the temporal dominion of his Holiness the Pope. He had seen notices to that effect in the newspapers, and he had just cut out one extract. [*Laughter.*] *Ex uno disce omnes.* It was from the last number from Dublin of the *Catholic Telegraph*, giving the account from one of these young men of their proceedings :—

"I must certainly admit, however, that up to the present moment we have been treated as gentlemen—travelling by sea as first-class passengers, by rail as second class, and putting up at the very best hotels, where we always obtained the choicest bill of fare the house could afford. We visited every place of amusement, and every object worthy of notice as we passed through England, Belgium Prussia, Saxony, Westphalia, Bohemia, Austria, and Italy ; in short, everything we wished for that money could procure we had it for asking."

That was more than they could get in Ireland. They happened to get into trouble about passports, and were put in prison for three days; but the writer said :—

"In fact, we were never so sorry for anything as at being discharged from custody, as we were very well content with such prison diet as roast fowl, green peas, and a pint of wine for breakfast ; soup and maccaroni, meat, (roast and boiled) and a pudding, also washed down with a pint of wine, for dinner : coffee and bread at 7 o'clock ; and supper—a repetition of the breakfast—at 10 P.M. We were not at all pleased at being released from such punishment, I can assure you."

He then went on to speak of the low price of cigars, and concluded with "Remember me to all the boys." In an extract from the *Clonmel Chronicle* it was stated that eleven very fine fellows started by the railway *en route* for Rome; and a little lower down that fourteen more emigrants for the same locality arrived at the terminus. "What is rather curious is

that none of them had any baggage." Twenty-five more left Clonmel on Tuesday, making 50 altogether. In another extract from the *Tipperary Vindicator* it was stated that 70 athletic young fellows left Thurles. "They all stood 6 feet or thereabouts, and one was 6 feet 5½ inches." Then it was stated that 70 more left, and then 50 of the bold Tipperary peasants; then 40 from Ballingarry and Killenaule; then 25 from Clonmel and 100 from Sligo, making altogether 355. It was very unfortunate that they should leave the country. They were very much wanted at home. They would be much more useful at home, and it would be very easy for the Government to keep them at home if they set the right way about it. The *Wanderer*, of Vienna, published a letter from Ancona, which said, "The Irish have had a fight among themselves." They could have had that at home. "And they wounded some of the gendarmes who interfered to separate them. The delegate has hitherto treated the Irish like princes, and their pretensions are in consequence unbounded. Every soldier insists on having his own room, table, &c. It is to be feared, after all, the Pontifical Government will be under the necessity of inviting these gentlemen to go home again." He took advantage of a recess occasioned by the Reform Bill, and there being nothing to do here of any consequence, to go over to the county of Tipperary and to see the peasantry. Many of them possessed of as good reasoning powers as hon. Members, without at all disparaging them. They asked, "Would he subscribe to Garibaldi?" He said he would not give a shilling to Garibaldi. "Would he subscribe to the other side?" he was then asked, and he said he would not give a shilling for either side to succeed, but he would give a large sum to stop them from cutting each others throats. Who knew anything about the affairs of Italy? He did not believe that any one knew which side was right. He understood, or at least he ought to understand, Ireland, but if the Orangemen and the Ribbonmen were flying at one another he would not give a shilling that either should succeed. He believed that both would be in the wrong. He would give a large sum of money to put both down, and he believed it was very much the same state of things in Italy. Gentlemen in that House were also carried away by their enthusiasm. Their Protestant feelings were excited. They were for putting down the Pope, and constantly urging the heads of the Government to meddle in affairs which did not concern them. No Government, whether Sardinian, Neapolitan, or Papal, believed that this Government were observing the principle of non-intervention with regard to Italy. He had asked the noble Lord some weeks since whether the feelings of Roman Catholics would be respected by a Ministry exclusively composed of Protestants, and whether he was prepared to recognize the principle of absolute non-intervention, more especially as regarded the dominions and sovereignty of his Holiness the Pope. The noble Lord took every occasion to insult his Holiness. They had a specimen last week, when the observations of the noble Lord, with his calm, benignant temper, were infinitely more insulting than the famous "mummeries of superstition" in the celebrated Durham letter. He had never said a word in defence of the rights of Roman Catholics, which he would not also say in defence of Protestants, or any other denomination, if he thought they were being persecuted. What the Roman Catholics wished for was simple justice, and that the Government should not use their power and influence in either direction. It was the persuasion that the Pope and his subjects were not getting fair play, and that the weight of the English Government was thrown into the balance against them, that brought on these enlistments. Not very long ago he was endeavouring to enforce the duty of non-intervention, in a quarrel which he could not understand, on an intelligent peasant in Ireland, when all of sudden the man turned the argument against him by saying, "What do you say, then, to the proceedings of your friends Lord Palmerston and Lord John Russell?" Being thus indentified with the two noble Lords, he could only quote in English what the noble Viscount (Viscount Palmerston) said the other night in Latin,—

> "Pudet hæc opprobria nobis
> Et dici potuisse et non potuisse refelli."
> —"'Tis true, 'tis pity, pity 'tis 'tis true."

Or, in other words:—

> "We blush that such disgraces
> Can be flung into our faces;
> And that we are not able
> To say they are a fable."

After the language used by the noble Lord the other evening, it was impossible to say that the Government were impartial. Re-

ferring to the Pope and the King of Naples, the noble Lord said:—

"Those Governments forget that they are themselves the real and original authors and instigators of those movements, and if their prayer were granted and steps taken to promote and accomplish the object they desired (unless, which is very unlikely, they were prepared to alter their own courses), the first, most effectual, and only necessary step would be their own removal."

By firebrand language of this description, in the House of Commons, the Government prevented the influence of men of moderate opinions like himself having any effect. He certainly had a right, he thought, to claim that title. He had exercised his own independent judgment on these matters, and he believed that he was the only Roman Catholic Member, not in the Government, who had not yielded to the pressure put upon him—and as much pressure had been put upon him as on any one, —to say that the maintenance of the temporal dominion of the Pope was essential to the exercise of his spiritual jurisdiction. Such incendiary language used by the Government paralyzed the action of moderate Roman Catholic gentlemen. Though the Government was entirely Protestant, it ought to respect the feelings of a large portion of the Queen's subjects. This kind of interference was never exercised with regard to Protestant Powers. Had the English Government ever interfered with the terrible bigotry of Sweden, or with the Russian persecutions of Roman Catholics? It was always used against Roman Catholic Powers for Protestant purposes. So long as this system continued, so long would the state of things described by the hon. Member for Marylebone continue. Let the Government desist from the use of such language as this, and let them come down here to-morrow and pass a good and just Land Bill, and then, and not till then, Irishmen would stop at home.

Mr. M'MAHON said, he must complain that, though the Government had expressed their readiness to prosecute people in Ireland for aiding the Pope, they had shown no readiness to put down other violations of the law which were taking place in this country, namely, conspiracies in this country to assist Garibaldi and his friends by subscriptions. There could be no doubt that Garibaldi and his friends were in open rebellion against a Sovereign who was in alliance with this country, and no lawyer would say that to meet openly and publicly to get up subscriptions to assist Garibaldi in overturning the power of an Ally was an indictable offence by our laws. The Scotch law repressed offences against the State with a much stronger hand, and this was an offence clearly punishable by the Scotch law; yet only the other day a meeting was held at Edinburgh, attended by men of the greatest mark in that City, at which Resolutions were passed expressing sympathy with the Sicilians, and a subscription was opened. Among the subscribers were such men as Lord Kinnaird, William Patrick, Esq., Lieutenant-Colonel Somerville, and Commissary-General Wemyss. These gentlemen had as openly violated the Scotch law as the Irish law was violated by the recruits. He certainly thought that if such things were allowed to be done against a Sovereign Ally, it would be a gross inconsistency if Irishmen were prosecuted for assisting a Sovereign Ally. Apart from the merits of the contest both sides ought to be treated with perfect impartiality. He was surprised that the Government should treat as it did the Court of Rome, for there was not a single Ally of this country to whom we were more indebted for long, true, and faithful service. He therefore trusted the Government would act towards the See of Rome with the same impartiality that it would exhibit towards the more powerful of its Allies.

THE WEEDON INQUIRY.

OBSERVATIONS.

Colonel DUNNE said, he wished to call attention to the proceedings of the Weedon Commission, and to the expense incurred by it; together with the Report of the Auditors of the Treasury on that expenditure. He had obtained a Committee some years ago to inquire into the working of that establishment, and into the mode of taking contracts on behalf of the Government. The Committee was reappointed in the next Session, when he had no longer a seat in the House; but as some defalcations became apparent in the course of the Inquiry, the House interfered, and a Royal Commission was appointed to inquire into the circumstances. But, instead of committing that investigation to military men, or even to officers connected with the Civil Service, gentlemen were chosen, of undoubted respectability, who had, of course, done their best, but who, he ventured to think, were not qualified for conducting the Inquiry.

The Commissioners appeared to believe that Mr. Elliot in discontinuing the system of book-keeping enjoined by the orders of the Department to which he belonged had only committed a trivial offence; but if these books had remained in existence it would have been impossible for the disastrous consequences which they all lamented to have occurred. Considerable doubt existed whether the Commissioners had not exceeded their powers, and a lengthened correspondence with the War Office ensued; one of the steps taken by them being to withdraw their accounts from the hands of Mr. Commissary Adams and his staff of military assistants, and to place them in those of Mr. Jay, a professional accountant. The Bill of that gentleman came to a sum exceeding £8,000; to which was to be added the preliminary expenditure by Mr. Adams, and the cost of the inquiry itself. This would raise the cost of the inquiry to something like £12,000. The claim was referred to the auditor, Mr. Arbuthnot, who commented warmly upon it, and maintained that half the amount demanded would be ample compensation. The objections to the claim of Mr. Jay, who was a member of the firm of Quilter, Ball, and Co., were—first, that instead of the accounts being furnished in October, as Commissary Adams had undertaken, they were not delivered till the July following; the expenses, according to the plan of Commissary Adams, would only have been £900, instead of the enormous charge which was now preferred; and, finally, the auditor declared that the accounts as presented by Mr. Jay had no practical value whatever. Some very ludicrous mistakes were pointed out. For instance, in totting up a certain number of thousands of pairs of boots a quantity of bootlaces was included to make up the requisite total—the value of the boots being 8*s*. 10*d*. a pair, whereas the bootlaces only cost about 1*s*. a thousand. It was for the country to say whether this demand, preferred under such circumstances, should be acquiesced in. The Military Estimates, and particularly the civil portion, were becoming so enormous that the country must pay attention to the subject. It was no use talking in the abstract of economy unless the House entered practically into the consideration of the question. Were some 30,000 men, and a condition of defences which might be gathered from the demand of £12,000,000. to render them efficient—results adequate to a war expenditure of £15,000,000? The country could not afford to go on with this rate of expenditure; more attention must be paid to the details of expenditure. It was not by debates on such small subjects as promotions from the ranks, that any improvement would be effected; it was the larger subjects that required investigation. Better organization in the whole system was required. Let them look at the order and economy that pervaded every branch of the French establishments, and take a lesson therefrom.

MR. TURNER assured the House that it was with very great reluctance that he intruded himself upon their attention for a few minutes, because he was not one of those who was in the habit by needless talk of hindering the progress of public business. But having been engaged during four months of a recess after a hard Session in the investigation to which the gallant Colonel had alluded, and having given his best attention to the subject, without any prejudice, but with a sincere desire to bend his mind to a difficult subject, he did not expect that he should be spoken of by the gallant Officer as having involved the country in needless expense. He received a request from the then Secretary for War that he would allow himself to be nominated as the mercantile member of the Commission, and he was told that there would be associated with him one of the police magistrates and an officer of the army of nearly fifty years' standing. He consented very reluctantly, but not until he had consulted Sir Benjamin Hawes, one of the Under Secretaries for War, who said he thought the inquiry might be over in a fortnight. He informed Sir Benjamin Hawes that if he supposed he should go through with an inquiry of that sort in a fortnight he had mistaken his man; that he was determined that a searching investigation should be made; that he should enter upon the inquiry with no prejudice for or against the War Office or towards the old Colonels, who were desirous, he believed, of going back to the old system of clothing the army—he did not allude to the gallant Colonel who had brought forward this Question. He added that he had no prejudice either against the army contractors, but he was determined to have a thorough investigation; and he accepted the office. When the Commissioners arrived at Weedon, it found Commissary Ge-General Adams, with eight Commissaries and a staff of clerks, making out an ac-

count. But the Commission, at its first meeting at Weedon, informed the authorities at the War Office that they would not be at all satisfied with any examination of the accounts by the officials of the War Office, and that it was their intention to have an independent accountant. The Commissioners were informed that Mr. Commissary Adams with about twenty clerks were investigating the accounts; but he (Mr. Turner) said, notwithstanding that, they would have an independent accountant, and he himself put this question to Mr. Ramsay, a high official in the War Office:—

"I suppose it will be satisfactory to the authorities at the War Office as it will be to us that there should be a thorough investigation of the account-keeping at Weedon by an independent man, who has no connection with the War Office?" and the answer was, "Quite so."

As the evidence was daily reported to the War Office, and not a word was ever said to stop them from having an independent inquiry, he said that from the outset of the inquiry they had the sanction of the War Office for such an investigation. When they went down to Weedon they found things much in the state they were likely to be. There was Mr. Commissary Adams there with his clerks investigating the accounts, and at the close of a statement in writing which he gave to them prior to giving his evidence, he said,

"It must be observed that even the accounts thus prepared"—he was referring to the accounts he was engaged upon—"cannot be deemed satisfactory public accounts until it has been thoroughly ascertained in the course of the examination at the War Office that all purchases and all transactions with contractors and the army packers in Mark Lane have been properly accounted for. It must also be observed that the present accounts are drawn up from a mass of documents, a very large number of which are defective, one-half of them without any examination whatever, and there is no guarantee that they represent all the transactions at the depôt."

Now, how could such an account be deemed satisfactory? When they came to examine him he was asked this question:—

"You have had considerable experience no doubt in accounts. Did you ever in the course of your experience find anything so disgraceful in the modo of keeping accounts in any stores?"

And the answer was,

"There has been no keeping of accounts at all." "Do you not think that if any private establishment acted upon the system of non-book-keeping, it would in a short time be in the Court of Bankruptcy?" And his answer was, "I think it is very likely they would."

Again he was asked,

"Are the vouchers to which you have alluded not valid vouchers?" And the answer was, "To some of them there are no signatures. There are 700 or 800 objectionable vouchers altogether."

When the Commissioners returned to London they made a representation to the War Office that they could not be satisfied with accounts made up of such unsatisfactory materials, and that it would be better that the accountant who had been engaged up to that time on the system of keeping accounts should go into the matter in a mercantile manner; and there was no question about it that they had the consent of the then Secretary for War (General Peel) to have that investigation. Commissary General Adams and all his Staff were dismissed, and the books were placed in the hands of the first accountants in London—Quilter, Ball, and Jay—and they went through the accounts to the time that Captain Gordon took charge of the depôt at Weedon. They had made a very heavy charge—too heavy he thought—but the investigation extended through all the transactions at Weedon since that depôt was established, and they had at all events accomplished this matter: they had shown that after all there was no very great defalcation of stores at Weedon, and that the articles for which the Treasury paid were delivered. The accounts, after all the labour bestowed upon them, were not quite satisfactory, inasmuch as there were some litle discrepancies in the balances; but on the whole he was satisfied there had been a valid accounting for the articles at Weedon. He was one of the Commissioners, and to him the inquiry was satisfactory. No doubt they had been blamed by many parties for the lenient way in which it was said they had dealt with the authorities at Weedon; but it should be remembered that the Commissioners were not appointed to support any system or party in office, but were appointed for the purpose of examining the accounts and books; they had done so diligently and faithfully, and had presented a most faithful Report. In this labour they had sacrificed their time, and two of them at least had suffered in their health. He thought it was now very unfair that the Commissioners should be blamed, and strange that they were not better supported by the authorities. The Commission was issued during a Conservative Government, and possibly there might have been some disposition to look into the bad system of keeping the accounts by their predecessors. But since the present Government had been

in power they had not looked upon the Report of the Commissioners very favourably, and recently the hon. Gentleman the Secretary to the Treasury had referred to "that unfortunate Weedon Commission." No doubt it had been unfortunate to many; to colonels, contractors, and the Government officials; it had also been unfortunate to the Commissioners, who, after having devoted a long time to a laborious and troublesome investigation, had not, at least so far as he was concerned, received the slightest thanks for what they had done. He would, however, appeal to the House, if he did not to the Government, to say that they had performed their duty faithfully, honestly, and well.

MR. MONSELL said, that having paid the utmost attention to the labours of the Commission, he was of opinion the hon. Gentleman who had just addressed the House, as well as his Colleagues, had displayed during the inquiry a great deal of patience and industry, and merited the thanks as well of the House of Commons as of the country. His principal object in rising was, however, to call the attention of the Secretary for War to the circumstance that in a paper which had been placed in the hands of Members that morning an item was set down of £105,000 as the Vote for the purchases of cavalry horses. Now, it appeared from the same paper that when, in 1858, two new regiments were added to the cavalry the sum voted for the purchase of horses was only £81,000, and in 1859, which might be considered an ordinary year, £55,000. Why it should be £105,000 for a similar purpose this year, when no augmentation in the number of men was about to be made, he was at a loss to understand.

MR. SIDNEY HERBERT, adverting to the subject of the Weedon Inquiry, said, he should not detain the House by entering into it at any length, inasmuch as it had on a former occasion been fully discussed, and inasmuch as he—not having been in office at the time of the appointment of the Commission—could speak upon the question with which it had to deal with comparatively little authority. He must, however, assure the hon. Gentleman behind him (Mr. Turner) that he was mistaken in supposing the Government did not entertain a due sense of the services which the Commission had gratuitously rendered to the public, in endeavouring, at a very great cost of time and labour, to elucidate details of a very complicated character. It was, he believed, the fact that at the time when the great consolidation of some of the public Departments took place the capital mistake was committed of the War Office imposing their system of accounts on the Ordnance, instead of the Ordnance imparting their system to the War Office; for the Ordnance system was much more efficient for purposes of this kind. His predecessor in office had, he might add, in his opinion, made a very good selection of Gentlemen to serve on the Commission, and had very properly left the inquiry in their hands. If a larger expenditure had been incurred than would appear to have been justified, still it must be borne in mind that the question must not be measured by money results, for the sum ascertained to have been lost by the malversations at Weedon amounted, he believed, to little more than £250. Still there had been very great neglect there, and the confusion of accounts had since been rectified.

In answer to the remarks of the hon. Member for Limerick (Mr. Monsell), he might observe that he thought he could show him some documents which went to prove that cavalry horses lasted longer in this country than in foreign services, although they were more worked. The hon. Gentleman said that no augmentation of the cavalry was in contemplation for the present year; but then there were two regiments from India which must be rehorsed; while it should not be forgotten that there had been an advance in the price of all descriptions of horses.

COLONEL GILPIN, in reply to some observations of the hon. Member for Manchester (Mr. Turner), stated that having been a Member of the Contract Committee, he did not think there was a particle of evidence to show that the Colonels were desirous of returning to the old system, and having observed that one advantage of that system was that the loss, if the clothing were rejected, fell upon the Colonels and the contractors instead of on the public, as at present, bore testimony to the admirable quality of the clothing supplied this year.

SIR HENRY WILLOUGHBY drew attention to the difficulty which lay in the way of ascertaining the exact mode in which the sums voted under the head of Army Estimates were expended. The House had not the slightest assurance that the Estimates as voted, corresponded with the expenditure. Comparing the

present Estimates with the expenditure for the army for the year ending the 31st of March, 1859, he found that the latter furnished no sufficient guide in dealing with the subject. Last year, for instance, the money which was expended for the army was £12,527,000; the money voted £12,011,000; the expenditure being £516,000 in excess of that amount. This was a most important fact; but there was something still more formidable that required attention. Under the Appropriation Act the War Office might, with the consent of the Treasury, apply the surplus in the case of one grant, to a different purpose from that which had been originally contemplated. The consequence was, that when once a sum of money exceeding the wants of the country under the particular head under which it was voted, was granted by the House of Commons, the Government were in a position to do as they pleased with any surplus that might remain by applying it under any other head; and he found that last year no less than £1,281,000 had thus been spent without any authority from Parliament in connection with various items. The Vote for the Militia was a striking example of this evil. In 1859 the sum voted for the Militia was £159,000, but the sum expended was £881,000. If the House was to exercise any control over the public expenditure, they must insist on Estimates prepared with the greatest care and accuracy, and alter that clause in the Appropriation Act which authorized deviations in the application of sums voted for one purpose to another without distinct sanction to each departare. If Estimates were loosely framed, the time they spent in discussing them must be entirely thrown away. He could not sit down without expressing his belief that the Member for Manchester and his colleagues, who had acted as Commissioners on the Weedon inquiry, had met with very scant justice. A more laborious Commission, or one which had performed its duty more faithfully, never sat. It was extremely unfortunate that so much exertion should have ended in a question as to who should pay an accountant's bill, although he must say that the account was a most extravagant one. But that in no way could derogate from the honourable and patriotic manner in which the Member for Manchester and his colleagues had discharged a very odious duty.

Mr. W. WILLIAMS quite agreed with the hon. Baronet that the mode of getting up the Army Estimates was most unsatisfactory. He had known instances in which hundreds of thousands of pounds had been taken from one Vote and applied to another without Parliamentary sanction. A Vote that was unpopular might be put down at £100,000 less than was known to be required, while another Vote that was popular was estimated at so much more, the balance being afterwards applied as the War Office thought proper. [Mr. Sidney Herbert: With the consent of the Treasury.] No doubt that was so; but the principle was indefensible. Three or four years ago the then Chancellor of the Exchequer (Sir George Lewis) promised that the system should be altered; but no change whatever had yet taken place. He hoped the time was not far distant when the House would take the power from every Department to apply the amount of one Vote to the discharge of another; and he should be glad if the hon. Baronet the Member for Evesham would bring in a Bill to do away with the very objectionable practice. As to the consent of the Treasury that was a mere matter of form, and it was given without investigation.

Sir FREDERIC SMITH thought the hon. Baronet and the Member for Lambeth complained of the Army Estimates without reason. They were given in great detail; they occupied 152 pages, and it was impossible that Estimates could be drawn up with more accuracy. As to the appropriation of the balance of one Vote to make up a deficiency in another, that was a matter for which the Treasury was responsible, not the Secretary for War. With regard to the rate of cost of cavalry horses in this and foreign countries, his conclusion did not entirely accord with that of the right hon. Gentleman, and he hoped the Secretary for War would endeavour to curb this expense as much as possible. He might add that the sale of horses from regiments was not in all cases conducted with a due regard to economy.

Colonel SYKES said, he must also complain of the manner in which the surplus of one Vote was applied to another without the authority of the House. It had the effect of inducing the House to grant the money without much discussion, and Estimates were prepared in order to meet the views of the House; for instance, an Estimate not likely to be relished by the House was made as light as possible, while on the other hand an Estimate not likely to be questioned was made high,

thus the Estimates did not represent the sums truly required for the objects mentioned. This question was discussed three Sessions ago in a very animated manner, and it was then understood that the course should not be pursued any longer. He thought the House ought to exercise some control over the matter.

Main Question put, and *agreed to.*

SUPPLY.—ARMY ESTIMATES.

House in Committee: Mr. MASSEY in the Chair.

(1.) £131,224, to complete the sum for Departments of Secretary of State for War and General Commanding-in-Chief.

SIR HENRY WILLOUGHBY said, if his hon. and gallant Friend, the Member for Chatham (Sir F. Smith), would compare the details of the Estimates of 1859 with the actual expenditure, he would find they were not so accurate as he evidently imagined them to be. In that year the House had voted £182,977 for the same purpose as that now under discussion; but the Government had actually spent £192,000. He wished the right hon. Gentleman (Mr. Sidney Herbert) would explain whether the same variation was likely to exist this year between Estimate and actual expenditure; because, if so, it was really a waste of time to discuss the Estimates.

MR. W. WILLIAMS said, it appeared that the cost of the Departments of the Secretary for War, and of the Commander-in-Chief, was considerably larger in amount than before the union of the offices; and the present Estimates were considerably in advance of those of last year. The figures for the War Office were this year £9,510; for the Office of the Commander-in-Chief, £1,705; between £10,000 and £11,000 together. The Secretary for War had declared himself responsible for the acts of the Commander-in-Chief. He doubted, however, whether he had much influence of the high personages at the head of the army. He ought to be responsible for all.

SIR FREDERIC SMITH said, the reason of the increase of the Estimate of this year was, because the Estimate of last year was found insufficient, owing to the increased demands upon the Staff, which was increased accordingly; and for which, therefore, an amount was required to be voted. He would take that occasion to make a few remarks on a Return which had been presented to the House as to the temporary clerks in the War Office. There were 125 of them. But that arrangement had not been made by the right hon. Gentleman the present Secretary for War. It appeared that one gentleman, fifty-eight years of age, was appointed in 1847, and, although he had performed thirteen years service, he was only a temporary clerk. Then there were fourteen clerks who were thirty-five years of age, who had been temporary clerks for six years, thirty-three for five years, and others for different periods. He thought that the time had now come when these gentlemen should be permanently employed; inasmuch as, without permanent employment, men were not very zealous in the performance of their duties. He trusted that this temporary system of employment was not to go on for ever. The cost of clerks had been raised from £15,000 last year, to £21,000 this year; and he thought it was desirable to know how long this increase was to continue?

COLONEL GILPIN wished for an explanation of the charge for three classes of messengers.

COLONEL DICKSON said, it was a misnomer to call these temporary messengers, as they appeared in the Estimates regularly every year.

COLONEL SYKES pointed out an incongruity in the charges for the head clerks in the Commander-in-Chief's department. The first clerk received £1,000 a year; the second, £800; but the third, £975, or £175 more than his senior in office. Besides this, the third clerk was this year to receive £50 above his salary last year, while there was no augmentation in the case of the second clerk.

MR. SIDNEY HERBERT begged, in the first instance, to refer to the remarks of the hon. Baronet, the Member for Evesham, with regard to the payment from the surplus of one Vote into the deficiency of another. That could not be done, except under the sanction of the Treasury. The hon. Member for Lambeth said it was done, no doubt, upon the authority of the Secretary of State. On the contrary, the Treasury exercised a very rigorous supervision; and he frankly admitted very properly so; although they had refused him to do things which very often, he thought, might be advantageous for the public service. But he thought they were right in maintaining the rule, that although there might be an addition made from the surplus

of one Vote to cover the deficiency of another, on a work sanctioned by Parliament, it must never be done on a work not sanctioned. When Gentlemen talked of laying on the table an estimate of £15,000,000, and expected that they could make every Vote come right, it was expecting what no man could do with his private income.

SIR HENRY WILLOUGHBY: My right hon. Friend quite misunderstood me. I said when any variation occurred, you might come to the House of Commons and get a Vote.

MR. SIDNEY HERBERT said, the House might not be sitting, and to wait for the Session would be too late. Last year there was a sum of money applied to increase the amount of machinery for making rifle guns at Woolwich, which was a surplus upon another Vote. He thought it an urgent service, and was most anxious to have the means of producing rifle guns for the navy. If he had waited until Parliament met, a great deal of valuable time must have been lost. At the same time he admitted that the Treasury properly exercised a strong practical supervision. On the other hand, it was clear that, with an estimate of nearly £15,000,000 upon a service scattered all over the globe, for the army in every colony, possession, or protectorate, of which the accounts did not come in until after the financial year had closed, no human foresight could produce a perfectly exact estimate. Practically what would be thought of the public officer who, upon a question of that kind, would refuse to take the responsibility of diverting the surplus of one Vote to cover the deficiency of another, when the service was an urgent one, which he would be properly blamed, if he had not undertaken to execute. With regard to the excess of the Estimates, he found that every year there had been an expectation of a reduction in the number of temporary clerks, &c., and yet the reduction never was made. The Estimate was for what the establishment actually cost last year; and although it appeared to him that there might possibly be a diminution in the amount of writing and correspondence connected with the War Office, yet he liked to be on the safe side. With regard to the temporary clerks, he was entirely of opinion with the gallant Officer (Sir Frederick Smith); and the War Office, in fact, made a representation to the Treasury that it would be much better, instead of that enormous number of temporary clerks, to have a larger establishment, and get rid of the employment of temporary clerks to such an extent. It was not wholly a disadvantage to the public service, because they ascertained, by reports from the different branches, who should be allowed to compete for the permanent establishment; but he frankly admitted that the system was carried to excess in the War Office. The Treasury had appointed a very able Committee to examine into the subject, and very properly refused to give any answer until the Committee had reported.

COLONEL NORTH asked, if the age of the clerks interfered with their competing?

MR. SIDNEY HERBERT said, if they stayed beyond a certain age it did; but those who were most fit had the advantage of competing before that time arrived. The number of messengers employed, arose from the enormous amount of business going on. He did not believe Gentlemen had any idea of the vast increase in the business last year. It was not caused merely by the additional force; but he believed the enormous facility given for writing, and the habit of writing, which was spreading everywhere, and pervading the whole population, increased the business of most Government offices to an extent which was almost inconceivable. He was not able to explain at present the cause of the larger salary of the second Assistant Secretary in the Commander-in-Chief's office.

COLONEL DUNNE said, the appropriations ought to be printed with the Estimates, and not in a separate paper.

SIR HENRY WILLOUGHBY said, it was the excessive amounts of the appropriations that he complained of.

Vote *agreed to.*

(2.) £249,005 to complete the sum for Manufacturing Departments, &c.

COLONEL NORTH asked why the officers of the military store and barrack department and the clerk of the works should not be placed in Vote 3, and obtain the advantage of being placed upon the permanent staff of the army.

MR. MONSELL had observed that it was proposed to give the superintendent of the small arms department a special allowance of £300 a year in addition to what he had hitherto received. Of the great ability of that hon. and gallant officer, Colonel Dickson, and the manner in which he discharged the important trust committed to him in that department, he could not speak too highly; and he perceived that the amount of money expended in

these factories was £200,000 a year. But he likewise saw that £100,000 was expended on the Royal laboratory, and he thought that the gallant officer who presided over this department ought also to have an increased allowance. The duties of his office were heavier, and also perhaps more important than those of the small arms department, and he (Mr. Monsell) could not conceive why he did not receive a like increased allowance to that of the other gallant officer. He trusted the right hon. Gentleman would give such an explanation as would show that he was not dissatisfied with the manner in which the gallant officer performed his duties.

COLONEL GILPIN complained of the injustice of allowing only 1½*d.* a day for lodging money in a garrison town; and asked how the money had been expended which was voted some years ago for the furnishing of the mess-rooms and public rooms in barracks.

MR. W. WILLIAMS wished to know why we continued two military officers, one at Liège and the other at Solingen, at a salary of £700, besides their military pay. He thought that, with our small-arm factory, and with the aid of the Birmingham gunmakers, we could obtain small arms enough in our own country without resorting to foreign factories. It had been stated that we sent over our plans for rifles to Liège during the Russian war, but that we did not get a single rifle from them—they were, in fact, made over to the Russians.

COLONEL LINDSAY wished to call the attention of the right hon. Gentleman to the position of married women in regiments. It was admitted that a certain number of women was necessary in a regiment, and permission was given to soldiers to marry to the extent of 6 in 100, for whom accommodation was found in the barracks when that was possible. But accommodation for married people in barracks was rare, and the lodging-money, to which allusion had been made, was far too small. He therefore suggested that the position of these married women should be more recognized than it was, that rooms in the style of model lodging-houses should be attached to barracks for the accommodation of the married soldiers, and till that was done some increase in the allowance for lodging-money should be made. If this were done, the men would not be driven to resort to the very worst part of the town.

MR. MONSELL denied the statement of the hon. Member for Lambeth that the Russians got hold of a single musket manufactured for us during the late war. The rifles manufactured at Liège were from 5*s.* to 6*s.* cheaper than those manufactured at Birmingham, and though he believed that the Birmingham guns were quite equal to those of Liège, yet it did so happen that in every trial between them the Liège guns beat the Birmingham ones.

CAPTAIN JERVIS expressed his belief, in spite of what had been said, that the Birmingham rifles would hold their own against the world. As to the lodging-money, he thought the question was one of a much broader nature than had yet been started—namely, whether they should throw obstructions in the way of the soldier marrying, or whether he was to be left free to marry, as the citizens in all countries in the world were. Within the last ten years 3,000 soldiers had been admitted to the hospitals at Woolwich whose services to the country would not, in all probability, have been thus lost if, like other citizens, they had been allowed to settle down quietly.

SIR FREDERIC SMITH said, the hon. and gallant Member ought to know that in France no man was allowed to marry till he had gone through his allotted period of service as a soldier. Every commanding officer knew that his greatest difficulty on a march, or still more on being ordered on foreign service, was the incumbrance of soldiers' wives with their baggage. It was a life of unhappiness, of trial, and of privation for the women, and the more the soldiers were dissuaded from marrying until nearly the end of their service the better would their service be performed.

MR. SIDNEY HERBERT said, he was on the whole averse to giving military rank to store-keepers. He thought there were too many *quasi* military men with military rank already. With regard to the salaries of Major Boxer and Colonel Dickson, he would be the last man to depreciate the services of the former, for he believed a more energetic officer was nowhere to be found. But the services of Colonel Dickson covered a vast deal of ground. He could suggest, however, to his right hon. Friend that he would not do better than leave Major Boxer in the hands of the Government—his merits would be sufficiently appreciated and rewarded. As to the lodging-money, it was a very difficult and a very expensive question. That money

varied on different stations, Woolwich, he believed, being one of the worst; and he had, therefore, taken a vote of £30,000 this year, which he proposed to expend on the construction of barracks for married men at Woolwich. He would not enter into the married soldiers' question. It had been often discussed, and had never been brought to a satisfactory conclusion; but this he might say, that as now all the men were on short service—they entered the army at eighteen and might leave it at twenty-eight—there was not the same hardship in refusing permission to marry as when the men entered the army for life. As to the officers who were at Liège and Solingen, he would remind the hon. Member for Lambeth that we had at present large contracts executing there, and the officers referred to were there for the purposes of inspection. As to the barrack furniture, they were trying the experiment of supplying some of the barracks with furniture, for which the officers would be charged a percentage, and he hoped it would be successful.

Vote *agreed to.*

(3.) £550,234 to complete the sum for Wages of Artificers, &c.

Sir JOSEPH PAXTON called the attention of the House to the great increase that had taken place in the number of artificers employed. Last year there were 8,000, now there were 13,000. He hoped that when the time came for dispensing with their services, they would not be turned adrift in masses, as they were at the close of the Russian war.

Mr. F. PEEL said, he feared that the columns in the Estimates which proposed to state the number of persons employed in the several manufacturing departments did not give accurate information. Under the head of laboratories it appeared that in the current year there were to be employed 1,154 persons more than last year, and if they supposed that their wages on the average would be £40 each, that would require an increased sum of about £40,000 or £50,000; whereas the sum taken this year was less than last year by £2,400. In the carriage department he observed that the increase in the number of persons employed over last year was 350, while the decrease in the cost was as much as £10,000. He also wished to ask a question with respect to the carriage department. As far as he understood there was a difference between the revised and the original Estimates. There was an increase in the force of 2,000 men, costing about £240,000 additional, which sum was met by the reduction of £80,000 each on three Votes—one the Miscellaneous Vote, one the stores Vote, and a third in this, the carriage department. He wished to ask what was the work which it was proposed to execute by means of the sum of £80,000, which it was now found possible to dispense with?

Mr. SIDNEY HERBERT said, it was true that with an increase in the number of hands, there was a diminution in the amount of the Vote; and that circumstance had arisen from the fact that many of the persons employed were boys, who were engaged in the manufacture of small-arms ammunition, and who, of course, did not receive a high rate of wages. The reduction in the carriage department had been effected in the following manner. It was found that carriages could be constructed more rapidly than they were required; but it was deemed advisable not to dismiss any of the men, but merely to diminish the amount of overtime.

Vote *agreed to.*

(4.) £210,000 to complete the sum for Cloth-ing, &c.

Colonel DUNNE called attention to the confusion at present existing in the accounts in the War Department with regard to clothing. Clothing ordered last April had not yet been delivered; and he should propose the Vote be suspended until some explanation had been afforded. He wished to get the actual expense of the clothing which did not appear.

Sir FREDERIC SMITH suggested that next year the number of men should be placed opposite the amount voted, so that the Committee might know whether there had been economy in the Clothing Department or not.

Colonel DUNNE asked what was the actual cost of clothing for the Line.

Mr. SIDNEY HERBERT said the cost was £4 5*s.* per man.

Vote *agreed to.*

(5.) £851,377 to complete the sum for Provisions, &c.

Sir FREDERIC SMITH said, he could not understand why the barrack furniture should cost so much every year, as it lasted a long time, and the soldiers themselves had generally to pay for the repair of it.

Sir JOSEPH PAXTON asked for an explanation of the increase in the Forage and Fuel Departments.

Colonel DICKSON hoped that the Se-

cretary for War would take steps to give cavalry officers their forage free, and also to protect the men from the awful mulctings to which they were subjected on the score of barrack damages.

COLONEL NORTH asked why commanding officers of cavalry regiments did not receive command money like infantry officers?

SIR WILLIAM RUSSELL said, the cost of the repairs of barrack furniture was more than met by the charges made on every regiment, and he was afraid this was only to be accounted for by some great waste in the service.

COLONEL DUNNE said, if the officer in charge, when taking up the barracks, would only govern them properly, it would be impossible for improper charges to be afterwards brought.

COLONEL DICKSON said, there never yet was a regiment in which, at the end of every month, deductions for barrack damages were not made from every man's pay.

Vote *agreed to.*

(6). £1,365,088 to complete the sum for Warlike Stores.

MR. MONSELL asked why an additional sum of £300,000 was this year required for the purchase and repair of small arms, the amount this year being £615,051, instead of £322,592. In the Vote for iron ordnance, shot, shell, &c., there was also a very great increase. He wished to know what portion of that amount had been applied to the manufacture of Armstrong guns, and how much in the purchase of smooth-bore guns, to be afterwards rifled either on Sir William Armstrong's or some other patent. He understood that none of the smooth-bores which had been rifled had given satisfactory results, and that some of them had burst.

SIR FREDERIC SMITH remarked that the sum asked for Miscellaneous Stores in the present Estimate was £713,438, while last year it was only £621,354. When so many other items were given in detail he thought this was a case in which fuller information might be given.

SIR STAFFORD NORTHCOTE also referred to the large increase in the Miscellaneous Estimates, particularly those for India. He also wished to know when the Returns ordered of the account between the Indian Government and English War Office would be laid upon the table.

COLONEL DUNNE said, it appeared that 120,000 rifles had been supplied to the Volunteers. Now, these were very delicate weapons, and he wished to ask whether any steps had been taken for ensuring their safe custody in their present hands.

MR. SIDNEY HERBERT said, it would be impossible to print in the Estimates all the items of which the Vote for miscellaneous stores was composed; but it might, perhaps, be desirable to class them under certain heads. The large sum which was charged for small arms arose from the circumstance that last year the trade did not deliver the whole number they had contracted for, and there was, therefore, an unusually large delivery this year. Besides the Estimate for 1,000 Armstrong guns, they had also made provision for the manufacture of a number of smooth-bored guns of heavy weight, for which, under certain circumstances, rifled ordnance could not be substituted. He thought the arms were safer in the hands of the Volunteers than of ordinary recruits: moreover, the Volunteers were bound to repair any damage which was done to the arms placed in their hands. The payments from the Indian Government for stores were now made more rapidly than in former times; but the settlement of the general military accounts with India could not be completed until after the lapse of three or four years.

COLONEL SYKES complained that, although on the whole Estimate there was an increase of £950,000, the House was put in possession of no information to show that it was necessary.

SIR JOSEPH PAXTON said, he had been informed that the Armstrong gun had cost the country, directly or indirectly, a sum of £1,000,000. Now, he had no objection to make to that outlay if the arm was likely to perform the services that had been supposed. But he was anxious to know whether the right hon. Gentleman had turned his attention to the Whitworth guns, which had proved to be most efficient weapons. With respect to the Whitworth rifle, he wished to state that he had received a letter from Mr. Whitworth, in which that gentleman declared that he could manufacture that instrument at Enfield as cheaply as the rifles which were at present made there; and as the Whitworth rifle had stood the test of all competition it was desirable that that declaration should be put to some practical test. No doubt Sir William Armstrong had expended a very large sum of money in bringing his gun to its present perfec-

tion: but so also Mr. Whitworth had expended £30,000 or £40,0000 on his. Now as Mr. Whitworth must turn this outlay to account for some country or other, he hoped it would be for England, and that the War Office would retain Mr. Whitworth as they had Sir William Armstrong. If our Government did not purchase Mr. Whitworth's invention, he had no doubt some other country would.

Mr. MONSELL condemned the manner in which the gun-factory at Woolwich was at present governed. The gallant officer who was formerly at the head of the factory had been removed to make way for Sir William Armstrong.

Mr. SIDNEY HERBERT explained that Sir William Armstrong was Director of the Rifled Ordnance, not of the whole gun-factory, and that his appointment to that office and the removal of Colonel Wilmot were quite distinct.

Mr. MONSELL believed the appointment of Sir William Armstrong necessarily led to the removal of the gallant officer. The objection to the present arrangement was, that if the gun of Mr. Whitworth or of any other inventor proved to be superior to that of Sir William Armstrong, and were purchased by the Government, the manufacture of it would have to be confided to a rival inventor. Mr. Anderson, he knew, was the resident head of the factory, but still he was subordinate to Sir William.

Sir FREDERIC SMITH wished to know whether it was proposed that there should be a trial for range or accuracy of the Armstrong and of the Whitworth guns.

Mr. SIDNEY HERBERT said, Mr. Whitworth had been in communication with the Government; he had, indeed, received considerable assistance from it. Mr. Whitworth proposed two things,—that the Government should try his gun, or buy it; on the whole, the Government had decided on buying the gun without trying it. If on trial the Whitworth gun should prove the superior arm, Mr. Whitworth would supply a little additional machinery to the Government manufactory which would enable the Government to make the gun without difficulty, Mr. Whitworth receiving a certain royalty on each gun. As to the Whitworth rifle, it was certainly a very good weapon; but it cost £10, while the Enfield rifle cost only £2 18*s*. The Government must hesitate before it decided on adopting the more costly article. The life of a rifle is estimated to be about ten years; and there should always be in store 500,000; to replace the arms now in use by the Whitworth rifle, and have the proper number stored in reserve, would cost £10,000,000. Mr. Whitworth was trying a less expensive process of making the rifle barrels, by which, if it succeeded, a great advantage would be gained. He thought the Government would be acting unwisely if, when the present weapon was in advance of that of all other armies, it changed it for one more than three times its cost. It had been stated that the Armstrong gun was very expensive, that it had already cost the country £1,000,000; but he believed it would cost less at last than at first. The brass 12-pounders that originally cost £250, were now manufactured for £90 and £100. Part of the Vote for ammunition was applied to shot and shell for the Armstrong gun; it was very expensive, as were other shells and fusees; but the destruction caused by the Armstrong shells was much greater.

Sir FREDERIC SMITH suggested the expediency of putting a certain number, at all events, of Whitworth rifles, into the hands of our troops. The British soldier was the most costly one in Europe, and he also performed the largest amount of duty; and it would be true economy to arm him in the most efficient manner.

Lord FERMOY understood the Government had decided on first buying the Whitworth gun and trying it afterwards. Surely the merits of the gun would be an ingredient of the price. To ordinary minds it seemed a strange way of doing business.

Colonel SYKES thought it not quite decided whether the Enfield rifle was the best weapon. It fired rapidly, but he understood grew foul very rapidly also. He was not aware whether the Whitworth rifle was liable to this defect in the same degree.

Captain JERVIS said, he doubted whether the Whitworth rifle might not foul even more quickly than the Enfield, since the diameter of its bore was smaller.

Vote *agreed to*.

(7.) £206,500, Civil Buildings.

Sir FREDERIC SMITH asked for explanations relative to the total estimated cost of the store establishments at Fort Touraille, at Guernsey and Alderney, amounting altogether to £30,000, and £15,000 of which was for the present year. He should like to know how it came to pass

that it would cost so large a sum, which in itself was sufficient to construct a small fort. At Woolwich Arsenal there was also a proposed charge of £2,000 for a new painters' shop, £3,000 for a cart and waggon shed, £8,000 for a landing and shipping shed, and £12,000 for a new magazine establishment. There was also £50,000 taken for a school of gunnery at Shoeburyness—which was about the price of a small fortress. Unless satisfactory explanations were given on these points he thought the works ought not to be undertaken.

MR. SIDNEY HERBERT said, it was necessary that the store establishments at Fort Touraille should be surrounded by a defensive inclosure. The charge for the new painters' shop might seem considerable, but it was to cover a larger space, and when they remembered what a large amount of painting had to be done it could not be considered excessive. The waggon shed would be found convenient for the accommodation of the carts of the military train. The shipping wharf was also indispensable for the new magazine establishment. It would effect a great saving, as it would form a permanent magazine, and supersede the necessity of sending the powder by floating lighters up the river. As regarded the school of gunnery at Shoeburyness he had no intention whatever of stopping the progress of the works. The school was for the instruction of our troops and artillery force, and the money could not be better expended. It was an institution from which the army would derive the greatest benefit. He should be sorry to see the Vote curtailed, as it would prevent them from going on as rapidly as possible.

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £707,607, be granted to Her Majesty, to defray the Charge of Barracks, at Home and Abroad, which will come in course of payment during the Year ending on the 31st day of March, 1861, inclusive:"—

COLONEL NORTH took occasion to ask whether in the new hospital at Netley it was intended accommodation should be afforded for the lunatic soldiers of the army? While upon that subject he should wish to draw the attention of the House to the case of a poor soldier who had become a lunatic in consequence of wounds he had received in the service of his country. The case, which had occurred at Rochester, had come on for hearing before the mayor. This man was set adrift in the streets of Chatham with a non-commissioned officer in plain clothes to watch him. But suppose he had done some one an injury? It was disgraceful to this country to treat thus a soldier who might have lost his reason from sun-stroke, or from wounds received in the service of his country. He thought the overseers of Rochester quite right in refusing to maintain all the lunatics discharged from the military hospital. He had sat upon the Committee for inquiring into the sanitary arrangements of the army, and there was no point on which the Committee were so unanimous as on the recommendation that there should be a lunatic asylum for the army; and the Committee, after a full consideration of the subject, recommended that a portion of the hospital at Netley should be set aside for lunatics. Sir J. Liddell told the Committee that in the navy a sailor was taken care of from the moment he was seized until he was restored to reason. One of the Inspectors-General of the army said he found that when a lunatic soldier disobeyed the orders he received from civilians set over him he said, "I do not know you; you are not my officer, and I have nothing to say to you." If lunatic sailors were so well taken care of, why should there not also exist a lunatic asylum for soldiers?

MR. MONSELL inquired what necessity there was for expending £120,000 in erecting a new hospital, and purchasing land at Woolwich. Even were it required, was it right to go on expending at so formidable a rate?

SIR STAFFORD NORTHCOTE said, there were two items in regard to which it appeared either that the columns were not added up correctly, or else that the Estimates had been much exceeded by the actual expenditure. The estimated cost of the New Staff College at Sandhurst was £75,000. It appeared that £20,000 had been already voted, that £25,000 was now asked for, and that £40,000 was wanted to complete the college, being £10,000 more than the original estimate. Then, in the next page, there was a Vote for erecting new barracks at Chelsea. The original estimate was £140,000. The amount already voted was £120,000, the sum now asked for was £30,000 and the further amount required was £110,000. Here the estimated cost appeared to be £140,000, and the expenditure £260,000. This Vote required some explanation.

Then there was a vote for the new hospital at Netley. The total estimated cost was £292,911; the amount already voted was £285,000; the sum now proposed to be voted was £45,000, and the further amount required was £25,299. Here was an outlay of £355,000, against an estimated cost of £292,911. Some valuable instructions had been issued by the right hon. Gentleman to Engineer officers in regard to the expense of civil buildings. An opinion was gaining ground, however, that these buildings would be better attended to by the Board of Works, which had the care of all the public buildings of the country.

SIR JOSEPH PAXTON, seeing an item for £21,000 for gas at Aldershot, hoped it was not intended to introduce gas into the huts there. It was very undesirable, on sanitary grounds, to introduce gas into small and crowded buildings. He wished also to know whether the site for the barracks at Nottingham had been purchased, and whether it would be sufficiently far from the town to permit of exercising and recreation ground being provided for the soldiers. He did not think the Hotel at Fleetwood adapted for the purposes of barracks. Then as regarded Netley. He thought it had been one of the most mismanaged of all our public buildings. But he was bound to say that the right hon. Gentleman the present Secretary for War was to be exonerated from blame in this matter because he was the first to call attention to the matter, and to endeavour to arrest the further progress of the building on its present site. Land had first been purchased on the Southampton Water. Then money was asked for the foundations. Step by step the outlay had risen to £350,000, and no doubt it would amount to £400,000 before it was finished. It was a hospital for accommodating 1,000 men, and it would cost £400 per man, while in a sanitary point of view it was a most improper site for a hospital. He had visited most of the hospitals in the country, and Netley also, and he must say it was a miserable production. The sun hardly penetrated the long corridors, and it was internally ill-arranged. It appeared to be got up for a show in Southampton Water, and not as a hospital for invalided soldiers. He should like to know for how many men the new hospital at Woolwich was intended. Was it true that it was intended to erect brick instead of wood huts in the various camps in the country? There was an item of £50,000 for sanitary improvements, under barrack and hospital Commissions. His only objection to this barrack expenditure was, that we did not from the first take the bull by the horns and ask for £800,000 at once, instead of perpetually taking these additional Votes.

MAJOR HAMILTON wished to know whether the Vote for military prisons was to provide increased accommodation. He thought in the case of soldiers convicted of only military, not criminal offences, care should be taken that they were confined in prisons where military discipline was enforced, and that they should not be degraded by contamination with felons.

MR. PIGOTT approved the suggestion of the hon. Member for Coventry, that the huts at Aldershot should be constructed of brick. The huts at present were not water-tight; many of them were in a very loathsome state, infested with bugs, which rendered them almost uninhabitable by either men or officers. This annoyance should be got rid of somehow. It sometimes happened that the men were unable to appear on parade in consequence of the punishment they had undergone during the previous night. At all events, the huts should be kept clean and decent. The yards also required great attention.

COLONEL LINDSAY knew the huts at Aldershot to be in a state anything but satisfactory. They were full of fleas, bugs, and all sorts of insects. It would be a great improvement if brick huts were introduced. It was a great inconvenience that no quarters were provided for the General officer in command, who in consequence was obliged to live at a very considerable distance, and to ride ten miles every day to and from the camp. As the General officer in command (General Knollys) was about to leave that camp, he could not help observing that they owed much to him for the state of discipline into which he had brought it. He took the camp when in a state of inefficiency, and he had brought it to its present state of perfection. In doing so he had very great difficulties to encounter, which required all his firmness and all his courtesy. While he was in command of that camp the Militia were first embodied, and he had brought them to the highest state of perfection—quite equal to that of their

brethren of the Line. He wished to ask a question or two. Would the right hon. Gentleman explain, with regard to married soldiers' quarters—for which £30,000 was taken this year—whether it was proposed that these quarters should be given over absolutely with certain allowances to the married soldiers who were to occupy them, or to make them pay a certain amount for the occupation of these quarters? He agreed with what had fallen from the hon. Member for Coventry (Sir Joseph Paxton) that it would have been much better to vote a large sum at once in order to carry out barrack improvements. That arrangement would have been at once more satisfactory and more economical. He had had the honour of sitting on a Committee for Barrack Improvement, and the understanding come to was that £40,000 a year should be devoted to this purpose. There was now a sum of £50,000 taken for sanitary improvements, and the other sum of £40,000 did not appear. He hoped to learn from the right hon. Gentleman that the arrangements connected with the new barracks at Chelsea were now finally terminated.

MR. CHILDERS hoped the right hon. Gentleman would explain the item of £20,000 for the purchase of the hotel at Fleetwood, which he did not think at all suitable for a barrack. £8,000 had been spent on the Coventry barracks, and 5,000 was asked for now; and there was a large sum put down for land at York to increase the barrack accommodation there; but he wished to call attention to the case of Leeds, in the same county, which was more in want of barrack accommodation than York.

COLONEL SYKES begged to call the attention of the Committee to the contingencies that arose on Votes now agreed to. If they looked to column 5, they would see that very large sums would be required in future, these sums being contingent upon others now or previously voted. For gas works at Aldershot there would next year be required £11,000, a sum of £10,000 having been already given. For a new Staff College £40,000 would be required, £20,000 having been already voted, and £25,000 being now asked for more land for barracks at Chelsea, £110,000—now asked for £30,000. For a new hospital at Woolwich there would be wanted in future £105,000, the sum now asked for being £15,000. These and other sums which he might specify would ultimately be required in consequence of sums voted this year. The fact being that the above four Votes alone would require £266,000 to complete the works.

MR. BUCHANAN asked what was to be done in reference to the proposed barracks at Glasgow? He understood that the site which had been suggested for the purpose was an inconvenient one, and that the locality fixed upon was of five times the value for which equally good ground could be procured.

COLONEL GILPIN called the attention of the Committee to the state of military hospitals. He believed that if a soldier was afflicted with lunacy and his parish could not be ascertained he was farmed out. He believed that this was not a satisfactory state of things, and the Lunacy Commissioners had strongly reported against the present system in reference to lunacy.

SIR FREDERIC SMITH said, the Lunatic Asylums at Fort Clarence and Chatham had been condemned, and a Commission recommended the purchase of a piece of land for a new asylum on the banks of the Medway, near Maidstone; but for some reason or other the purchase had not been completed, and the matter remained in abeyance. He observed that there was to be a new Staff College at Sandhurst, but he should like to know how £75,000 was to be expended for that purpose. With respect to the item of £10,000 for erecting rifle range huts at Gravesend, he could not understand how this outlay should be needed when there existed so much accommodation at Chatham. The army at large were much indebted to the right hon. Gentleman for the present Vote for married soldiers' quarters. The gasworks at Aldershot would greatly increase the comfort of the troops, who were often driven to the public-house because a party of twenty men were only allowed the light of two miserable candles to read or write by.

SIR MORTON PETO submitted to the right hon. Gentleman that it would be better to remove Kensington Barracks altogether, and place them either in connection with the Chelsea Barracks or in some other situation.

MR. SIDNEY HERBERT said, he would now answer the various questions that had been put to him. In reference to military lunatic asylums he recollected that the subject had been considered by the Sanitary Commission, who had made a recommenda-

tion to the Government on the subject; and were disinclined to recommend the erection of new lunatic asylums to be managed by Government authorities. He believed that it was better for the military lunatics that they should be placed in well-regulated private asylums supervised by the Lunacy Commissioners. He had no great faith in Governmental management of an asylum of this description, and particularly on this ground—that they had not a staff of men educated for that special purpose. It was no hardship to send military lunatics to private asylums, for the friends of persons in a better station of life preferred sending them to such places, and he believed that the lunatics there were well treated. As to the hospital at Netley, he did not think that the building had been spoken of in terms a bit too severe. He himself protested against the plan when it was first suggested, and a Commission of which he was a member reported against it. But the House did not support him in his objections. The truth, however, was that the building at Netley was commenced before public attention was directed to constructions of this kind. It was quite true that military hospitals were not well adapted for their purpose; but if from that statement it was inferred that civil hospitals were one whit better, the inference was quite wrong, for there were some of the large hospitals in London that would cap anything that existed in the worst military hospitals. The Government were now building barracks that would make incomparably better hospitals than many of those now in existence; for instance, the barracks for the Guards at Chelsea. He believed that they would be excellent barracks, but he was sure they would make incomparably better hospitals than the generality of the Metropolitan hospitals. Netly Hospital had been very expensive in its construction, and the expensive part of the building rendered it unfit for a hospital. There were long corridors with deep rooms with windows at the end facing the North East, and no side ventilation; whereas, now that common sense was being applied to these subjects, it was well recognized that the proper treatment of the sick required the greatest possible admission of fresh air. The late Secretary for the Treasury opposite (Sir Stafford Northcote) had pointed out some difficulties in reference to military buildings, and said, "Why do you not go to the Board of Works and let them build for you, or why not go to a civil architect?" Now, the fact was, that wherever the Engineers had built barracks in competition with civilians they had built them both better and cheaper than the civilians. That they should build them better was but natural, seeing that they were better acquainted than civilians could be with the habits and requirements of soldiers. In the time of Lord Panmure barracks were built by competition, and the result was this:—The Infantry barracks at Devonport were built at a cost of £70 a man; those at Preston at £80 a man; those at Gosport at £91 a man; those at Aldershot, the cheapest barracks they had, at £51 a man; and those at Berwick at £96 a man. The tenders by civilians for the infantry were £140 per man, another £200, and another £212. For the cavalry in the same proportion, £195, £196, and £198. The Staff College was the next thing alluded to. At the Staff College there was accommodation for forty officers, each officer having a sitting-room and small dormitory; accommodation for forty-one servants and eighty-one horses, with libraries, hall of study, lecture-rooms, &c. All that, of course, was a serious addition to the expense of the building.

COLONEL NORTH said, in his day the Staff officers used the room of the cadets.

MR. SIDNEY HERBERT said, that was quite true, but it was intended to employ Sandhurst more extensively, where young men were to pass their time in order to go through the army. It had been observed that in some cases that the figures did not tally in the Estimates. One or two of the differences were obviously misprints. In the case of the London and Chelsea barracks the total estimated amount for the building was £140,000; and the sum of £120,000 which was taken last year was for the site alone, but he was happy to say that it had been obtained for a great deal less money. Another case was that of Gravesend. The sum stated as being spent last year was £17,000 in the purchase of land, and in that case of course the figures did not tally. With regard to the Euston Hotel at Fleetwood, that was intended not for a barrack, but to be a duplication of the establishment at Hythe, as the latter place was already overdone, and it had been represented that a similar establishment in the North would be advisable, and that this hotel could be easily converted into

officers' quarters. York and Nottingham were in the same position; a small sum had been taken for additional buildings to each. Both were cavalry barracks; and the Government thought it better to have a few large barracks than a number of small ones distributed over the country, as it was obviously much better for discipline and in all other respects, and was more economical. At Leeds the barrack was in a bad situation for the purpose, and it was a question whether it was not better to sell the site, which was valuable for other purposes, than to spend more money upon it. At Edinburgh estimates had been put forth from time to time for the purchase of a site for barracks, but the modern Athenians objected to spoiling the picturesque appearance of the neighbourhood, and put forth a design for a building of a highly ornamental character — one something resembling that House—which would cost a very large sum of money, but they did not propose to furnish the additional money that would be required to carry out their plan. He thought, therefore, it was better to give up the barracks at the Castle, and to look for another site outside the town. At Glasgow it had been proposed to purchase a site upon which had been erected a lunatic asylum; but, although very ornamental, the building was not suited for barracks, and therefore he thought it would be wise to look out for a site outside the town. Woolwich Hospital had been referred to, but he hoped that at least the Estimate for that hospitals would be left untouched. The garrison there was continually increasing, and the choice was between building new barracks or a new hospital. The present hospital was well fitted for barracks, and it was proposed to build a new hospital on a more eligible site for the purpose. It had been said that the improvements in barracks and married quarters were not carried out with sufficient rapidity; but there was immense pressure for various expenditure, and caution was necessary. He found that 2,327 barrack rooms and 349 hospital wards had been already ventilated, besides various other sanitary improvements, so that it could not be said the authorities had been idle or dilatory.

MR. SCLATER-BOOTH said, that he understood that there was a gas company at Aldershot that had offered to supply gas on very liberal terms to the Government. He had been informed by disinterested parties that gas could be supplied to the barracks at Aldershot far more advantageously than the Government were likely to supply it themselves. It would be satisfactory to hear from the right hon. Genleman if that point had been considered.

MR. SIDNEY HERBERT said, he believed at this moment the subject was under consideration. It was a question whether the Government should build the works and have them worked by contract.

GENERAL UPTON complained of land having been taken near the quarters of the Guards, which did not leave the men space sufficient to fling a quoit.

LORD WILLIAM GRAHAM asked of what material the barracks at Hong Kong were to be built, and whether the necessity for their construction arose from the Chinese war.

MR. SIDNEY HERBERT replied that it had been proposed to remove the troops at Hong Kong to a higher level, and a few huts had been erected as an experiment, but he could not say what material would be used.

SIR FREDERIC SMITH thanked the right hon. Gentleman for the handsome manner in which he had spoken of the Engineer officers employed in public works, more especially as the memorandum issued some time ago had given great pain to them.

SIR STAFFORD NORTHCOTE said, he thought it desirable that where there was any alteration from the original Estimate, attention should be called to it by a marginal Vote. He referred more particularly to the Vote for the Staff College.

COLONEL DUNNE said, he never knew money thrown away in a worse manner than that £70,000 for the Staff College. He thought the Staff College one of the greatest pieces of extravagance of the day. Qualification never was a reason for getting employment on the Staff, and he believed (having been in the College himself) that in twenty years not more than sixteen officers from the College had been employed. He wished, also, to call the attention of the right hon. Gentleman to the Vote of £5,000 for gymnasiums at the Curragh, and £10,000 for rifle ranges. £5,000 ought to be enough for twenty gymnasiums. They were distributing rifle arms in all directions; was it proposed to prepare rifle ranges for all branches of the army and the Volunteers as well? He wished to know what steps were being

taken towards procuring ground for the construction of these rifle ranges.

MR. AUGUSTUS SMITH called attention to the various Votes for purchases of land mentioned in the Estimates, as, for instance, in the case of a hospital at Woolwich, and of a battery at Glasgow. He thought they ought to have specific details of the lands purchased and the sums paid for them as separate items.

MR. HENLEY regretted to hear the decision which the right hon. Gentleman had announced with regard to the treatment of lunatic soldiers. The condition of such persons in what was called the hospital at Chatham was as little satisfactory as that of the inmates of any similar establishment in the country. He understood that the right hon. Gentleman now proposed to take these unfortunate persons from the hospital at Chatham and scatter them through the various private asylums. He ought, however, to remember that the Legislature had compelled the various authorities in counties and boroughs to take the pauper lunatics out of such places, and to provide accommodation for them. The manner in which a poor lunatic soldier had been turned out in the neighbourhood of Chatham, in order to raise a legal question as regarded the parochial authorities, was not a good sample of Government treatment of these poor creatures.

MR. SIDNEY HERBERT said, he had not spoken of an intention to do anything. He had spoken of the existing practice, and in doing so had not said that the men removed from Chatham were scattered in private asylums throughout the country. They were removed to one asylum.

MR. BERNAL OSBORNE requested an explanation respecting a sum of £5,000 taken for the erection of a gymnasium on the Curragh.

MR. SIDNEY HERBERT: Not for the Curragh only, but for gymnasia at the different stations.

MR. BERNAL OSBORNE thought these gymnasiá totally unnecessary, and his experience of them was that they were places at which men became ruptured and received injuries which unfitted them for soldiers.

MR. SIDNEY HERBERT said, the Government sent an officer to Paris and Berlin to inquire into the system of gymnastics in use there, and it was found that the French had paid particular attention to gymnastics for the purpose of developing the strength and activity of their soldiers. The system gave wonderful power to men who were not naturally very athletic or vigorous, and it was determined to adopt it to a moderate extent in this country. Of course, if men were allowed to frequent these gymnasia without proper control they would be liable to accidents; but, in point of fact, they would never use them except at stated hours, and under the eye of an officer who was competent to direct their exercise, and who would see that they did not expose themselves to unnecessary risk. The French soldiers subjected to this training were able to clear formidable palisades, to climb walls where there seemed to be no hold, and thus acquired a development of the muscular system which could not be attained by ordinary exercise. With regard to the question put by the hon. Member (Mr. A. Smith), it might be desirable for the future to distinguish in the Estimates between the cost of land and of buildings.

COLONEL LINDSAY said, it was most important to provide soldiers in and about their quarters with means of recreation, which at the same time developed their muscular power. Some years ago the late Colonel Hood established a gymnasium for the use of one of the battalions of Guards. It was under proper supervision; to the best of his belief, but one, if one, accident occurred there, and the training they received added much to the physical efficiency of the men.

MR. BERNAL OSBORNE persisted in thinking this sum of £5,000 an unnecessary expenditure. Soldiers did not like any exercise which assumed the shape of drill. If you wanted to give them exercise, let them play at cricket, or any other healthy amusement of the kind. He should move the reduction of the Vote by this sum.

COLONEL PERCY HERBERT was surprised that a Gentleman who had once been in the service should oppose this Vote. If there was one thing more desirable than another, it was to give soldiers plenty of occupation, and to keep them out of the pothouse.

MR. BERNAL OSBORNE: The hon. Gentleman has convinced me. I shall divide upon this Vote.

COLONEL KNOX asked what the right hon. Gentleman intended to do about the barracks at Chelsea. The plans of the barracks had been modified and altered until they had become extremely expensive, while in other respects he believed

the alterations to be for the worse. Was it proposed to begin these barracks at once? ["Divide!"] The hon. Member who called "divide" represented a northern constituency, and cared nothing about the soldier except to get as much out of him as possible. He stood there, however, as a representative of the army, and would not be put down by a mercantile man in any such way.

Major PARKER said, there was an item of £10,000 for rifle ranges. If you began to pay for these things for the Volunteers, the Rifle Volunteer movement would lose its present character.

Mr. SIDNEY HERBERT replied that these ranges were purchased for military stations, and not for Volunteers. The plans of the Chelsea barracks had been submitted to military men, who had thought highly of them. A Vote was asked for on account of them, and tenders were on the point of being taken for their erection.

Mr. CONINGHAM understood there was to be a removal of depôts from Woolwich to a situation further northwards, and yet buildings appeared to be proceeded with at Woolwich at a rate very alarming in respect to the public purse.

Mr. SIDNEY HERBERT said, that though some depôts of arms and ammunition might be removed from Woolwich, that place would still continue a very great military station, and the head-quarters of the Artillery.

Mr. W. WILLIAMS observed, that there were several items for making roads and drains, amounting in all to a large amount. If the soldiers were employed on that work and paid for it they would be better occupied than in gymnasiums.

Mr. PIGOTT said, he had been pointed out, particularly by the hon. and gallant Member for Marlow (Colonel Knox), for some observation he was supposed to have made; but if the gallant officer had been connected with the mercantile world he would have been more punctual in his attendance in that House, and would have known that the matter alluded to by him had already been explained once or twice by the Secretary for War. If a division took place, he should vote with the hon. Member for Liskeard. This was only the commencement of a large expenditure, and if they began with £5,000 they would soon get up to £500,000.

Colonel KNOX said, he had not alluded to the hon. Gentleman.

Colonel DICKSON expressed his intention to vote with the hon. Member for Liskeard. There were many things on which this money could be spent more important to the army than gymnasiums. He trusted that some stop would be put to the expenditure of money on huts at Aldershot. If barracks were built in other parts the troops could be collected for two or three months at a time together under different commanders, and that would serve all the desired purpose.

Colonel NORTH supported the item which had been objected to. The object of every officer was to give some amusement to the soldiers.

Major KNOX said, he trusted that the Secretary for War would declare that this item was only the commencement of a system.

Motion made, and Question put,

"That the item of £5,000, for the erection of Gymnasiums, Recreation Grounds, &c., be omitted from the proposed Vote."

The Committee *divided*:—Ayes 18; Noes 154: Majority 136.

Original Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £277,547, be granted to Her Majesty, to defray the Charge of the Educational and Scientific Branches, which will come in course of payment during the year ending on the 31st day of March, 1861, inclusive."

Mr. CHILDERS called attention to the item of £29,000 for the prosecution of the Ordnance Survey in England. He understood that in that amount was included a sum to defray the preliminary arrangements for completing the survey of the whole of England and Wales on a 25-inch scale. He thought the country owed a deep debt of gratitude to Colonel James for his conduct of the survey. But, as the expense of a survey on the enlarged scale, was estimated at no less a sum than £1,450,000, he thought the Committee should pause before embarking in so costly an undertaking; and, in order to raise the question, he moved that the Vote should be reduced by the sum of £10,000. He had no objection to the survey in England and Wales being completed on a 6-inch scale.

Motion made, and Question proposed,

"That the item of £29,000 for the prosecution of the Survey in England, be reduced by the sum of £10,000."

Mr. CARDWELL said, it would be in

the recollection of the Committee that about three years ago this subject was very much discussed, and that Lord Panmure, who then held the office of Secretary for War, appointed a Crown Commission to inquire and report. The Commissioners were unanimous in thinking that the expense of taking a survey upon a 25-inch scale exceeded by so very little the cost of a survey upon a 6-inch scale, that in regard to all new surveys it should be considered the least economical and most wasteful course to adopt a 6-inch instead of a 25-inch scale. A 25-inch scale could be reduced with ease to any scale whatever, so that it possessed the advantage of a 6-inch scale with scarcely any additional expense. It should be remembered that a 6-inch scale was far beyond the limits of the size of a map, and therefore could never be available in that character. If a map was wanted, let a 1-inch scale be adopted. A 6-inch scale was fitted, not for a map, but for a plan, or what they called on the Continent a *cadastre*. The evidence was conclusive and the report unanimous, and he believed that with regard to the survey of cultivated tracks on the 25-inch scale being preferable to a survey on the 6-inch scale there would be no difference of opinion among those who read the evidence taken before that Commission.

Colonel DUNNE remembered the discussions that had formerly taken place on this Vote, and he thought it had been settled that the 25-inch scale was only to be applied to certain parts of Scotland. It now appeared it was to be applied to England too, and if so, of course to Ireland. He wished to know what would be the expense of this change of plan over the whole kingdom.

Mr. AUGUSTUS SMITH thought that 25 was an unfortunate number, and that 24 inches would have been better, because it would have been the multiple of six inches. He could not understand what the rural districts could want with the 25-inch scale; and when it was considered that a survey on a large scale for the purpose of tithe commutation had been recently made, he thought the expense unjustifiable.

Mr. MONSELL said, there would be a 1-inch map for England, a 6-inch for Ireland, and a 25-inch for a considerable part of Scotland. There was no question between the 25-inch and the 6-inch, because the former was much more useful and a very little more expensive. But the question was whether it was worth while that the whole of England should be surveyed over again on the 25-inch scale. If the three kingdoms were to be all surveyed on the 25-inch scale, it would cost some millions of money, and he suggested that the Committee should now report progress, and not seriously discuss the matter in this incidental manner, without notice, after midnight.

Mr. JOSEPH LOCKE had a distinct recollection of the discussion that took place formerly on this subject, and he understood that the conclusion come to was, that the parts of Scotland then under survey should be completed on the 25-inch scale, and no more. Since then, however, the survey on the 25-inch scale had been extended to other parts, he believed, without the authority of this House. It now appeared that it was to be extended to England, and in all probability to Ireland. He admitted that the question was a difficult one, but for that very reason he thought it was a strange thing to attempt to commit the House to the expense by a Vote of this kind. He would support the Motion for reporting progress.

Mr. ELLICE (Coventry) thought the Committee ought not to consent to this Vote without being fully aware that a 25-inch scale for England and Ireland meant not only an entirely new survey, but the maintenance of a permanent establishment for the perpetual correction of that survey. A 25-inch survey was nothing more nor less than a map of a man's estate, marking all the lanes, the trees, the hedges, drains, and a variety of features which were continually changing, so that what was a correct survey this year was anything but correct next year. The Committee ought, therefore, to take into consideration that not only was it asked to sanction a first expenditure of a good million, but to saddle the country to all time with the maintenance of an expensive permanent department.

Mr. SIDNEY HERBERT would postpone the Vote, but hoped the Committee would proceed with some of the unopposed Votes.

Motion, and Original Question, by leave, *withdrawn*.

House resumed.

Resolutions to be reported *To-morrow*.

Committee to sit again on *Wednesday* next.

ROMAN CATHOLIC CHARITIES BILL.

Order for Consideration read.

MR. NEWDEGATE said, that he had several times called the attention of the House to the fact of this Bill standing on the Orders of the Day almost at the bottom of the list, day by day, and he was afraid the boast of the hon. and learned Member for Dundalk (Mr. Bowyer) would be realized—namely, that he would pass this Bill through the House without discussion. That observation was made in reply to an observation of his own. He had asked the Attorney General to explain the nature of the Amendments to the House on the previous stage; but in the absence of the Attorney General, of his right hon. Friend the Member for Oxfordshire, and the right hon. Gentleman the Member for Cambridge, this Bill, on the Motion of the hon. Member for Dundalk, was passed through the stage of Committee, which he looked upon as an attempt to force the Bill through the House, and he trusted that the House would not consent to pass the Bill without giving the fullest opportunity of considering the Amendments. The subject had been for seven years before the House, and it was too bad that it should be now passed at the fag-end of the Session without discussion, which would, in point of fact, be entirely abrogating the functions of the House. He therefore moved the adjournment of the debate.

MR. BOWYER said, that his only object was to ensure some legislation before the existing Act expired, which would be on the 4th of July. He should have preferred permanent legislation; but if that could not be obtained they must pass the Suspension Bill.

THE ATTORNEY GENERAL said, that he quite agreed with the hon. Member for Warwickshire that this important measure should not be hurried through without discussion, and he was surprised to find it had passed through Committee the other night, having fully intended to have made some explanation of the Amendments.

Debate *adjourned* till *To-morrow*.

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, June 19, 1860.

MINUTES.] PUBLIC BILLS.—3ª Infants Marriage Act Amendment.

CHURCH RATES ABOLITION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD LYVEDEN said, that in moving the second reading of a Bill for the abolition of Church Rates, he felt that he must crave more than a usual portion of their Lordships' indulgence. He was aware he should be obliged, in the discharge of the duty he had undertaken, to utter opinions adverse to those entertained by many noble Lords then present, and fearing that much he had to say would be uncongenial to their feelings and sentiments, he had cause to apprehend that they might visit upon the cause the awkwardness of the advocate who promoted it. When the noble Duke below him brought this subject forward in 1858, the noble Earl opposite (the Earl of Derby), the leader of the Conservative party, said he should like to see the Peer who would be bold enough to undertake the task he had now risen to perform. But so far from being a reproach to him that he now came forward to declare his opinions in their Lordships' House, it would be rather a reproach to him if he failed to support in that House the principles which he had conscientiously sustained elsewhere during thirty years of Parliamentary life, and which he held in common with many with whom he had always acted, and who had placed in him entire confidence. He could not also but remember the ups and downs that had befallen all political questions in the present generation, but which, after causing as much division as the measure which he had now the boldness to present to their Lordships, had been ultimately settled by enactment according to the popular views. A few years before the passing of the Reform Bill of 1832 it was impossible to excite public interest in the subject of reform, and Parliament refused to transfer the franchise from East Retford to Birmingham. The Government of Lord Melbourne were expelled from office in 1841 for proposing a fixed duty of 8*s*. on corn, and in 1846 the corn laws were swept away from the statute book. The conduct of Parliament upon the admission of the Jews to seats in the Legislature was even more analogous to the present case. In 1841 the Jewish Civil Disabilities Removal Bill was introduced and thrown out. In 1845 it was carried by Lord Chancellor Lyndhurst. In 1848 the second reading of the Bill for admitting the Jews to Parliament was car-

ried in the other House by a majority of 70. In 1851 the Bill was read a second time by a majority of 25. It was re-introduced in 1853, and in 1858 the Bill was again brought up to their Lordships' House. The door was then left ajar by their Lordships by which the Jews were allowed to gain admission into the other House. The present Bill might also meet with repeated rejections, but he trusted would ultimately meet with similar success. Their Lordships had predicted all sorts of danger from the admission of the Jews to Parliament—it was said to be not only a question affecting the Church of England, but even the ark of Christianity itself was said to be in peril. But what had been the result of the passing of that measure? The result of admitting the Jews had been that four or five Gentlemen of undoubted character and position had taken their seats in the other House; yet the Church was not in danger from their presence, and the ark of Christianity was still as safe as it had ever been. The remembrance of these circumstances led him to hope that at some time or other something effectual would be done on behalf of those who prayed to be relieved from the obligation of church rates. He knew it would be said of him that in coming forward to propose this Bill, he was an enemy of the Church. He could assure their Lordships that by early education and mature conviction he was a sincere friend to a Church establishment, and that in asking their Lordships to agree to this Bill he was persuaded that he was by no means the enemy of the Church, but was really promoting its continuance and popularity. The law, as it had been declared by the highest legal authorities and by the Report of the Committee, declared that the payment of church rates was a legal obligation, but that it was supported by no legal remedy. Now, that appeared to him to be a most anomalous state of things. He could understand what a religious or moral obligation was; but he confessed he could not understand what a legal obligation was without a legal remedy. He should like to know what was the value of such an obligation—what it would fetch in the market? Well, that was the position in which church rates at present stood in this country. They might say, how do these rates differ from a poor rate, or a highway rate? There was, however, a wide distinction between the two cases, as had been shown by the able evidence of Mr. Sotheron Estcourt—a Gentleman well qualified to give an opinion upon all such subjects, having discharged with great ability the high office of Secretary of State for the Home Department under the Government of the noble Earl opposite (the Earl of Derby). Mr. Estcourt said that the difference presented by this question was to be found in the religious element which it involved. No man's religion led him to assert that no roads should be made, but there were numbers of persons who said that there ought to be no compulsory rate for the Church. The legal duty of asking for the rate might be discharged by the churchwardens and the clergyman, but no moving power existed of compelling a church rate to be made. He would not go into the antiquarian branch of this subject, which had been fully expounded by Mr. Toulmin Smith, one of the witnesses examined before the Committee. He would, therefore, only remark that if the tax were obnoxious and odious to large classes of the community, it was of very little consequence whether it existed in the time of Alfred the Great or Edward the Confessor, when the rate was perhaps paid willingly, and when there were no Dissenters. Their Lordships were now asked to deal with an acknowledged evil. Lawyers, divines, statesmen, and politicians had for the last twenty years, agreed in declaring that church rates were a great and crying evil, and that matters could not long remain in their existing state. Looking back to the course of legislation during the last half century, it was painful to think how little had been yielded to reason, and how much to fear. In 1829, when he first entered Parliament, the claims of the Roman Catholics had just been yielded to the fear of Irish insurrection. The Reform Bill was next granted from the fear of English commotion. The Corn Laws were repealed from the fear of a famine in Ireland. He did not mention these facts by way of menace. Their Lordships might reject this Bill, and there would be no Birmingham Unions and no marchings to London; but there would be heart-burnings and hatred, the *odium theologicum*, animosities in parishes and brawlings in churches, and strife and religious—he would not say hatred—but discord. Attempts to effect a compromise of this question had been undertaken by such men as Lord Althorp and Mr. Walpole; and if any two men were ever formed by nature to carry out a compro-

Lord Lyveden

mise, they were the men; for they were friends of the Church, and enemies to no class — mild in manners, conciliatory in conduct—but both completely failed. Lord Althorp proposed to take £250,000 out of £550,000, which was the amount at that time raised by church rates, and put it on the land-tax, leaving the rest to be raised in the old way; but his proposal was not accepted either by Churchmen or Dissenters, and it fell to the ground. If they compared the two proposals of Lord Althorp and Mr. Walpole together, they would see how much the state of the case had altered. Lord Althorp stated the amount of the church rates at £550,000; whereas Mr. Walpole stated the amount to have fallen to £250,000, while the voluntary subscriptions were £260,000. So that while there was a great falling off in the church rates, the voluntary rate, raised to supply the deficiency, had risen to £260,000. The next compromise attempted, to which he would refer, was that of Sir John Easthope, who proposed to throw the maintenance of the fabric of the church on the pew-rents. He wished to call their Lordships' attention particularly to this proposal, because it was opposed by the members of the Church of England, on the ground that the Church of England was the Church of the poor man, and that pew-rents would interfere with his privilege. That was, no doubt, a beautiful boast; but was it a matter of fact? He feared that there was no better foundation for it, than for some of the laudations of Blackstone and De Lolme on some portions of our constitution, as it existed in former times; and it reminded him of the answer of Horne Tooke, when it was said that the law courts were open to every one, that "so was the London Tavern, if they could pay for it." On the subject of the church being open to the poor without pew-rents, he would refer to the Report of the Committee on Religious Destitution. In that Report special reference was made to three of the principal churches at the West-end of the Metropolis: St. James's, St. George's, Hanover Square, and the parish of St. Marylebone. In St. James's the Report stated the seats were all let, producing a rental of £1,400 a year, though there was no legal authority to raise more than £30 per annum by pew-rents. The same state of things existed in the other two churches; and he might observe that it was so in all the great towns of England—the pews were rented by, or appropriated to, the rich; and the poor were deprived of their proper right of accommodation. No doubt there were what were called free seats; but he believed these were generally occupied by a better class of persons than those for whom they were especially designed. He asked their Lordships if they ever saw at church, in any large town, more than one or two persons who could be strictly called poor? Those who occupied the free seats were well-dressed persons, who could easily afford to pay 6*d.* or 1*s.* for the accommodation, if they chose to do so. That was not making the Church of England the Church of the poor. He believed it was the original intention of the Church of England to do so; but it was not acted upon; and he must say that nowhere had the principle been carried out, except among the Roman Catholics. In the churches abroad it was a common thing to see the poor and the rich admitted together; the beggar and the noble worshipping side by side. And he did not know that the same thing could be witnessed in any other Church. The transference of the church rates to pew-rents was one mode of settling this question, which had been proposed: he did not, however, recommend it now; and he only mentioned it to show that there were other means besides the present of raising the funds necessary for the maintenance and repair of churches. Sir John Easthope's plan, therefore, like all the others, failed. Various other plans had been introduced by persons of different religious persuasions, and by men of all political opinions—by Mr. Packe, Mr. Sotheron Estcourt, and Mr. Miles, all eminent Conservatives; by the Marquess of Blandford, Sir William Clay, Sir Morton Peto, Mr. Alcock, Mr. Evans, Sir W. Page Wood, Mr. Puller; but every one of them had failed. That being the case, it appeared to him hopeless to endeavour to substitute anything in the place of the existing church rates. In 1855 there appeared, as a reformer of church rates, the most eminent individual who had ever acted in that capacity. He meant the most rev. Prelate below him (the Archbishop of Canterbury.) He introduced a Church rate Bill in that year; and his only reason for not proceeding with it was, that he was given to understand that legislation on such a subject could not properly originate in their Lordships' House. That Bill aimed at a compromise; but it was not a measure founded entirely on the principles of the Church of England, though it contained the most practical proposal ever made on the question. It was that, after the rejection

of a church rate twice by a parish, it should cease for ever; and he made a distinction that had never been proposed before. The most rev. Prelate proposed to exempt all the Metropolitan and Urban parishes, and to leave church rates to be collected exclusively in the rural parishes. He could not conceive a more moderate and practical scheme; and he much regretted that it was not carried into effect. It was one that he believed would have satisfied all reasonable Dissenters. But the effect of that Bill was to abandon the high ground taken up by Churchmen. Infidelity prevailed most in the Urban parishes, and there, too, Dissenters were most numerous. It was, therefore, there that the Church required all the resources it could command, and yet, in these urban parishes the most rev. Prelate proposed to give up church rates, because they could no longer be raised there. The Bill which he (Lord Lyveden) now proposed had been first introduced into their Lordships' House in 1858, when it was rejected by a very large majority; but the noble Earl opposite (Earl Derby), who was then in power, thought the subject was of such importance that he undertook that a Bill should be introduced by the Government. In the following year, therefore, a Bill was introduced in the House of Commons by Mr. Walpole, which proposed that any one should be relieved from the obligation of paying church rates who chose to say that he was a conscientious Dissenter. The Bill contained other provisions modifying the law of mortmain, and authorizing the rate to be levied upon the owner, instead of the occupier. But the compromise failed to obtain the sanction of the House of Commons. The next step was the introduction of Sir John Trelawny's Bill, which was passing rapidly through the other House when their Lordships adopted their usual course when the Commons were pressing an unpalatable measure upon them, and appointed a Committee to consider the subject. He found no fault with the proceedings of that Committee, but would only remark that, being appointed at the end of the Session, the attendance was scanty and the evidence incomplete. The effect produced by the publication of that evidence was nevertheless considerable. Three witnesses were examined whose evidence produced great effect—Dr. Foster, Mr. Morley, and Mr. Osborne. The two first-named gentlemen frankly avowed that the abolition of church rates was not their ultimate object, but that they wished to destroy the whole Church Establishment. That avowal ought not to have caused much surprise, for it had repeatedly been made by Mr. Hume, Mr. Pellatt, Mr. Sharman Crawford, and others in the House of Commons. It was, however, made a ground of argument against the abolition of church rates that those who chiefly promoted that proceeding were anxious to go still further. He did not think there was any force in that argument, because it had not been shown how, if church rates were abolished, the position of the Dissenters to attack the Church would be strengthened. He believed it would be just the contrary, for the country could never be agitated upon a merely theoretical question. Only a real grievance such as church rates were could sustain agitation, and he thought that by yielding an equivocal, uncertain right, the position of the Church would be greatly strengthened. The Committee also examined Mr. Osborne, a Wesleyan Minister, whose evidence likewise created a great effect, for he said that he personally, and other Wesleyans, did not object to church rates, but at the same time there were no means of ascertaining the general sentiments of the body to which he belonged. That opinion, however, he (Lord Lyveden) begged leave to say was expressed in the 815 petitions that had been presented to Parliament from Wesleyan Methodists in favour of the abolition of church rates. The evidence of the witnesses whom he had mentioned had a certain effect, and was, no doubt, one of the causes of the diminished majority in the other House. But there was another cause for the decrease in the majority. If it was desired to pass liberal measures through the House of Commons the first and last Sessions of a Parliament were the most auspicious periods. In 1859, when fresh from the hustings, hon. Gentlemen were ready to vote for the abolition of church rates; but in 1860 their fervour had somewhat abated. Probably in 1861-2-or-3, as the case might be, they would again vote against church rates before reappearing upon the hustings. The Report of the Committee was drawn up with considerable care; and he (Lord Lyveden) thought it was to be regretted that the noble Duke who presided over the Committee (the Duke of Marlborough) had not thought fit to introduce a Bill founded on the Report, or to have met the present Bill by Resolutions in accordance with that Report. The principal recommendation in the Report was that persons desirous of being exempted from the payment of church rates should give notice of their ob-

jections to the churchwardens, and such persons should not be permitted to take part in any vestry called for the purpose of making or applying such rate. There was no requirement of a religious or conscientious objection, but any ground of objection whatever was to exempt a man from the rate. Objections had been made to the voluntary principle that it would be humiliating to clergymen to require them to go round their parishes to beg subscriptions. But there would be just the same humiliation if the recommendation of the Committee were carried out, for the clergymen would have to go round and invite persons not to object to the rate. A more complete voluntary system could not be conceived than the plan set forth by the Committee. He held that the Resolutions of the Committee gave up completely the whole compulsory system, and with it the whole theory of the Church of England. He had now mentioned the various compromises that had been suggested upon this subject. It was clear that compensations, compromises, and substitutes had all been exhausted, and nothing was left but to deal boldly with the question. Ever since 1834 they had had this before them as an acknowledged evil, and he thought they could no longer vote for the continuance of a state of things, which it had been admitted, even from all official benches, could no longer be maintained. Majorities might dwindle down at one time and increase at another, and he quite admitted that a majority of nine was an ominous one, as they had already rejected a Bill which had passed the Commons by that majority. He hoped, however, that he would not hear from the right rev. Bench, or from the noble Lords opposite, that they were determined to maintain a rate, the maintenance of which they had already declared to be impossible. He believed the present position of affairs to be much worse for the Church than for the Dissenters, and he did not state it upon his own authority, but upon the authority of men well qualified to express a sound judgment on the matter. Mr. Gladstone said—

"Now, I say, in the first place, that the state of the law of church rates is a very great grievance to the Church itself. In a multitude of parishes the church rate is contested. If it is obtained amidst animosities and heartburnings, where it is so contested it inflicts far greater evil, misfortune, and impediment on the Church than it confers benefit on it; and if the rate is lost what again happens? Why, that the church is left entirely without support from the rate, and so far is put on the same footing as the fabrics belonging to other denominations of Christians; but only so far, because it is left to those denominations who are connected with other fabrics to associate themselves as a body of private individuals for the maintenance of their own fabrics, and to take into their own hands exclusively the management of the funds they may please to vote for such a purpose; but that it is not competent for the members of the Established Church to do. Take the case of a parish where the bulk of the ratepayers were indisposed to support these rates, but where a portion of them were disposed to do so. It is not competent for that part of the parishioners who are so disposed to constitute themselves into a body for the purpose of applying their means to that object, and it is beyond all doubt that if, notwithstanding these difficulties, gentlemen belonging to the Church of England choose to subscribe for the maintenance of their church, the application and disposal of the money they thus raise is not placed under their own control, but they are open to be run in upon, and to have the control of the application of their money taken out of their hands and put into the hands of the very men who perhaps the week previous had voted against the levying of a church rate. That, I say, is a great grievance to the Church."—[3 *Hansard*, cxxxiv. 449.]

This was, in point of fact, a great grievance to the Church, and it was a grievance which, as long as this impost remained, it would be impossible to remedy. If, on the other hand, the rate were got rid of, a measure might be at once introduced and carried, enabling the Church to tax its own members, and no Dissenters could offer plausible objection to such a Bill, or if they did they would be laughed out of Parliament. On the contrary, he believed that if they could but get rid of this bone of contention, the Dissenters would themselves come forward and assist the Church in doing that which nothing but the existing state of the law prevented them from now doing. He deprecated agitation with respect to Church matters as much as any one could, but it was in vain to suppose that if this Bill was rejected the agitation would cease, for, on the contrary, it would be stronger than ever. But on what ground were the conscientious objections of the Dissenters now disregarded? Could anything be said against the Dissenting body on the ground of immorality and irreligion? The names of Bunyan, Baxter, Lardner, and Robert Hall would rise to every one's lips in conjunction with the names of other men whom the Church would be too glad to receive into her bosom. He would not enter into any statistics to show the relative number of Dissenters and Churchmen in this country, or the exact number of petitions presented on one side or the other. He would even assume the truth of the calculation made by that very sanguine friend of the Establishment, Dr. Hume, of Liverpool, that the members of the Church

comprise 67 per cent of the population. But, he would ask, was not every one of their Lordships aware that in every large town there were numbers of Protestant Dissenters who were most anxious, on conscientious grounds, to be relieved from this impost? Why was it that Parliament did not impose an education rate? Because they thought that a compulsory impost would diminish the voluntary subscriptions. The same principle applied in the present instance; and he would ask where religion had ever been advanced by compulsory levies? Nay, was not Christianity itself more benefitted by the fiery persecution of ancient times than any religion had been by despoiling others? Probably a Dissenter would have no great objection to contribute towards the repair of a structure which he venerated and an edifice he admired; and if the compulsory rate were abolished he believed the Dissenters would be most willing to subscribe towards such an object. Sir Morton Peto, for example, had subscribed £500 towards the erection of a parish church at Plaistow, and this would be the case with many other Dissenters if the support of the Church edifices were left to depend on voluntary efforts. It was for the interests of the Church itself, then, that the removal of this impost was most to be desired, and it was Dissent which gained most by its continuance. At all events if the Bill were not passed, care should be taken to lay down what were the legal charges to be defrayed out of a church rate. The Rev. Mr. Champneys said these charges comprised the repairs of the edifice, the washing of the surplice, and the cost of the communion wine. Now, it was only natural that Dissenters should object to the last two items. Mr. Champneys had stated that when he first succeeded to his present charge he found that the washing of the surplice cost twelve guineas annually, and the communion wine eighteen guineas, there being only sixteen communicants. In that case wine appeared to have been given to the churchwardens, clergyman, and other persons; and was it surprising that, with such abuses, the Dissenters complained of paying church rates —and especially that they should complain of being obliged to pay for washing the surplice, when they considered the very wearing such a garment an empty ceremony? These were the grounds upon which he asked their Lordships to pass this measure. He should prefer a substitute if one could be found, but a substitute had been looked for in vain, and the supporters of the change, therefore, had been compelled to resort to entire abolition. It appeared to be hoped that the agitation on this question would subside. That reminded him of the man in the play whose house was on fire, and who was proceeding to assist in extinguishing the fire, when he exclaimed—"A sudden thought strikes me. Perhaps it will go out of itself." Now, this agitation would not go out of itself, and he entreated their Lordships not to relax in their endeavours to make it subside by reasonable legislation. True it was that from various causes the majority had diminished in the other House, but none of the remarkable men who had given in their adhesion to the Bill failed to support it still. It should be steadily borne in mind that the chief supporters of the measure in the other House were not Dissenters, whose wish it might be to destroy the Establishment; Churchmen were its leading advocates. The majority comprised seven Cabinet Ministers, one ex-Premier, and the present Prime Minister, of whom he should not hear from the right rev. Bench that he was an unworthy son of the Church, or that his recent appointments to the episcopal Bench had been prejudicial to the Establishment. Among other Members in that majority he recognized the rising hopes of the country. Who stood higher in public esteem than Lord Stanley? His Lordship was for the abolition of church rates, and so were Lord Ashley, Lord Grosvenor, and the Marquess of Hartington. Were those enemies of the Establishment, or were they not as sincere friends to the Church as any of their Lordships could be? He trusted that if he had not been able to carry conviction to their Lordships' minds, he had said nothing calculated to offend their religious feelings or even their political prejudices. Before he sat down, perhaps he might be allowed to address one word in the way of remonstrance to the right rev. Bench. If he were addressing an assembly of attorneys who strained to the utmost every possible technicality of the law, he would deserve to be laughed at if he engaged in any Quixotic endeavour to induce them to give up any right, however uncertain, for the sake of peace and good will. But he was now speaking to men who knew there was no exercise of the Christian virtues equal to that of self-sacrifice, and who had themselves for the benefit of the Church and the advancement of religion consented to be shorn of some portion of their episcopal revenues, and divested themselves of their

Lord Lyveden

feudal pomp and power. He entreated them, then, to open their arms to embrace, not to raise their hands to strike, their Dissenting brethren; but, in the words of Mr. Secretary Stanley in 1834, to consider whether the interests of the Church were advanced by the desecration of the House of God by squabbles about church rates at each succeeding Easter; or, in the words of Sir Robert Peel, whether social harmony should be allowed to be interrupted by these discussions. He beseeched them not to allow this reproach, however unjust, to remain upon these noble edifices raised by a pure religion to the worship of the true God. In the sincere and solemn conviction that if the present measure passed it would tend to make the Church more popular and to promote the interests of religion itself, he moved the second reading of the Bill.

Moved, that the Bill be now read 2ª.

THE DUKE OF MARLBOROUGH said, that in rising to move an Amendment, that the Bill be read a second time that day three months, he must congratulate the House on the temperate spirit of the noble Lord's speech; but at the same time he did not perceive that the noble Lord's arguments were founded on any more substantial grounds than these—that the measure ought to meet with their Lordships' approval because all measures of compromise had turned out failures; that church rates constituted a bone of contention, and ought to be removed; and that the noble Lord was himself an advocate for voluntaryism in the most extensive form. With regard to the first ground, he asked why had all measures of compromise been such entire failures? It was, in the first place, because the rejection of those measures had proceeded from a body of persons who were arrayed against this right belonging to the Established Church, and who had declared that no compromise should be accepted but that nothing would satisfy them save the total and unconditional abolition of church rates. In reference to the noble Lord's statement, that this rate was a bone of contention, and excited dissatisfaction among the Dissenting portion of the community, and that their Lordships must be reminded what would be the feelings of the Dissenters when they heard that this Bill had been rejected, he desired their Lordships to consider, on the other hand, what would be the feeling of thousands and thousands of members of the Established Church if they saw a right which generations had sanctioned violently taken away for no better reason than because the noble Lord said that all measures of compromise had failed, and because certain persons conceived that church rates were a stumbling-block in the way of the proper development of the voluntary principle? He wished to disabuse their Lordships' minds of some of the fallacies uttered by the noble Lord. The noble Lord said that the existing state of the law was that there existed a legal obligation without a legal remedy. That was true; but why? At one time there was a legal remedy in the Ecclesiastical Courts, but the expensive and protractive nature of the proceedings there had indisposed persons to apply to those tribunals. He could not, however, admit the soundness of the noble Lord's argument, because, even if it were true that there was no legal remedy, it would be the duty of their Lordships to provide a legal remedy by legislation. The noble Lord had referred to the Wesleyan Methodists, and their testimony was of a very important character, for they numbered more than one-half of the entire Dissenting community of this country. The noble Lord spoke of petitions from persons of the Wesleyan body, and the inference from the noble Lord's remarks was, that the Wesleyans might be considered favourable, as a body, to the abolition of church rates. Now, the Wesleyan Methodists were divided into two sections, and the Old Connection, greatly outnumbering the "New," and containing all the most influential members of the body, had never raised its voice against church rates, or taken part in the agitation which had been got up to procure their abolition. Moreover, the agitation against church rates was not authorized by that important body, the Conference. The noble Lord gave, as a proof of the feeling against church rates, that the amount collected had diminished; but this fact was capable of another explanation. In many cases in which contests had been threatened through the organization which the abolitionists had formed, the rate was given up, rather than bitterness and exasperation should be introduced into parishes. It was no indication whatever of the general feeling of the people against church rates, but rather indicated the desire of churchmen themselves to keep the rate down to the lowest possible amount. The noble Lord had argued that their Lordships ought to assent to the abolition

of church rates just as they had ultimately given their assent to Parliamentary Reform, to the repeal of the Corn Laws, and to the removal of Jewish Disabilities. But in the case of Parliamentary Reform there was an acknowledged evil to be remedied, and the measure by which it was proposed that that object should be attained had been carried by increasing majorities in the other branch of the Legislature. The repeal of the Corn Laws was a measure of a similar description; and it might further be said that the Irish famine had rendered it impossible to maintain the system which had been abolished. With regard to the removal of the Jewish Disabilities, he had to state that, although he had not himself concurred in the decision of their Lordships upon that point, he was ready to admit that as it was a matter which peculiarly affected the other House it could not be supposed that their Lordships would perpetually oppose the wishes of that House upon the subject. But the present question stood upon a different ground. It was one which affected the highest interests and the deepest feelings of the people of this country; it was one which affected the stability of the Established Church. Their Lordships had at a former period made a stand upon a question affecting the interests of religion — namely, the appropriation of Irish ecclesiastical property, and the success which had attended their efforts upon that occasion would, he hoped, afford an omen of the results which would follow their opposition to the present measure. He wanted to know who were in favour of the present measure of abolition. It was doubtful whether the noble Lord himself was really anxious that the Bill should pass, because, although the measure was brought up from the other House on the 30th of April, it was not until near the end of May that he announced his intention to move the second reading. Was the Church in favour of the Bill? The noble Lord had quoted the names of churchmen in the House of Commons who had voted for the measure. But did those Members represent the Church of England? The noble Lord himself had told them how singularly the opinions of Members of the House of Commons had varied upon that question, according to the amount of public pressure to which they had been exposed. But were the right rev. Prelates favourable to that proposal? And were not they to be regarded as more fitting representatives of the Church than those Members of the other House who had voted of late years in the majorities by which the Bill had been carried? Was the country itself really in favour of that abolition scheme? When the Bill was read a second time in the House of Commons, on the 8th of February, there had been only twelve petitions, with 407 signatures, presented in its favour; and the second reading had at that time been carried by a much smaller majority than that of the preceding year; that majority having fallen from upwards of seventy to only twenty-nine. The promoters of the measure felt that such a circumstance called for a renewal of agitation upon their parts; an organized system was put in force by the Liberation of Religion Society, for the purpose of obtaining a popular demonstration against church rates; and the result was, that by the 28th of March there had been presented to the other House in favour of the present Bill 4,972 petitions, containing 546,000 signatures. But the rapid success which had attended the efforts of that society were not, he contended, an evidence of the true state of public opinion. Petitions could only evince with any certainty the feeling of the country when they were presented, not in any sudden mass, but equably and steadily from different parts of the country. Was Viscount Palmerston himself in favour of the Bill? In the debate on the Bill of 1855 the noble Viscount said—

"When we are talking of a measure which deeply affects great interests, and, I may almost say, universal feelings of the country, we must cast our eyes a little further than the door of this House; and we must consider whether a measure which is brought under our discussion is one which is likely to pass into law if we approve it. I certainly cannot bring myself to think that this measure, as it is now proposed by my hon. Friend, is likely to receive the sanction of both branches of the Legislature; nor do I think that it does contain such arrangements for providing for the support of the fabrics of churches as would be sufficient to secure their maintenance. . . . . If I was prepared to support the measure of my hon. Friend, with some trifling alterations, I should consent to go into Committee to propose those alterations; but as I do not see in this Bill any substantial foundation upon which a measure could be framed that would be satisfactory, I think I should be acting in a manner of which the House and the country would have a right to complain if I were to support it for the sake of any momentary popularity out of doors, or of a few cheers from this side of the House. A person in my position ought not to support a measure unless he thinks that measure is likely to be successful in its future stages, especially when it deals with a question of such importance as this is to the interests, the feelings, and the deepest

religious sentiments of the community. With great regret, therefore, and acting under a sense of duty, I must, as far as my personal Vote is concerned, oppose the second reading of this Bill."—[3 *Hansard*, cxxxviii. 687, 690.]

Such was the opinion of Lord Palmerston in 1855, and, therefore, it might well be asked whether the Government were united upon the question. The noble Lord had gone into a variety of details concerning the different compromises which had been proposed for the settlement of this question. But the question now before their Lordships was one of abolition, pure and simple. Had a case been made out for the immediate and absolute abolition of church rates? He maintained that it had not. The passing of such a measure would be a violation of Magna Charta itself—the foundation of all our liberties—which provided in express terms that the Church should be free, and have her "old rights and liberties inviolable." If church rates did not constitute one of the rights of the Church, he should like the noble Lord to inform him what did. Another reason why the present Bill should not pass was that the decision of their Lordships' House had considerably modified the question, and produced a favourable effect upon the public. Dr. Lushington stated to the Committee that since the House of Lords decided that the majority in a vestry had a right to determine whether a rate should be levied or not, the number of disputes in regard to church rates which had come under his notice had very much diminished, and that within the last seven years he recollected scarcely any. That evidence destroyed the argument of the noble Lord that the contention and ill-feeling which prevailed on this subject urgently demanded a remedy, no matter how injurious that remedy might prove to the interests of the Church. The peace of the people was not at stake, for the number of disputes in regard to church rates had diminished. Besides, if it was to be held that everything which created dispute and heart-burning should be done away with, they must proceed to abolish municipal and other elections, which certainly disturbed the public peace far more than church rates. Another most extraordinary reason which was advanced in favour of this measure was that no compromise could be found. Because they could not amend the law, they were called upon to destroy it. In the same way it might be argued that a physician, perplexed with a difficult case, for which he could discover no cure, had no resource but to put a summary end at once to the life and sufferings of the patient. The noble Lord adjured the right rev. Bench to stay the uplifted hand, and not to inflict further injury on the Dissenters. It was acknowledged, however, by the Dissenters themselves, in various little tracts and manuals which they had published, that the law as it stood was so reasonable, so equitable, so justly administered, that it was scarcely possible to lay and levy a rate where the parishioners thought proper to resist it. The noble Lord argued that the abolition of the rates would enlarge the Christian sympathies and open the purses of Churchmen in a remarkable degree, and that contributions for the purposes of the Church would flow in from every quarter. The fact was that the Church of England already depended for support on a voluntary basis to a greater extent than any other denomination in the country. From the Report of the Incorporated Society for Promoting the Enlargement, Building, and Repairing of Churches and Chapels, he learned that in 1858 grants to the amount of £13,000 were made by the Society to meet local contributions to the amount of £175,000; in 1859, the Society's grants amounted to £17,000, the local contributions being £195,000; and in 1860, the grants were £22,000 to £240,000 of local contributions. That was an example of the support which the Church derived from voluntary contributions. [Hear, hear!] He understood what those cheers meant. Noble Lords opposite believed that if so much was done for the Church already by voluntary effort, a little more might easily be accomplished. He feared that that "little more" would prove the last straw which would break the camel's back; and that, not from the want of liberality or means on the part of members of the Church, but from the irregularity of the source, voluntary contributions would fail to replace the rates. It was the peculiar advantage of the church rates that they supplied steadily an ever-recurring want which it was impossible to meet with the desirable regularity by any other means. He asked their Lordships to look also to what the Church was doing in the way of education. In 1854 the grants made by the Privy Council to meet the contributions of the Church for educational purposes amounted to £209,000, while the grants to all the other denominations

amounted to only £116,000. In 1855 the Government grants to the Church were £240,000, against £129,000, to all other denominations; and in 1856, £268,000, against £155,000. Churchmen, therefore, were not niggard of their means; they did not repose upon their endowments; the ministers of the Church were actively exerting themselves to procure contributions for religious and educational purposes; and when it was said that voluntaryism was practicable for Dissenters, but was not practicable for Churchmen, he had to answer that the Church was to as great, or even a greater degree, a voluntary institution as any dissenting sect in this country. Let it be observed, too, that there were some important differences between dissenting chapels and churches devoted to the performance of the service of the Established religion. The chapels of the Dissenters were small, inexpensive buildings, those connected with the Church were large and costly. When once a church was erected in connection with the Establishment, it was solemnly dedicated to the service of religion, and must immutably remain so. On the other hand, a dissenting chapel could be removed from place to place. If the congregation fell off, the chapel could be at once shut up and disposed of. Then, again, the Church of England was essentially the Church of the poor man. The plan of providing for the sustentation of the Church by means of pew-rents was incompatible with the proper accommodation of the poor, for many localities were occupied wholly by classes too poor to pay for seats. In the midst of any poor population there were generally to be found some large factories, the proprietors of which, residing at a distance in some more agreeable or salubrious spot, and contributing liberally to the church and schools near his residence, might not be disposed to support those in the neighbourhood of their works, unless legally bound to do so. In such places church rates were the only source available for ensuring the decent performance of divine service. Such cases were pointed out in the evidence before the Committee. He had further to observe that the maintenance of the large edifices of the Established Church were often attended with extraordinary outlay. Dr. Miller, of Birmingham, stated that the restoration of the spire of his church had cost not less than £7,000. He had been enabled to raise that large sum because he was a very popular minister; but their Lordships could not, as a general rule, trust to the popularity of ministers as a resource for maintaining the great ecclesiastical edifices of this country. Again, it appeared that Mr. Yorke, of Birmingham, had restored his church at an expense of £7,000; but he stated that the demands he had to make in consequence upon his parishioners had become such a nuisance that his influence over them had considerably declined. He could go further than many of these parties in reference to the effect of the abolition of church rates in parishes. In many cases they had evidence to show that the diminution of poor rates was actually attributable to the voluntary contributions raised for the relief of the sick and poor. The minister's duty was to visit all the sick and poor in the parish. He had a district visiting society, which was supplied with funds voluntarily contributed, but once put another item in a voluntary form on the liberality of the parishioners, and these funds would inevitably suffer, and these rates would again rise. He would advert, before concluding, to the special nature of the evidence adduced before their Lordships' Committee, as regarded the ulterior objects of those persons who had sought to carry a Bill for the abolition of church rates? Some years ago he stated to their Lordships what he believed were the ulterior objects in the minds of some persons with regard to church rates, and on that occasion the noble Duke opposite stated that he did not believe there were any persons who entertained those views, and that church rates were sought to be got rid of simply and solely on the ground of finance and of their oppressiveness to our dissenting brethren. Lord John Russell, in 1854, saw a little further into this question, and his words were—

"We have a national Church, we have a hereditary aristocracy, and a hereditary monarchy, and all these things will stand together. My opinion is that they will decay and fall together, and I see no reason why we should prefer the institutions of the United States. I shall, therefore, oppose this Bill as tending to subvert one of the institutions of the State."

Before the Committee appointed to inquire into this question two gentlemen were examined, who had taken part in the promotion of this Bill, as regarded their Parliamentary action. Dr. Foster, Chairman of the Parliamentary Committee of the Society for the Liberation of Religion from State Patronage and Control, was asked:—

"Will you state generally what are the objec-

tions you have to church rates, irrespective of that more vital and ultimate end that you have alluded to?"

He replied:—

"Perhaps I should preface that by saying that I do not think we have particularly encouraged any movement against church rates, any further than by assisting those who have come to us for advice with the advice that they wanted, and also by undertaking the conduct of the Parliamentary movement. With regard to our objections I should say that I think the objections of the society are derived solely from their being one means of connection between Church and State, to use a common expression."

He entertained no doubt that the Parliamentary action of this Committee had been extended to their Lordships' House, and that they had been in communication with the noble Lord who had moved the second reading of this Bill. These persons, in their authorized publication, spoke of the present measure under the significant designation of "our Bill. Were their Lordships aware of the extent of the action of this "Parliamentary Committee" upon the constituencies? Mr. Morley, a member of this Society, was asked by the Chairman the following question:—

"You stated, I believe, that you thought that even the existence of a Government depended upon this question being settled in the form in which you wish it to be settled; do you think that the existence of a Government would be imperilled by any proposition being made in the House of Commons that churchmen should have the power of rating themselves."

Mr. Morley's answer was,

"No, probably not; I merely meant to refer to the fact that there is in every constituency a representative body of the views which I have put before the Committee. The particular society to which reference has been made has correspondents in every constituency, and there is a degree of co-operation with them, not on behalf only, I beg the Committee to believe, of mere noisy talkers, but of earnest thoughtful persons, in every constituency, and in every moderately large town, and there is a course of action which candidates understand perfectly well, and which is found to be operative on this particular question."

The organization of this body was shown in the fact that in eight weeks they had caused 4,000 petitions with 500,000 signatures to be got up and presented to the other House of Parliament. It was clear from the objects avowed by the Society that even if this question should be settled to-morrow the Society would continue their exertions as long as a broad acre was left to the Church or a commuted tithe continued to be paid. Dr. Foster gave the following evidence relative to the objects of the Liberation Society:—

"Chairman: I believe you are chairman of a Society for the Liberation of Religion?—No; I am chairman of the Parliamentary Committee of that Society; its full name is the Society for the Liberation of Religion from State Patronage and Control.

"May I ask you what the objects are which the society have in view?—They are stated in a prospectus, which is printed. To state them shortly, they are these:—We wish to, what is commonly called, separate the Church from the State; we wish to take away all funds and property with which the State has endowed any religious denomination whatever; we wish also to free all denominations of persons who may happen to be under special legislation, on religious grounds, from such special legislation.

"When you speak of those whom the State has endowed will you be so good as to explain your meaning a little more fully?—I mean those who are in possession of public property.

"If I understand you rightly, your society considers that there are various laws affecting the Church which maintain its connection with the State, and whatever those laws relate to they wish to see them done away?—Yes, I think that represents our view; but your Lordships will understand me to speak entirely upon my own personal responsibility; I have not consulted with any one as to coming here.

"Has it not been in furtherance of that object that your society have taken the active part they have in the church rate question?—Yes."

He could say for himself he was most anxious that this question should be fairly, equitably, and justly settled; but the course recommended by the noble Lord (Lord Lyveden) neither satisfied the demands of justice nor sound policy. Their Lordships had undoubted evidence before them to show that the object of the organization to which he had referred was not only directed to obtain the abolition of church rates, but also the secularization, as it was called, of the entire amount of Church property which was now applicable for the religious wants and interests of the millions of poor of this country. If no compromise upon this question had hitherto been arrived at it was from no fault of the friends of the Church of England, who had proposed several compromises, but was owing to those who declared they would accept no compromise upon this question. For these reasons he thought their Lordships would not act in a manner consistent with fairness to the Church, or with justice and sound policy, if they agreed to the second reading of this Bill. He would therefore move that the Bill be read a second time on that day three months.

Amendment moved, to leave out ("now") and insert ("this Day Three Months").

LORD WENSLEYDALE said, he wished to occupy a very few minutes to correct

what he considered as a mistake of the law by his noble Friend in moving the second reading of the Bill, which it was material should be rightly understood in disposing of this Motion. His noble Friend supposed there was no legal obligation on the vestry to make a rate, and that the majority had the option to make it or not. This was an error, very prevalent, too, out of doors. A pretty general supposition was that the decision of their Lordships in the Braintree case established this. There could not be a greater mistake. The duty to repair the churches was as old as the time of Canute, whose laws declared that all the people were to do so; and in the statute of *Circumspecte Agatis*, passed in the 31st year of Edward III. it was declared that the Court Christian had the consonance of that subject as a spiritual matter, and was not to be interfered with. This had been the constant rule since, though there were cases in the Year Books which might lead to the supposition that the non-repair of churches might be enforced at common law; but this obligation on the parish, though enforceable by the spiritual courts only, was analogous to the obligation of parishes to repair roads, or counties to repair bridges. How was this obligation to be carried into effect? The law supplied a reasonable remedy; before the statutes were passed for that purpose, in the case of highways and bridges the inhabitants of the parish were to meet and to make a by-law for that purpose. They were like a corporation for that purpose, and the majority assembled might make a by-law, and if it was a reasonable by-law and equal to every one it bound the whole. Thus, a by-law that one was to contribute materials, another labour, another carriages, another horses, if all were equally dealt with, was binding, and could be enforced against all. The same with counties and bridges. The inhabitants had not the option to make that by-law or not as they thought fit, and if they did not choose to do so the parish or county was indictable at common law. But with respect to the repair of churches, if the vestry refused to make such a by-law, originally in any reasonable mode, but for many years back by imposing church rates, the only remedy was by proceeding in the Ecclesiastical Court, by interdict, if the whole parish neglected that duty—a remedy which, according to his noble and learned Friend on the woolsack, in a very able pamphlet which he had published some years ago on the subject of church rates, had become ineffectual by the change of religion. The whole parish could not be excommunicated, but individuals who contumaciously refused to discharge that duty of repairing might be excommunicated. This was clearly laid down in many old authorities; and as late as in 1843 and in preceding years there would be found cases in the Ecclesiastical Courts on the subject, and particularly in the very able and elaborate judgment of Sir Herbert Jenner Fust, who held that the articles against a person for contumacy in impeding the making a church rate were admissible to proof. He was, as a Judge, concerned in all the decisions in the Braintree case. The Court of Queen's Bench held in one that a minority of the vestry, who were willing to do their duty, could make the rate, and the majority threw away their votes; but that decision, though supported by the Exchequer Chamber, was overruled by that House, and very properly so. His noble and learned Friend (Lord Cranworth), then a Baron of the Exchequer, delivered a most able and satisfactory judgment, in which he pointed out in the strongest manner why the Court of Queen's Bench was wrong in holding that the vote of less than the majority would not be unavailing; that those who refused were undoubtedly liable to be punished. It was clear, therefore, that the Ecclesiastical Court could now enforce by censure of individuals as contumacious; but the remedy was difficult and expensive, and could not be practically effective.

THE EARL DE GREY AND RIPON expressed his surprise that the noble Duke who had moved the Amendment, instead of discussing the compromises proposed by the Report of the Committee appointed to inquire into this subject should have rested his argument on the principle that church rates ought to be maintained as they now were, and that he should have given expression to the opinion that the law should be made such as would render it more easy to enforce their payment. The noble Duke went back as far as Magna Charta, and told them that if church rates were abolished it would be a violation of the Great Charter, which guaranteed to the Church all its rights and privileges. He was afraid that, in this sense of the term violation, the Great Charter had been very frequently violated since its promulgation, and he must say that in spite of his great veneration for Magna Charta, he would not shrink from adding this one more violation to the

long list that preceded it. The noble Duke referred to the statement made by the noble Lord who opened the debate, that though payment of church rates might be a legal duty, yet there was no remedy in case of refusal to pay. It was true, said the noble Duke, that there was no penalty now, but there was a time when the jurisdiction of ecclesiastical courts was powerful, and when the legal obligation to pay could be enforced; and the noble Duke seemed to desire the return of those halcyon days, and a revival of all the ancient powers of the ecclesiastical courts. But their Lordships were not called upon to go back to the days of the Great Charter, or to the time when the ecclesiastical jurisdiction was all powerful. They had to look at this question as it was presented to them at the present moment, and at all that had taken place regarding it during the last thirty years. He must say that the noble Duke's description of the law as it now stood was not quite satisfactory, and he preferred taking it as it was described in the Report of the Committee now before him. That Report stated that, by the judgment of the House of Lords in the Braintree case, the law was declared to be that a church rate could only be assessed by a majority of the vestry; and it appeared from the evidence that for neglecting to pay there was no penalty at common law. It was this state of things, therefore, their Lordships had to deal with. The noble Duke seemed to think that there was in reality no reason why any person should be relieved from the payment of church rates. He did not mean to say the noble Duke would not be willing, as a matter of grace and favour, and because he could not help it, to relieve those who were not Members of the Church of England from the payment of church rates; but the whole course of his argument went to show that there was in reality no grievance. He seemed to think that the whole of the objections to church rates rested on the agitation of the peculiar views held by the Society for relieving the Church from State Control. But the fact was, that this was a question under discussion thirty years ago, and that during that time the grievance had been admitted by every statesman of eminence almost without exception. For thirty years there had been a succession of attempts made to settle the question, and as far back as 1834, a Bill was brought in which proposed that church rates should terminate, and that the maintenance of the fabric of the Church should be provided for in some other way. The noble Duke spoke as if the Dissenters were the only persons who opposed a compromise; but there was a time when the defenders of church rates refused compromises, which might have been accepted with advantage to the Church. A succession of compromises had been offered, but all had been rejected by the advocates of church rates; and by their own conduct they had now rendered compromise impossible. From the period of the Government of Earl Grey to that of Lord Melbourne and of Sir Robert Peel propositions had been made and rejected. At a later period a proposal had been offered with a like result. An hon. Friend of his in the other House, and a friend of the Church, proposed a plan in 1853 by which Dissenters should be registered in order to exempt them from payment of church rates. That was refused; and since then there had been various suggestions from both sides, including a Bill introduced by the noble Duke, which stated in its preamble "Whereas it is expedient to abolish church rates, &c." Although, no doubt, the noble Duke intended really to continue them for the support of the fabric. Last year the Government of the noble Earl opposite undertook to deal with the Question, and introduced a Bill which would have enabled landowners and trustees to make some permanent charge on land that they possessed or held in trust for the benefit of the Church, and church rates were to be abolished in those parishes in which such charge was made; but failing that, the Bill provided that any person who would say that he conscientiously objected to the levying of any particular church rate after it had been made, should be relieved from the payment of that particular rate. That seemed to him the clearest possible admission that there was then a grievance affecting the Dissenters which required to be got rid of; for it would not be supposed that a Conservative Government, and especially that Mr. Walpole would propose to give up anything belonging to the Church unless he were induced to do so by just and reasonable views. That Bill was rejected by a large majority; and that was the condition in which the question was left when their Lordships appointed a Committee last year. That Committee itself admitted that there was a grievance, for the Committee recommended a measure

which would exempt from paying church rates persons who should simply say that they objected to pay. On looking at that Report he was led to refer to a remark of the noble Duke in reference to his noble Friend behind him, that his noble Friend (Lord Lyveden) could not be very eager in reference to this Bill, as it was introduced on April 30, and the 19th of June had now arrived. But the Report of the Committee was dated February 28, 1860, and if the noble Duke and his friends had been anxious to meet the question he ought to have done so by laying a Bill before the House, or agreeing to the second reading of this measure and then proposing Amendments in Committee. But, in truth, the noble Lords opposite did not like their own child, and wanted no compromise at all. They thought there was a temporary change of opinion in the other House, and they sought to make the most of that circumstance. That, however, was not a wise policy to adopt in reference to a great question that had been a long time in agitation. It was impossible to believe that the present state of things could continue long. There was a grievance admitted to exist which as long as it existed would cause irritation and ill feeling. The only question that could be seriously argued now was how to remedy that grievance without inflicting a greater injury on the Church of England, and to settle the question for ever—for unless some permanent settlement was effected all efforts would be useless, and the agitation and irritation which all deplored would go on increasing. Was there any compromise which was now practicable? Two suggested compromises had been alluded to. One of these was to sustain the fabric of the church out of the funds other than rates at the disposal of the Church; another proposal was that made by Sir George Grey, to substitute pew-rents for church rates. He (Earl de Grey) did not say he was enamoured of pew-rents. He agreed that it was a distinguishing characteristic of the Church of England to be considered as the "poor man's Church," and he would object as much as any one to any measure that would have a tendency to exclude the poor from their parish churches. Further, he would say that his own individual wishes were to abolish pews altogether, and that all should be seated alike; but they all knew it would be impossible to do so, as any attempt of that kind would drive people away from the churches. But if the true theory was that all seats should be open to all alike, then the appropriation of particular seats was a privilege, and if it was a privilege, then those who enjoyed it might fairly be called upon to pay for it, and thus contribute to the fund for the maintenance of the church in which the pew was occupied. The proposition of Sir George Grey received little support, owing to the extraordinary conduct of the supporters of church rates, who, after leaving Mr. Newdegate in a ridiculous minority, joined with Sir John Trelawny and his friends to defeat Sir G. Grey's proposition. Then there was the proposal to register Dissenters, or, what was very much the same thing, a statement that they objected to pay church rates; but he, as a friend of the Church, objected to any system which marked men as Dissenters and tended to prevent them from that occasional conformity which was of advantage to the Church in various ways. Such a plan would reduce the Church to the level of a sect, and would go far to destroy its national character. For these reasons he had always objected to any plan which proposed to register Dissenters. Then came the compromise proposed by the Committee of their Lordships' House; and that compromise was in reality the giving up of church rates altogether, for it was proposed to substitute for church rates what was called a "voluntary rate." [The Marquess of SALISBURY: No!] Surely a rate that a man could exempt himself from paying was a voluntary rate; and a voluntary rate seemed to him to be something like a contradiction in terms. If they acted in such a way they would, in fact, abolish the tax, whilst they would encumber themselves with a machinery which would deprive them of much voluntary support. No compromise could be effectual; they must either retain the law as it stood, or come to an abolition of church rates, and trust to voluntary efforts for the means of sustaining the fabric of the church. "But," said the noble Duke, "if you read this Report you will find that if you destroy this outwork of the Church, you will lay open all her defences, and Dr. Foster and Mr. Morley will march in triumphant." Having, however, read the evidence in that Report, he must say that it had made on his mind a totally different impression; and he came to this conclusion, that it was not true that the majority of those who desired the abolition of church rates had ulterior objects in view, although it might be the case with Dr. Foster and the Society for the Liberation of Religion. The majo-

Earl de Grey and Ripon

rity of those who opposed church rates did so on grounds applying to the rate itself, and did not desire to look beyond. In several parts of his evidence given in the Report, Mr. Morley said that the majority of Dissenters who wished for the abolition of church rates did not look for it as a step to anything beyond, though he stated that his own opinion was against the continuance of the Church Establishment. He knew Mr. Morley, and he desired to speak of him with every respect; but his opinion must not be taken to be the opinion of the majority of those who desired the abolition of church rates. A glance at the names of those who had voted for the Bill in the other House would satisfy their Lordships that there was no ground for the theory adopted by the noble Duke, that the measure had been supported by hon. Members simply from fear of their constituents. The majority in the other House had not been actuated by any such motives, and were inspired by no animosity towards the Church. Here was a grievance, the existence of which was admitted by all parties, which was felt in every parish, and the continuance of which placed in the hands of Mr. Morley, Dr. Foster, and the Liberation Society their only powerful weapon against the Established Church. If their agitation had spread, and was, as they said, a growing agitation, its growth and its continuance were, in his opinion, due mainly to the maintenance of church rates. Believing therefore, as he did, that the present system entailed a distinct hardship upon Dissenters, and that that hardship had been admitted by almost everybody whose opinion on this question was worth having; believing that the existence of the grievance inflicted great injury on the Established Church by weaning from her the affection of a large portion of the people; believing that the impost tended to destroy peace and harmony throughout the country, and to prevent that community of Christian feeling which ought to exist among various denominations of Christians; seeing no mode of compromise open, though if a feasible compromise were proposed in Committee he should gladly support it, he should feel it his duty to vote for the second reading, not only because he had always been anxious to do justice to his Dissenting fellow-subjects, but because he desired to widen the basis and to strengthen the fabric of the Church of which he was a member.

THE ARCHBISHOP OF CANTERBURY: My Lords, the noble Earl who has just sat down alluded to a Bill which I ventured to propose some years ago, and has gently adverted to an objection to which it was liable. But the very proposal of such a Bill should satisfy the noble Baron who appealed to the Members of this Bench, that there is no want of readiness on their part to agree to any measures of conciliation, which they thought consistent with their duty. There are many matters, my Lords, of grave importance connected with the subject before you, into which I shall not enter:—I will confine myself to two arguments which have been principally urged both by the noble Lord who moved the second reading, and by the noble Earl who has last spoken. These points are, first, that it would promote the best interests of the Church itself to deprive it of all external legal aid; and, secondly, that the rate is levied on Dissenters from our Church, and that it is unjust to charge them with the expenses of an Establishment to which they cannot consistently conform. My Lords, in regard to the first of these arguments, which concerns the welfare of the Church, I have no doubt that the noble Lord the mover and supporter of the Bill is sincere in his belief of the superior excellence of the voluntary principle. But it is at least singular that two parties having, unhappily, different ends in view should concur in the same argument. The noble Lord, a member of the Church, and whose object it is to benefit the Church, believes that he should best attain that object by depriving the Church of all public or legal support. The members of the Liberation Society, whose avowed object it is to overthrow the Established Church, maintain the same opinion. They affirm that the Church would be raised in its spiritual character if it were released from all connection with the State. It is a singular coincidence. But I greatly fear that in this instance the adversaries of the Church judge most correctly, and have the best means of judging. They know by experience how it weakens the best interests of a Church that the clergy should be dependent upon their congregations; and they know also that the effect of abolishing the rate would be eventually to destroy that independence which has hitherto been the characteristic of the ministers of the Church of England. My Lords, in reference to the other point, in 90 out of every 100 of our parishes the rate is a matter of course, enforced by law and custom and considered in the annual rent; and is paid without

any more complaint than is made against any other tax. But, annul the law, remove the agreement with the landlord—*i. e.*, take away the obligation, and where shall we find even the £15 or £20 which the fabric and services of the humblest church require? It sounds well in theory to boast of the excellence of the voluntary system. But it may be more correctly described as the begging system, and it is to the begging system which I object as the support of our churches, for I believe the effect, more especially upon our parochial clergy, would be very serious. The clergyman would have no other resource than to place himself under an annual obligation to his parishioners, or to provide from his own means for the repairs of his church and the maintenance of public worship. Is this the condition to which you would reduce our parochial clergy, many thousands of whom reside on benefices yielding less than £200 per annum? My Lords, when you consider how largely, according to their power, and beyond their power, the clergy do now contribute towards the schools and clubs and various charitable plans which are in operation in almost every parish, you surely will not impose upon them the additional tax of supporting the churches in which they officiate, and providing the expenses indispensable to the decent worship of God. Very few words will suffice in alluding to the more common and hackneyed argument for the abolition—namely, the injustice done to Dissenters by charging them with the expenses of a Church to which they do not belong. My Lords, I will not resort to the natural reply, that they hold the property on which the rate is levied on this condition. The argument is incontrovertible. But I confess that I earnestly desire the success of a measure which shall annihilate the plausible objection, and put an end to a question which has been so long debated, and will continue to be debated while the debateable ground remains. I trust that Parliament will enact a law which shall make a rate compulsory upon Churchmen, and upon Churchmen only—a rate so far voluntary that it shall not attach upon Dissenters, and so far compulsory that the members of the Church shall pay an equal share towards the maintenance of the church and the proper performances of the services, according to the rateable value of the property which they possess or occupy. This was the conclusion to which the Select Committee alluded to by the noble Earl was brought after a full and patient inquiry. I trust it will become a legislative measure. I do not say that it is free from objection. I do not deny that it is a concession rather than a compromise. But I think that the concession may be defended, that it may be justified, as conferring a benefit on both parties. It would relieve the Dissenter from the temptation to which he is now exposed, and which must be, I think, very distressing to his conscience—the temptation to stir up strife in parishes which would otherwise be peaceful and harmonious. And it would relieve the clergy from the annoyance of such disturbances, and leave the Church to conduct its own affairs without the interference of those who do not belong to its communion. My Lords, I regret that, according to the forms and privileges of the House of Commons, such a measure cannot originate with your Lordships; but I hope that it may be introduced into the Lower House and meet with the concurrence of both Houses of Parliament. Meanwhile, my Lords, I trust that you will agree with the noble Duke and reject the Bill which is now before you.

The Archbishop of Canterbury

Earl GREY said, that the noble Lords who had addressed the House in favour of the present measure rested their support mainly upon this argument, that as church rates were not generally paid under the present law, the only compromise possible was to throw the maintenance of the fabric of the Church at once upon the voluntary contributions of its supporters; that, in fact, the churches were to be supported in the same manner as the chapels of Dissenters were, by those only who used them. If he were prepared to agree in the main conclusions of his noble Friends, still he would venture to urge their Lordships not to give their assent to the second reading of this Bill; and for this simple reason. If they were to deprive the Church of the advantage of church rates as a mode of supporting the fabric—if they were to leave the parishes of this country without any legal security for the maintenance of the ancient fabrics so dear to the hearts of the inhabitants—at all events they were bound to take care that those who were anxious to make the sacrifices necessary to maintain them should be at liberty to do so without any improper interference on the part of others. But he asked their Lordships to look at this Bill, and to observe the manner in which it was drawn. It abolished for ever church rates, but it made

no provision whatever in reference to the future property in churches. The fabric of the Church would remain, as at present, the property of the inhabitants of the parishes, including the Dissenters. If they were to pass this Bill in its naked form, as it stood, the churches would be reduced to this anomalous and extraordinary state—the parish would be deprived of all means of levying rates for the support of the church; and, if voluntary subscriptions were collected for that purpose, the friends of the Church would have no assurance that those who refused to join in the subscriptions would not come forward to control and overrule their desire as to the manner in which the money was to be expended. It would commit the monstrous injustice of giving to those who did not subscribe one farthing towards the Church an equal right with those who contributed their money, to declare how that money was to be appropriated. He might be told that this fault in the Bill might be remedied by an Amendment in Committee. It was, however, by no means easy to correct this evil by an Amendment in Committee. It required a very careful provision in order to secure to those who were willing to take upon themselves the burden of maintaining the fabric of the church the proper control of their own money. If there were really a *bonâ fide* desire to get rid of church rates, and in getting rid of them to give to those who adhered to the Church the powers of managing the Church for their own benefit, the promoters of the Bill ought themselves to have introduced a provision to that effect. If their Lordships gave this Bill a second reading they would give to the advocates of this unjust change this advantage—they would admit the principle that church rates ought not to be maintained, and at the same time they would obtain no security from the other side that they would consent to a reasonable adjustment of this question. But he should not rest his argument upon such low grounds. He was prepared to take much higher ground, and to maintain that the law as it stood was a just and proper one. Formerly he admitted that the law imposed a grievance upon Dissenters when it held that the minority of a parish, with the consent of the churchwardens, might impose a tax upon the parish at large. That was, no doubt, a grievance. But the law now, as decided by the highest authorities, was practically reduced to this principle—that the majority of a parish was at liberty, if they thought fit, to tax themselves for the maintenance of the ancient fabric of the church to which they were devoted. He was aware that there were other defects in the existing law which he should be glad to see remedied. In his opinion, the defects were simply these. In the first place, there was a want of restrictive conditions in respect to the applicability of church rates. The existing law, however, ought not to be made responsible for this defect. He thought, however, it would be right and proper to restrict more clearly the application of church rates to the necessary repairs of the fabric of the Church. To such a restriction he believed that the friends of the Church would readily assent. Again, it should be recollected that a great change had taken place of late years in some parishes, so that those who were now rated to church rates were not the same as those who had formerly been rated. He thought that the rates ought to be confined to those parts of the parishes for the advantage of which the churches really required to be maintained. Lastly, it was a fault of the existing law that those who imposed church rates were liable to be defeated in the carrying out of their desires by a small minority who could avail themselves of technical means to effect their object. That was a serious evil, and one which he thought demanded a remedy. But, granting that those amendments of the law were necessary, he, for one, was not prepared to say that any further change should be made in it. Let him ask, was it not consistent with the whole spirit of our Government, both local and general, that the people should have the right to tax themselves for all purposes affecting themselves? It was said that it was unjust on the minority that they should be compelled to pay a tax imposed by the will of the majority. But how would such an argument apply to the administration of Government generally? For example, he was of opinion that the war in China was unjust and impolitic; that, in fact, it was a great sin committed by this nation, and that it would bring down punishment upon it. But did he, therefore, mean for a moment to argue that he should be excused from contributing his share to the taxation which was deemed necessary to defray the cost of such a war? He never thought of urging so untenable a claim. So with regard to sanitary arrangements, lighting, and other parochial matters. In all such cases the majority were constantly in the habit of imposing burdens upon the

minority—burdens, too, which were often new and unexpected. The obligation to pay church rates, on the contrary, was a burden which had existed from time immemorial; and as to the particular grievance of this tax upon Dissenters, the objection was at once disposed of by the undeniable fact that no one individual was charged with this impost who had not acquired his property expressly subject to it. Moreover, he maintained that, to abolish church rates would be to plunder, not so much the Church, as the poor inhabitants of the parish. The poor had inherited from their ancestors the right to have the church maintained for their benefit, and by abolishing church rates their Lordships would, as far as they could, deprive them of that right. It had been said that the existing state of the law was objectionable, because there were great anomalies in its exercise—that church rates were levied in some parishes and not levied in others; but what was thus termed an objection to the law was, in his opinion, its greatest recommendation. There was great variety in the circumstances of parishes. In some it was expedient that rates should be levied, in others it was equally expedient that it should not be levied. He thought it would be inexpedient to levy rates in parishes where there was a pretty equal division of the population among different religious denominations, and where, consequently, the Dissenters formed a large minority. There was also very often an objection to levy rates in towns, where there were various other means—among others pew-rents—by which provision for the maintenance of the churches could be made. In towns, to prevent confusion, pews must be appropriated to particular individuals, and in that case he saw no reason why those who were able to do so should not pay for the advantage they thus possessed. It was otherwise in the country. In many country parishes there were not more than three or four persons who could afford to pay pew-rents, which consequently, in such places, would be highly objectionable. At one time it was proposed by law to make a distinction between town and country parishes. The proposal was abandoned, because it was found impossible to distinguish with accuracy what were urban and what rural parishes. But what the law could not do the self-working machinery of the vestry could do. The vestry knew where a rate was desirable and where it was not, and the practical result of the existing system was that rates were levied in those country parishes where they were urgently required, and were not levied in towns where they were unnecessary. He should regard it, moreover, as an invasion of the liberty of the inhabitants of a parish to say that they should not be allowed, even if they thought fit, to impose a rate. In country parishes it would be impossible to meet an annually recurring expense, however small, by way of subsciption. Their Lordships knew how difficult it was to collect a subscription even for a temporary purpose—some individual either refused to subscribe at all or subscribed in a very niggardly manner; his fellow-parishioners naturally disliked to give more than their fair share, and in that way the subscription failed altogether—but it was quite impossible to rely for any length of time upon the collection of subscriptions. The practical result of abolishing church rates would be that the expense in many cases would fall upon the clergyman, who was already far too severely burdened. When they were told that it was a grievance to levy church rates by the free vote of the inhabitants, he would ask their Lordships to recollect a fact which they had upon the authority of the opponents of church rates themselves—namely, that the difficulty of levying the rates was so great that any man who was determined could in a short time get rid of them in his parish. That was to a certain extent true, but if it was true what did it prove when coupled with the other fact, that only in a very small minority of country parishes had any such attempt ever been made at all? The natural inference was that the levying of rates in the vast majority of country parishes was so entirely in accord with the sense of the inhabitants that any man inclined to oppose the rate was, from very shame, compelled to hold his tongue. It had been said that church-rates were the cause of much ill-feeling and party spirit, and that their abolition would put an end to all the disputes that arose out of them. He admitted that the existing system did produce dissensions in parishes and vestries; but precisely in the same manner a lover of despotism might say that a wise Sovereign could govern a country far better than noisy people collected in a Parliament, and that free institutions were invariably attended by party divisions and great animosities. The reply was, that even with that drawback free institutions were incomparably to be preferred to the

Earl Grey

opposite system. So it was true that in vestries there were differences of opinion, as there were in town councils and in Parliaments. But, on the other hand, his belief was that there were some not inconsiderable advantages connected with the existing machinery for imposing church rates. The mere fact of having the question of how the church was to be maintained brought into discussion by the parishioners themselves, invested church matters with a lively interest for the people generally, and united the clergyman and his flock in the pursuit of a common object. There were many parishes in which the inhabitants took so deep an interest in the maintenance of this or that fine old church, that they readily paid large rates, even beyond what the law required. He was happy to think that there had been growing up in the country a change in the feeling of the people towards the Church. In the county in which he lived, this change was very marked. Thirty or forty years ago the churches in his part of the country were in a state that made one ashamed that they should be seen ; but now, on the contrary, there seemed to be a feeling of emulation in the various parishes as to which parish church should present the best appearance and afford the greatest accommodation to the people. He believed it would be a great evil to check that tendency and to prevent the parishioners from meeting together and raising funds in the manner they now did. A great effort ought to be made by all who really loved the Church to increase its foundations and widen its basis. He saw in every direction the Church extending its means of usefulness, and when he saw that he was persuaded of the inexpediency of depriving it of this resource, which could be raised in such a manner as to disarm objections. He could not help concurring to a great extent in what had been said by the noble Lord on the bench below as to the inexpediency of agreeing to the proposal alluded to in the Committee of their Lordships' House of excluding Dissenters from taking any part in Church affairs. It appeared to him that the proposal of exempting Dissenters from rates was inconsistent with the whole principle of rates. If he were driven to a choice he would prefer that the church rates should be altogether abolished, and the control and management of the fabrics of the Church given over to those who would voluntarily maintain them, rather than that such a course as was recommended in the Report of the Committee should be adopted. But he could not admit that any just or fatal objection had been made to the present system. The law, as it now stood, worked very well in the great majority of parishes, and he, for one, could not consent to surrender what he believed to be a great principle, more especially after the revelations which were made in the evidence before the Committee, which showed how different were the ulterior views of the honest opponents, who acted from conscientious motives, and those unscrupulous persons who had entirely other objects in view. His noble Friend who introduced the Bill said it was a common fallacy to object to a measure because some of its promoters wished for a great deal more. He owned that, as a general rule, that was no reason why what was just and right should not be done ; but the case was different when a great principle was involved. It was his belief that if they once conceded the principle that the inhabitants of a parish were at liberty to tax themselves, if they thought fit, for the maintenance of the fabrics of the church they would virtually concede the whole principle upon which an established Church could be upheld.

THE EARL OF AIRLIE said, he was much gratified to find that a measure of this nature, which in former years had created so much irritation, could be debated in the tone and temper that had been manifested that evening. On the one hand noble Lords who a few years since maintained the law as it stood, and would admit of no change, were now willing that some compromise should be made, and the most rev. Primate had that evening expressed himself ready to support any measure which should remove the grievances under which the Dissenters laboured. On the other hand, when it was said that this measure was urged on Parliament by persons whose real desire was to destroy the Church of England, he could not agree that that was an accurate statement. Church rates were sought to be abolished purely and simply because conscientious objections had been felt towards them by a large body of Protestant Dissenters. Church rates had been spoken of as constituting a part of the patrimony of the Church, in the same way as tithes ; but he could never believe that a revenue so precarious as church rates could be placed on the same footing as tithes, which were a *bonâ fide* tax on land. To class them together would supply those

who wished to overthrow the Church with a dangerous argument, because in the event of church rates being abolished they would insist that tithes ought to follow. He believed that the pecuniary loss which the Church would sustain from the abolition of church rates had been much exaggerated. A very large majority of the landowners of this country were members of the Established Church, and it was, he thought, a libel and an unworthy imputation on the part of noble Lords opposite, that the money these landowners gained by the abolition of church rates they would put into their own pockets. Their Lordships had to consider whether it was worth while for the sake of the revenue raised by means of church rates to excite the discontent and irritation which this impost produced. So far as Churchmen were concerned he did not look upon this as a question of principle, and the matter now under their Lordships' consideration was what course was most desirable to be taken in the interest of the Church itself. The noble Duke (the Duke of Marlborough) said, and no doubt with truth, that a section of those who were opposed to church rates wished to overthrow the Church altogether in its relation to the State; but in all reforms there was a party who wished to go further than the rest, and it might as well be argued that at no time should there ever be any concession of Parliamentary Reform because among those who asked for Reform persons might be found who held very extreme views. An arrangement had been thought possible by which some provision should be made for maintaining the fabrics of the church. If a good measure of compromise were before their Lordships he should prefer it to the present Bill, but he should prefer the total abolition of church rates to the continuance of the present state of things. Believing that any advantage derived by the Church from compulsory rates was more than counterbalanced by the ill-feeling and heartburnings which they occasioned he should vote for the second reading of the Bill.

THE DUKE OF RUTLAND said, there were one or two points in the speech of the noble Lord who had moved the second reading of the Bill (Lord Lyveden), on which he wished to offer some observations. First, the noble Lord said, that the poor could not find accommodation in the churches in cities and towns, and that there were very few free sittings.

LORD LYVEDEN: I said that there were free sittings, but that the poor did not occupy them.

THE DUKE OF RUTLAND thought that if the noble Lord entered the parts of the churches in which there were free sittings, he would find a great many of them occupied by the poor, especially in the country towns. The noble Lord referred to Manchester, and stated that there was in the churches in that town a system of pew-rents established which actually prevented the poor from obtaining sittings in the churches. It seemed to him that that was an argument in favour of church rates, as opposed to pew-rents; and that if they had church rates in Manchester the result would be that provision would be made for free sittings for the poor. It might be perfectly true that there were many honest and conscientious Dissenters, who objected to the payment of church rates, and who had no ulterior views, and were actuated only by conscientious scruples; but it could not be denied that there also existed a class of Dissenters, whose object in endeavouring to obtain the abolition of church rates, was to reduce the Established Church to the simple position of a religious sect. They desired to see the Church separated from the State, and were agitating church rate abolition, solely with a view to that end. He should certainly vote against the Bill, because he believed that it would not produce peace in this country; but that it would, on the contrary, encourage Dissenters in their hostility to the Church; because he felt that if he, as a landowner, was to support it, he should be supporting a proposal to free his property from a charge with which he had inherited it, and which he was in honesty bound to defray; and, above all, because he was persuaded that the measure would deprive the poor man of a right that had been handed down to him from time immemorial.

THE DUKE OF SOMERSET said, it was admitted on all hands that the present state of the law affecting church rates was unsatisfactory and required amendment; and, accordingly, many suggestions had been made for modifying and amending the law, though as yet none had been put forward that had proved generally acceptable. The noble Duke (the Duke of Marlborough) gave as a reason for not abolishing church rates, that the parish churches were expensive, and that clergymen did not like to go round among Churchmen for subscriptions to maintain them. He did not think that a good reason for

insisting on the retention of the rates; but, after all, what was it that the Church was asked to give up? From a Return made last year, it appeared that the average rate raised during seven years in 10,000 parishes was £248,000. Divide that sum by the parishes, and it would be found that the amount was only £24 in each parish. Surely such a sum as that was not worth disputing for, and not worth the labour of collection. They were told that the remission of church rates would just put so much money into the pockets of the landlords. What an enormous sum this £24 a year would be to the landlords of any parish! But the fact was that if church rates were abolished, the persons on whom the new charges that the change would occasion would principally fall must necessarily be the landlords themselves. They might surely put aside altogether the idea that the fabric of the Church would be in danger if this sum of £24 were lost. He did not say there might not be in some places some inconvenience; but it must be, after all, very immaterial. The noble Earl (Earl Grey) said he would keep up the rate for the maintenance of the fabric, but not for the small, continually recurring expenses: but it was with regard to those small expenses that the greatest difficulty existed. He thought the existence of the rate caused ill-will among the different classes of society—an evil which the money obtained would never compensate for. It was said the opposition to church rates proceeded from an organized society established for the separation of Church and State. Even if it were so, he did not think it a good argument. There were many organized societies in this country, but they generally failed if they did not take up some question that was popular. It appeared that within a period of eight weeks not fewer than 400,000 people subscribed petitions for the abolition of church rates, and surely that showed great strength on the part of the opponents of the rate. His belief was that the repeal of church rates would strengthen the Church. The question was now put as a test to candidates for seats in Parliament in all the great towns, and the result was that the Members for great constituencies were driven to take up a position injurious to the Established Church. He believed, therefore, that the repeal would be an advantage to the Church. It was manifestly absurd to proceed year after year with a law that could not be enforced. Their Lordships might reject this Bill, but, practically, the question was settled in towns, and was gradually settling itself in country townships. Still he thought it was unwise to give constituencies the continued opportunity of making this question a test of candidates for Parliament, and, therefore, he hoped the House would agree to the second reading. ["Divide!"]

THE DUKE OF NEWCASTLE:—My Lords, I would not have risen to protract this debate but that I wish to say a few words in explanation of the vote I am about to give. I came down to the House with my mind prepared to repeat the vote which I gave two years ago against a measure of a similar description; but my confidence in my ability to do so had been shaken by what has since taken place, both in this and the other House of Parliament. I have found an altered tone in the House of Commons. Many of those who in former years were anxious to devise a course which should be agreeable to Dissenters and at the same time in accordance with the feelings of the Members of the Church, now exhibit a different spirit, and all compromise is repudiated; and they have voted against the Bill avowedly with the intention of making it impossible to pass this House. Then, when I looked to this House, I found that a Committee had been appointed on the Motion of the noble Duke (the Duke of Marlborough), the result of which was a proposal that is described by the noble Earl below the gangway (Earl Grey) as worse than entire abolition, and which surrenders completely the principle of the supporters of the church-rate system. Nevertheless I frankly confess that I come to the conclusion of voting for the second reading of this Bill with great pain and hesitation, and I came down to the House, as my noble Friends near me are aware, hoping that the debate would take such a turn as would enable me to vote against the second reading. But I find that the noble Duke, the author of the Resolution on the Report of the Committee, not only moves the rejection of the Bill, but does so in a speech in which he places the maintenance of church rates on the highest pinnacle of principle, and quite abandoning that conciliatory tone which he has hitherto invariably shown in the discussion on this question both in this and in the other branch of the Legislature. I have further heard—and I have heard with great pain—from the most reverend Primate—to differ from whom is always a

source of pain, both on account of his high position, his eminent abilities, and his estimable character — I heard from him a speech the tone of which was quite different from that of former speeches upon this question. The most rev. Prelate on a former occasion himself brought in a Bill abolishing church rates in parishes where the levying of a rate had been successfully resisted for two consecutive years; but now he holds that church rates should be inviolably maintained. Reference has been made to what fell from me on a former occasion. What I said then was that a great majority of those who opposed church rates were not opposed to the existence and prosperity of the Church. I see now the position in which this question is now placed. I see in my own neighbourhood the progress which the spirit of opposition to these rates is making; that, while a few years ago Dissenters were the only opponents in rural districts and small towns of 5,000 or 6,000 inhabitants, Members of the Church are now opposed to the levying of these rates, although I know Dissenters who not only support but cheerfully pay them. While I should regret that the Bill in its present shape should pass into law —[" Hear!"]—that cheer is premature, for I will give a reason for supporting the Bill—when I find noble Lords prepared to say that they will not adopt any other mode of settlement if this Bill is rejected, but will maintain church rates as at present, then I see no other practical way of bringing the question to a speedy solution than by passing the second reading of this Bill, and endeavouring in Committee to introduce such Amendments as shall reconcile the abolition of church rates with the interests of the Church of England itself. Therefore I am prepared to vote for the second reading.

THE ARCHBISHOP OF CANTERBURY: I said that while I objected to the abolition of church rates, which I believed to be essential for the maintenance of the churches, I wished that the rate should be compulsory on members of the Church alone.

THE DUKE of NEWCASTLE: Then, if church rates are abolished as regards Dissenters, and are compulsory upon members of the Church alone, it seems to me that it will be a penal tax imposed upon them.

THE EARL OF DERBY said, he should not have trespassed on their Lordships' time, being well convinced in his own mind of the propriety of adhering to the opinions he had formerly expressed upon this question, had it not been for one or two statements contained in the speech of the noble Duke (the Duke of Newcastle), and which it was impossible for him to pass without observation. The noble Duke had justified the change he intended to make in his vote, though not in his opinion, wholly irrespective of the merits of the question itself, and on grounds on which, he ventured to say, the noble Duke had no sufficient foundation. The noble Duke stated that he still disapproved of the measure, and that he was extremely unwilling to see it passed into law; but that in the vague and vain expectation that some Amendment might be proposed and adopted by their Lordships, and, in the consequent sanguine expectation that it would be accepted by the other House, he proposed to vote for the second reading of a Bill which he considers dangerous in principle and hostile to the interests of the Church. "But," said the noble Duke, "I found my change of opinion upon the altered course pursued by the House of Commons in legislating on this question." Now the altered course pursued by the House of Commons indicated, he was happy to say, a greatly increased feeling on the part of the Members of that House for maintaining the existing law; because when he saw the majorities in that House successively diminishing from 74 to 59, and then to 29, and finally to what the noble Lord who introduced the measure (Lord Lyveden) designated as the "ominous number of 9," he considered that it indicated a very considerable alteration of opinion on the part of the House of Commons in favour of the maintenance, at all events of the principle, of the existing law; and he must say he thought that if the noble Lord who opened the discussion had been a Member of their Lordships' House last year, and had seen the overwhelming expression of opinion by which the measure was negatived, or if he had been a Member of the House of Commons, and had seen their constantly dwindling and meagre majorities in support of it, he would have exercised that discretion which was the better part of valour, and would have abstained from inviting their Lordships to a renewed expression of opinion on the subject. The noble Duke gave as a reason for his altered vote on this occasion, that he would have voted as he had formerly done, if he had not seen on the part of its opponents in the House of Commons an absence of that conciliatory

spirit that formerly characterized their proceedings. Now, he ventured to ask their Lordships, with all confidence, on which side had there been this absence of a conciliatory spirit? Why, their Lordships had been told in the opening of the debate, and with reference to the question on which they had to divide, that concession and compromise were impossible, and that it was absolutely necessary that they should choose between the maintenance of the existing law, or the absolute, unconditional, and entire abolition of church rates. And that had been the language of all parties who had supported the abolition of church rates. What, on the other hand, was the course that had been pursued by that side of their Lordships' House? One after another they had proposed this concession, and that compromise, and that course of conciliation to their opponents, but without success; and the result of all these overtures of compromise, made for the purpose of showing their good feeling and their desire not to push the principle to an extremity, had been met by the idle allegation that they had sacrificed their own principle, that they were abandoning their whole case, and bringing forward measures that in fact were worse than the total abolition of church rates. That was the spirit in which all attempts at concession, compromise, and conciliation had been met; and that being the case, he thought it was too much for the noble Duke at the last moment of the discussion to get up and say, that he had changed his vote in consequence of there being that total absence of the conciliatory spirit of which he speaks. He must also contradict the noble Duke—he did not mean contradiction in any discourteous sense of the word—but he must protest against the statement he had made, that in the recommendations of the Select Committee of the House of Lords they had practically abandoned the principle of church rates. What they had done was this—they had maintained the right of the majority of the parishioners to tax themselves for their own purposes. Now to levy church rates by equal rate was opposed to voluntary contribution. They had in the same Report—and it was a point which had been passed over and been omitted to be considered—recommended that, in consideration of their taking that course, the law should be strengthened for the recovery of the compulsory rate so imposed. If they had consented for the sake of peace to an exemption of those persons who might claim exemption from the payment on the right of abstract justice—in which they did not concur—if they had consented to their exemption under these circumstances from contributing to the general burdens of the parish—they had at the same time provided that the persons so exempted should not in any degree be entitled to take part in the administration of the funds to which they did not contribute their fair and proper proportion. Perhaps that might be thought the extreme of concession; but it was one he was quite ready to justify—one he was not ashamed of, and though it was one which might not be consistent with strict justice, on the other hand they had not proposed that those who from conscientious motives, declined to contribute to the general object—they did not propose to deprive them of the rights of parishioners, but they proposed to deprive them of any power in administering or regulating the funds from contributing which they themselves had requested to be exempted. They had endeavoured to maintain the principle while they desired to modify and ameliorate the practice; but that was widely different from acting on or acceding to the proposals that were now being made, of leaving to every person the option whether they should contribute at all, or how much they should contribute, and leaving every church throughout the country liable to be closed or abandoned at the caprice of those whose bounden duty it was to maintain and support the fabric. He repudiated the idea that they had conceded the principle by the exceptions they had consented to introduce; and, on the other hand, he thought that if there had been any absence of conciliation and concession, it was not on the supporters of the existing law that that charge could in any fairness be fixed. They had endeavoured to meet their opponents half way, and more than half way; but they were told, in reply, by them that there was no alternative between the acceptance of absolute abolition or the maintenance of the present law; and if that be the alternative demanded and required, great as the objections might be to some of the provisions of the present law, and desirous as he might be to amend that law, if their opponents will permit them to do so, and which they admit will be an advantage; yet if the maintenance of the existing law, or the absolute abolition of the provision that had been made by the law from time immemorial for the main-

tenance of the fabric of the Established Church, and for securing the blessings of religion to every poor man in every parish throughout the kingdom were to be put in competition—if that was to be the alternative, then, without hesitation and with all its imperfections, he was for the maintenance altogether of the existing law as against any proposition whatever for the abolition of church rates.

Lord LYVEDEN said, he was quite satisfied to leave the discussion where it was, and should be only too happy if the division were as satisfactory to him as the debate had been. He felt, however, bound to reply to an observation of the noble Earl who had just sat down, in reference to his inexperience in their Lordships' House. The noble Earl had thought proper to read him a lecture, and had told him he would have exercised a better discretion if he had not persevered in the discussion of this measure, and that if he had seen the division in their Lordships' House on the last occasion of a vote of this kind, or had witnessed the altered attitude in which the Commons regarded the question, he would probably have desisted from the attempt. That was quite a new doctrine to him, and he was surprised to hear it fall from the noble Earl. He had always been led to believe the importance of small majorities and large minorities; but whether he was accompanied by a majority or a minority, be it large or small, he should not be deterred—and he hoped his conduct would not be regarded as discreditable by their Lordships, if, when thoroughly convinced of the propriety of a measure, he persevered in it whether he were backed by large majorities or by small. The noble Earl did not consider the Report of the Select Committee an abandonment of the compulsory scheme. Now, could anything be more voluntary than a system which allowed any man to object, whether with reason or without reason? He was surprised that the noble Earl, who was so powerful a reasoner, should attempt to justify the Report on that ground. He wished that he could feel as satisfied with the probable result of the division as he did with the debate, but nothing which had been said led him to abate his confidence in the voluntary system.

On Question, That ("now") stand part of the Motion? their Lordships *divided*:—Contents 31; Not-Contents 128: Majority 97.

The Earl of Derby

Resolved in the *Negative*; and Bill to be read 2ª *this Day Three Months.*

CONTENTS.

Newcastle, D.
Somerset, D.

Abingdon, E.
Airlie, E.
Albemarle, E.
De Grey, E.
Ducie, E.
Durham, E.
Granville, E.
Minto, E.
Spencer, E.
Strafford, E.

Leinster, V. (*D. Leinster.*)

Belper, L.
Congleton, L.
Dunfermline, L.
Ebury, L.
Foley, L. [*Teller.*]
Leigh, L.
Lyveden, L. [*Teller.*]
Mont Eagle, L. (*M. Sligo*)
Mostyn, L.
Portman, L.
Skene, L. (*E. Fife.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Taunton, L.
Teynham, L.
Truro, L.
Vivian, L.
Wodehouse, L.

NOT-CONTENTS.

Canterbury, Archbp.
Campbell, L. (*L. Chancellor.*)

Cleveland, D.
Marlborough, D.
Rutland, D.

Bath, M. [*Teller.*]
Bristol, M.
Camden, M.
Exeter, M.
Normanby, M.
Salisbury, M.
Westmeath, M.

Abergavenny, E.
Amherst, E.
Aylesford, E.
Bandon, E.
Bantry, E.
Beauchamp, E.
Cardigan, E.
Carnarvon, E.
Cathcart, E.
Cawdor, E.
Chesterfield, E.
Chichester, E.
Dartmouth, E.
De La Warr, E.
Derby, E.
Desart, E.
Devon, E.
Ellenborough, E.
Erne, E.
Grey, E.
Haddington, E.
Hardwicke, E.
Harrington, E.
Ilchester, E.
Leven and Melville, E.
Lonsdale, E.
Mayo, E.
Morton, E.
Nelson, E.
Orkney, E.
Pomfret, E.
Portarlington, E.
Powis, E.
Romney, E.
Saint Germans, E.
Shaftesbury, E.
Shrewsbury, E.
Stradbroke, E.
Tankerville, E.
Verulam, E.

De Vesci, V.
Doneraile, V.
Dungannon, V.
Eversley, V.
Hutchinson, V. (*E. Donoughmore.*)
Lifford, V.
Melville, V.
Sidmouth, V.
St. Vincent, V.

Bangor, Bp.
Bath and Wells, Bp.
Carlisle, Bp.
Cashel, &c., Bp.
Chichester, Bp.
Derry and Raphoe, Bp.
Durham, Bp.
Gloucester and Bristol, Bp.
Hereford, Bp.
Llandaff, Bp.
London, Bp.
Ripon, Bp.
Salisbnry, Bp.
St. David's, Bp.
Winchester, Bp.

Abinger, L.
Bagot, L.
Bateman, L.
Berners, L.
Blayney, L.
Bolton, L.
Boston, L.
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Chelmsford, L.
Churchill, L.
Clanbrassill, L. (*E. Roden.*)
Clinton, L.

Clonbrock, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
Cranworth, L.
Crewe, L.
Delamere, L.
Denman, L.
De Ros, L.
Dinevor, L.
Downes, L.
Egerton, L.
Farnham, L.
Feversham, L.
Gage, L. (*V. Gage.*)
Grantley, L.
Kenyon, L.
Kingsdown, L.
Leconfield, L.
Lovel and Holland, L. (*E. Egmont.*)
Lyttleton, L.
Maryborough, L. (*E. Mornington.*)
Northwick, L.
Polwarth, L.
Ravensworth, L.
Rayleigh, L.
Redesdale, L.
Saltoun, L.
Scarsdale, L.
Sheffield, L. (*E. Sheffield.*)
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Strathspey, L. (*E. Seafield.*)
Talbot de Malahide, L.
Templemore, L.
Tenterden, L.
Thurlow, L.
Tyrone, L. (*M. Waterford,*)
Wynford, L.

House adjourned at Half-past Ten o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 19, 1860.

MINUTES.] PUBLIC BILLS.—1° Refreshment Houses and Wine Licences (Ireland).

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 10 (Limited Owner entitled to Compensation for Improvements).

LORD NAAS said, he rose to move the Amendment of which had given notice—namely, in line 19, to leave out the word "Chairman," and insert the words "one of the Judges of the Landed Estates Court." He had always supported the principle of compensation to the improving tenant, where it could be done consistently with the rights of property. He did not think, however, that the Chairman of the County was the proper person to be intrusted with the large powers that were involved in the Bill. Chairmen of Counties were not at all in the habit of dealing with matters such as were now proposed to be decided by them. The Landed Estates Court on the contrary was daily occupied in the investigation of titles and of documents connected with land. The Judges had power to examine witnesses, and their ability and character were well known, and their decisions were always open to review. The only objection which could be brought against the proposal to make that Court the tribunal to which questions such as the Bill related to ought to be referred, was that of expense. But when the House considered that gentlemen were constantly in the habit of going before the Court to sell small portions of their property, they would see that there could be no great difficulty in requiring them to go before the same Court to make improvements, involving perhaps a much larger money value than the small sales which were frequently effected by its means.

Amendment proposed, in page 3, lines 18 and 19, to leave out the words "the Chairman," in order to insert the words "one of the Judges of the Landed Estates Court,"

—instead thereof.

COLONEL FRENCH said, he must oppose the Amendment. So far from being wanting in experience, the Assistant Barristers, who were Chairmen of the county Benches, were peculiarly adapted to the discharge of the duties created by the Bill. They were generally well acquainted with the tenure of the land in their respective districts. Besides that, the expense of putting the Act in operation in the local districts into which Ireland was divided would be very small compared with the large expenses necessarily connected with the bringing of hosts of witnesses to the Landed Estates Court in Dublin. As to the latter Court having given universal satisfaction, he dissented from the assertion. He remembered the reckless manner in which the Encumbered Estates Court originally set to work, when they sold for £15,000,000 encumbered estates of the value of £22,000,000. That he thought was anything but satisfactory.

MR. BRADY said, he could congratulate the Committee on the tone of the noble Lord in introducing his Amendment. It augured well for the satisfactory settlement of this vexed question. He thought, however, that the Amendment would involve too much expense, and he would therefore support the clause as it stood.

MR. M. O'FERRALL said, that as the questions to be decided would, in a great measure, be questions of title, the best and safest course would be to place the execution of the Act in the hands of the Judges of the Landed Estates Court, in which sat three well known and good lawyers.

MR. H. A. HERBERT said, he should support the clause as it stood. He did not see why it should be necessary that a man should be a lawyer to enable him to judge of the improvements the land would require. Even if it were decided to be necessary, the result would be the same, for the Judges would not go down and examine the land for themselves, but would rely upon the evidence of surveyors and other persons of that class. Under such circumstances he (Mr. H. A. Herbert) thought the Chairmen of Counties would be fully competent to deal with the questions involved, while they were easily accessible, and the proceedings before them were inexpensive.

MR. GEORGE said, he preferred a reference of questions like those dealt with by the Bill, affecting alike the interests of the tenant for life and the reversioner or remainder man to the Landed Estates Court, rather than to the Assistant Barristers, who were Chairmen of Quarter Sessions. He should, therefore, support the Amendment. He likewise thought the Landed Estates Court would be, on the whole, less expensive than the new tribunal which the Bill proposed to create. It would, moreover, be most inconvenient to produce title deeds and family settlements at Sessions Courts, often held on the market and fair day.

MR. DEASY expressed his gratification at the desire expressed by the Committee to settle the most important question for Ireland which was dealt with by this Bill. The desire of the Government was to establish a machinery which would be easily accessible, and at small expense; and he saw few questions likely to arise which could not be satisfactorily disposed of by the Chairmen of Counties. But if the Committee preferred that they should be settled by the Landed Estates Courts, the Government would not object.

COLONEL DUNNE said, he preferred a reference of the questions to the Landed Estates Court. He did not think the Chairmen of Quarter Sessions were fit to decide who was the limited owner of an estate, and who was entitled to the inheritance. The limited owner would not like to expose the nature of his estate in his own district.

MR. MONSELL said, the great object was to provide against the evils formerly very common where men obtained advances on account of improvements, and then put the money into their own pockets, without improving the land at all. For these reasons, he preferred the Landed Estates Court.

MR. HASSARD maintained, that the Commissioners of Public Works would be a better tribunal than either the Landed Estates Court or the Chairmen of Quarter Sessions.

MR. BUTT said, the Bill before the Committee was nothing more than an enabling Bill, and the Quarter Sessions Court would be a much better tribunal for carrying out its objects than the Landed Estates Court, which, being confined to Dublin, and, therefore, for the most part, remote from the place where the improvements were to be effected would have to carry on a difficult, expensive, and troublesome investigation. But the very worst tribunal of all would be that suggested by the hon. Member for Waterford (Mr. Hassard). The very worst form of Government for a country was a Government by Boards, and a country more miserably "be-boarded" than Ireland did not exist on the face of the earth. But as for the choice between the Landed Estates Court and the Court of Quarter Sessions, the latter was vastly to be preferred. If the Landed Estates Court had the control, it would be necessary that the whole of the evidence should be carried on by means of affidavits, which was universally admitted to be the very worst mode of taking evidence, and which they were trying by every possible means to get rid of. Distance, expense, and difficulty of access, all would render the Landed Estates Court much less likely to act efficiently than the Quarter Sessions Court. He should, therefore, support the original proposition.

COLONEL DICKSON said, the argument of those who supported the proposal to vest the necessary powers in the Local Courts was that they were the more easy of access. For that very reason he was opposed to the clause, because it would give facilities for encumbering estates, which, he believed, would be extremely detrimental to future inheritors of the land.

MR. VINCENT SCULLY said, he was opposed to the original clause on the ground of the great expense it would render necessary, and also because it proposed to throw into the hands of the assistant barristers a quantity of business with which they were not only too much occupied, but were utterly incompetent to deal. He much preferred the Landed Estates Court as a cheaper and far more satisfactory tribunal to have the decision of these questions.

At the same time he would give them all the assistance that could be obtained, both from the Commissioners of Works and the Chairmen of Counties.

MR. LONGFIELD said, he considered the local courts very unfit, from their ambulatory character, to investigate titles. He wished to see a good practical working measure passed; and if he thought all the business would really be done by the chairman of the county, he would at once vote for the Bill. He had, however, conversed with many of the chairmen on this point, and they one and all agreed that they were unfitted for the duty; though some of them added that they should put in a claim for increased salary if this extra work were given them. He, therefore, preferred the Landed Estates Court. If the expense of the latter were found too great a reduced scale of fees might be instituted; but if the court were then found not to work well, the business could be transferred to the Commissioners of Public Works.

MR. POLLARD-URQUHART said, he believed that the Landed Estates Court would be the most efficient tribunal to prevent jobbery at the expense of the successor to an estate; and he considered that that court might be easily made available for all purposes under the Bill.

LORD FERMOY said, the question was how were they to frame an act which would be used by the country. In former times the allegation was that the tenants would defraud the landlords, but now it was that the man in possession would defraud his successor. If they followed out the lawyer's plan of encumbering the Act with checks, they would spend a long time in framing an Act which would never be used in Ireland. He believed the people of Ireland would never resort to the Landed Estates Court. The Quarter Sessions Courts had always performed their business cheaply and well, and if these courts were to carry out the enactments of the Bill, it would be easy to produce the necessary evidence before them in all cases.

MR. CARDWELL said, he entirely concurred in the observations made by his right hon. Friend (Mr. Deasy), when he spoke of that portion of the Bill as principally the landlord's portion. He therefore felt himself compelled to consider it as it presented itself to the majority of the landlords of Ireland. His noble Friend (Lord Fermoy), and other high authorities, had confirmed the reasoning which had induced his right hon. Friend and himself to frame the clause. It had been framed after full consideration of the powers of the Barristers' Courts in Ireland, and upon the Montgomery Act in operation in Scotland, though he did not believe himself that either the one tribunal or the other would entail any very serious expense upon the landlord or the limited owner, since practically the provisions of the Act would be carried into effect by the aid of local agents. His own feeling was certainly in favour of giving the jurisdiction to the local tribunal. But he was bound to acknowledge that upon the whole the vast preponderance of opinion seemed to be on the other side. Seeing, therefore, that it was the landlords' part of the Bill, and that the Government had been met by a most general desire of carrying the measure into effect in an efficient shape, and that if the unanimity were not disturbed by any difference of opinion they should be the more likely to obtain the sanction of the united Legislature. He was willing, if it appeared to be the opinion of the Committee, to defer to the prevailing view, and acquiesce in the proposed change.

MR. MAGUIRE, MR. BEAMISH, The O'DONOGHUE, MR. M'MAHON, and MR. CHICHESTER FORTESCUE expressed opinions in favour of the clause as it stood.

MR. LEFROY and MR. BAGWELL supported the Amendment.

LORD NAAS said, it should not be forgotten that the Landed Estates Court sat nearly throughout the year, whereas the Courts of the Assistant Barristers sat only a few times in the year. He must complain of the course threatened by the noble Lord the Member for Marylebone (Lord Fermoy), because the Government had thought it better not to oppose the Amendment.

MR. BUTT said, the responsibility of the division should not rest solely on the noble Lord. If necessary, he (Mr. Butt) would divide the Committee, because the measure would be considered nugatory by providing that the reference should be made to the Landed Estates Court.

LORD FERMOY said, he was sorry that the Government had given way on the question; but he should certainly not consent to the alteration in the clause without taking the sense of the Committee upon it.

MR. BRETT said, he regretted that the Government had not stood firmly by the clause, and he approved of the course pursued by the noble Lord the Member for Marylebone.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 51; Noes 127: Majority 76.

MR. LONGFIELD said, that in the absence of his hon. Friend who had given the notice (Mr. Hassard), he would move an Amendment, enabling tenants for life to make improvements upon lands, and charge the outlay upon the estate to an extent not exceeding four years' rent, in the manner provided by the Montgomery Act for Scotland.

MR. CARDWELL said, he hoped the Committee would adhere to the plan of charging all improvements upon the land by way of annuity.

COLONEL FRENCH said, he would take that opportunity of drawing attention to a provision in the Bill, by which it was provided that the portion of the estate adjacent to the lands improved should be saddled with the expense of improvements.

MR. DEASY said, the lands adjacent might participate in the benefit of the improvements, and, therefore, should be liable to a part of the expense; but no abuse could occur, for there was a tribunal to decide whether such lands would be properly chargeable with such expense.

MR. VINCENT SCULLY said, he wished to call the attention of the right hon. Gentleman to Amendments of which he had given notice. One was that while the Landed Estates Court should be the ultimate tribunal it should be empowered to avail itself of some local machinery, such as that of the General Valuation Office of Ireland, or the Board of Works. He suggested for the consideration of the Government whether it would not be well to place those establishments under the control of, and in the same department as, the Landed Estates Court. The clauses which he proposed to insert also would have the effect of empowering the Landed Estates Court, where necessary, to avail itself of the powers and decision of the assistant barristers. He added that if the Government opposed his Amendments he would not press them, but declared that if they were not adopted, the value of the Bill would be greatly impaired.

Amendment, by leave, *withdrawn*.

Clause 11 *agreed to*.

Clauses 12 to 20 inclusive *agreed to*.

House resumed.

Committee report Progress: to sit again on *Thursday* next, at Twelve of the clock.

Mr. Brett

CAVALRY REGIMENTS.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for War how many of the vacancies of Cornetcies of Cavalry Regiments, which were sixty-five in January, 1860, have been filled up; and whether he remains of the opinion expressed in his Letters to his Royal Highness the General Commanding-in-Chief, of the 11th November, 1859, and to the Treasury, of the 23rd of January, 1860, that the discontinuance of the stoppage of pay for forage to the Officers of the Cavalry was essential to obtaining a due succession of Officers for that branch of the service?

MR. SIDNEY HERBERT said, that thirteen of those vacancies had been filled up. He had never expressed the opinion attributed to him by the hon. Member in the second part of his question. He held the opinion that the discontinuance of the stoppage of pay for forage to the Officers of the Cavalry was but fair and just towards those Officers; but he did not think he had stated that it was necessary for the purpose of securing a succession of Officers for the regiments.

HARBOURS OF REFUGE.

RESOLUTION.

MR. LINDSAY said, he rose to move the Resolution of which he had given notice:—

"That, in the opinion of this House, it is the duty of Her Majesty's Government to adopt at the earliest possible period the necessary measures to carry into effect the recommendations of the Commissioners appointed in 1858 to inquire into the formation of Harbours of Refuge on the coasts of Great Britain and Ireland."

A Committee had reported unanimously in favour of the establishment of Harbours of Refuge. A Royal Commission had subsequently considered the matter, and backed up the Report of the Committee; and under such circumstances he felt it was the duty of the Government to have brought forward this subject. They had, however, given answers to the various questions that had been put to them, which, if they were not evasive, certainly showed that they had no earnest feeling in this matter, and, as they had either failed or neglected to bring it forward, the duty of calling attention to the subject devolved on some independent Member. The value of the imports and exports of the country rendered the question important. Our tonnage employed in the

foreign trade, including both entries inwards and outwards, was 22,000,000 tons annually; that of our coasting trade 32,000,000. Our annual exports and imports £320,000,000, exclusive of our coast trade. While trade was constantly increasing the area was limited. From the increase of trade the vessels were becoming every year more liable to danger. In the year 1854 no fewer than 1,549 persons lost their lives on the coast, without reckoning those who perished from ships foundering at sea. The average loss of life from ships stranded on the coast of the United Kingdom was 1,000; and he feared that this year it would very much exceed that amount. The amount of property lost on the shores of the United Kingdom was estimated at a million and a half sterling per annum. These important facts were brought before the House in 1857, and the House with one accord agreed to the appointment of a Committee to see if anything could be done to mitigate the fearful loss of life and property to which he had alluded. That Committee sat for two Sessions, and took evidence from all parts of the country; and in 1858 they reported to the House that they could not too strongly press on the House their conviction of the necessity, on national grounds, that the works required to remedy the present state of things should be undertaken as early as possible, and on such a system as would secure their rapid and steady progress. A Motion was soon afterwards made and unanimously agreed to, for the appointment of a Royal Commission, not to clear up any doubts that existed, but to examine the coast with a view to discover the most suitable sites for the creation of Harbours of Refuge. The hon. and gallant Member for Chatham (Sir Frederic Smith) and himself were the only Members of the House on that Commission; but the other Members were able and competent men. The Commission was presided over by Admiral Hope, who was at present in command of the fleet in China, and was occupied for a period of six months in the prosecution of the arduous labours which devolved upon it. The Commissioners met in London and agreed on certain points which they thought to be necessary elements in a good harbour. The first object they sought to attain was to fix upon sites by means of which the utmost would be done to save life; the next was, as far possible, to save property; the third, to afford facilities for commerce; and lastly came the question of our defences, which now occupied a considerable degree of public attention, and in connection with which it seemed desirable to secure a rendezvous suitable for our ships of war as well as a proper station for convoys. Having fixed upon those leading points, the Commission had held its first meeting at Wick, and there they found a larger trade than they expected. They found that 10,000 ships passed through the Pentland Frith annually, and that about 10,000 more passed along the coast on their way to the Baltic, to Canada, and to the United States. They found that no fewer than 1,700 boats of large size, carrying from 8,000 to 10,000 men, were engaged in the herring fishery, besides a great many more boats of smaller size. And they found that along the whole of that iron-bound coast, from Cromarty to the Pentland Frith, there was not a single harbour which—he did not say a ship—but which a herring boat could make if caught in an easterly gale of wind. The consequence was that in one of the recent gales no fewer than 120 of the hardy fishermen by whom the herring boats were manned had perished, when attempting to make the harbour of Wick in an easterly gale. If the harbour, on a limited scale which they recommended, had been erected, all those lives would have been saved. Further south, the Commission found that a large passing trade and a large fishing trade existed, and yet from Peterhead to the Frith of Forth there was no harbour which an ordinary-sized vessel could take at low water. Therefore they recommended that at Wick and Peterhead harbours should be made, partly out of local resources, for he was bound to say the people did not ask that all should be done for them out of the public revenues. At both places the people said, "We shall benefit to a considerable extent by the construction of these harbours, and for the benefit we expect to derive we are willing to pay." They next came to the north-east cost of England, where they found that at the port of Shields, from 300 to 400 vessels sometimes left the harbour at one tide, manned by from 5,000 to 6,000 men. Going still farther south, to Flamborough Head, they found it was no uncommon thing for 500 sail of merchantmen to be taken by one grasp of the eye, if he might use the expression, and the sea appeared to be literally covered with fleets of merchant ships; and yet with this vast amount of property and life continually at stake, they found that from the Frith of Forth to

the Humber, a distance of 150 miles, there was not a single port to which those vessels could in any case of necessity fly for refuge. The consequence having been that in 1857 sixty-five ships had been totally wrecked in one gale of wind, and eighty-five lives sacrificed. He might add that he had seen it somewhere stated that in the last gale no less than 300 vessels had been stranded along the shore to which he was referring, and it should be remembered that the lives which were thus lost to the country were those of our seamen, on whom England must depend to fight her battles in the hour of need. In that quarter, again, they had experienced similar liberality on the part of the inhabitants with respect to the contributing to the cost of providing the necessary harbours. As an instance of that liberality he might mention the case of the Tyne, where it would cost £1,000,000 to erect a harbour, towards which expenditure the inhabitants expressed themselves ready to contribute £750,000, if the Government will furnish £250,000. At Hartlepool £1,000,000 would be required to make a Harbour of Refuge there, and the people offered to raise half of that sum if the Government would give the other half. That, he thought, proved that the harbours they recommended would not be useless, for the people themselves, if they did not appreciate their value, would never spend their own money on their construction. Coming further south they found the remarkable harbour of Filey, where nature had done so much, and man had done nothing at all. For the sum of £800,000 that harbour could be made nearly equal to the magnificent harbour of Portland. Going south from the Thames to the Land's End, there were many harbours—Dovor, Portsmouth, Portland, Plymouth, and in the Isle of Wight—all made at the cost of the Government; but they did not consider that Dovor was one of those harbours likely to be of much advantage for saving either life or property in jeopardy at sea. While he would do all he could to obtain such harbours as the Commission had recommended he would do all in his power to oppose further grants of money to Dovor. They would never get their money's worth either from Dovor or Alderney—especially from Alderney. From the northern coast of Cornwall to the Bristol Channel they found that between Lundy Island and Bristol, there was no expenditure necessary, there being already excellent shelter; but between Land's End and Hartland Point, passed by one-fifth of the whole coasting trade of the country, with the exception of Padstow, a very dangerous harbour to take, and which would only admit small vessels under favourable circumstances, there were sixty miles of iron-bound coast, with no place of shelter. It was necessary to do something there, and the Commission were unanimous in their recommendation that a Harbour of Refuge should be made at St. Ives, which would not only be of vast utility for the preservation of life and property, but also of national importance as regards defence. For the sum of £400,000 a magnificent harbour could be constructed there. Turning to the west, south, and north coast of Ireland they found that nature had done nearly as much as on the west coast of Scotland. On the west there was the magnificent harbour of Galway; and on the south the still more magnificent harbour of Cork. On the north there were Belfast Lough, and Lough Foyle. They did not, therefore, think it necessary to recommend any grant of money for the construction of Harbours of Refuge either on the west, south, or north coast of Ireland. But on the east coast, where the principal traffic took place from Liverpool, Glasgow, and the ports on the Clyde, there was a great want of shelter. In the Bay of Carlingford, however, there was a splendid sheet of water, fit to receive the whole of the Royal Navy, but access to it was prevented by a bar or ledge of rock that might be removed for £50,000, when the Bay of Carlingford would at once become a magnificent harbour. Waterford presented similar facilities, and for the same sum of £50,000 the harbour could be made accessible at all times of the tide. The Isle of Man was the last place they visited. They found that there was not a harbour on the Island. At Douglas they were obliged to land in small boats. Yet there existed a considerable trade with Liverpool, besides the shelter that might be afforded to ships passing up and down the Channel. They felt, therefore, they might fairly call on the Government to be at the expense of making a harbour there. But the people of Douglas came forward and said "No; we feel we shall greatly benefit by the construction of the harbour, and we will willingly bear half the expense if the Government will bear the other half." The whole sum the Commission recommended should be spent was £2,365,000 for separate harbours at points where they were most needed around the whole of our

Mr. Lindsay

shores. He did not ask the House to vote all that money at once for this purpose; but he did ask that they should adopt the Resolution that the Government should, at the earliest possible period, undertake to commence these great national and necessary works. It would take at least ten years to construct all these works; and the grants should be spread over that period. The sum required next year would not exceed £250,000, and might not reach that amount. The right hon. Gentleman the President of the Board of Trade might say he objected to abstract Resolutions like the present, and that it would be time to deal with the question when they had money for Harbours of Refuge and were prepared to spend it upon them; but he would remind the right hon. Gentleman that he once himself brought forward a celebrated abstract Resolution, involving the sacrifice of a much larger sum than the House was then asked to vote. The right hon. Gentleman submitted to the House an abstract Resolution in favour of the repeal of the paper duties, which was carried, and when he became a Member of the Government he used his influence in the Cabinet to put it in force; and, by that Resolution, he did not ask for a sum of £250,000 a year for ten years, but he asked the House to give up for ever £1,500,000 per annum. He (Mr. Lindsay) did not know whether the Government intended to ask the House to adopt the Report just laid on the table with regard to the defences of the country, but without wishing to anticipate discussion upon that question he must say that it touched upon the subject of his Resolution. The great defence of this country ever had been and ever would be on the waters. It was not sufficient to say that everything had been changed since the application of screws to ships of war, for whatever change had taken place in the mode of conducting warfare, we were essentially a maritime people, and our great strength must ever be on the waters. As regarded, therefore, the defence of the country, he asked the House to support his Resolution, and he did so on this ground, that while these Harbours of Refuge would provide all round the coast a rendezvous for ships of war, and stations for convoys of merchant vessels in a time of warfare, they would complete those points of defence as regarded our different ports which would be required even if £12,000,000 were expended on fortifications. There would be no end to an expenditure on fortifications; for when once they began a system of fortifying the coasts, it must be continued on both sides of the kingdom, from Land's End to John o' Groat's. And after all if they spent £12,000,000 in fortifying Dover and other places, was it likely that an enemy would land his forces before the very muzzles of the guns? Both the Committee and the Commission reported that the sum required for the works they suggested was trifling as compared with the great objects which were to be attained, and therefore he asked the House on the ground of national defence, but above all on the ground of mercy, to support his Resolution.

Motion made, and Question proposed,

"That, in the opinion of this House, it is the duty of Her Majesty's Government to adopt, at the earliest possible period, the necessary measures to carry into effect the recommendations of the Commissioners appointed in 1858 to inquire into the formation of Harbours of Refuge on the Coasts of Great Britain and Ireland."

MR. FARRER, in seconding the Resolution, said he entirely concurred with the Royal Commissioners when in their Report they described this question as one of a truly national character. He would address himself principally to the part of the country with which he was connected, and in the first place he would allude to the results of that frightful hurricane, unexampled at such a period of the year, which on the morning of Whit Monday last devastated the shores of the United Kingdom. He found from *The Shipping Gazette* that within ten miles of Hartlepool on that morning thirty-six vessels were wrecked, involving a loss of life and property, and all of those vessels were in such a position when the storm came on, that if there had been a harbour of refuge in the locality they would have ridden it out in entire safety. Powerful steamers had been exposed to the greatest danger—one from Hamburgh had been obliged to throw overboard 192 out of 200 sheep, and another from Rotterdam was compelled to slaughter her deck cargo—bullocks: both vessels were nearly foundering in sight of port. His constituents, though naturally desirous to diminish the risk of damage to property at sea, were still anxious to see means adopted to save human life. The right hon. Gentleman the President of the Board of Trade (Mr. Milner Gibson) was in the habit of frequently cruising in those waters, and he avers the importance of providing for the

security of those who frequented these seas. He trusted, therefore, that the Government would consent to entertain the question, and give their attention to those ports which most required such aid. He found from *The Shipping Gazette* that the wreck in January were 229, in February 154, in March 166, in April 133, and in May 124, making a total of 806. He might further state that of the thirty-six vessels wrecked off Hartlepool, three were lost with their entire crews. If it was thought expedient to expend a sum of £10,000,000 or £12,000,000 in fortifications in anticipation of the possible danger of a foreign invasion, the proposal to grant for ten years an annual sum of £250,000, could scarcely be considered an unreasonable one, the desired object being the "formation of Harbours of Refuge." He had no information as to the amount of loss of human life in them; but allowing that each ship was worth £1,000, and that the damage done was to the extent of about half that sum, there would have been a destruction of property equal to £400,000, which was more than the sum proposed to be expended in forming one or two of these harbours. The Royal Commissioners, in submitting their Report to the Queen, said they did so in the firm conviction that if these harbours were carried out in the spirit of their recommendations they would prove not the least noble of the many works of benevolence which illustrated the history of Her Majesty's reign. He would ask the Government to bear that in mind, and not to view this question either with carelessness or indifference. By adopting the plan recommended by the Royal Commission they would deserve the gratitude of seamen yet unborn, and the admiration of all classes of their countrymen.

MR. BAXTER said, he hoped Her Majesty's Government were not prepared to give a hasty assent to the Motion, involving as it did an expenditure, according to the Report of the Commissioners, of £2,365,000, but in the judgment of many authorities equally competent to form an opinion on the subject, an expenditure greatly exceeding, if not double, that sum. There were serious and grave reasons why the House should pause before they accepted the Motion. The hon. Member for Sunderland had referred to the Committee on Harbours of Refuge, but that Committee was a most unfortunate appointment, inasmuch as, instead of consisting of disinterested and impartial judges, the majority, or at least a large portion, of the members represented seaports, and were directly interested in large sums of money being spent upon Harbours of Refuge. The hon. Member for Sunderland had put the annual loss of life by shipwreck on our coasts at 1,000 persons; the Commissioners estimated it at 780, and the annual loss of property at 1,500,000. But did the hon. Member maintain that a great proportion of those lives and of that property would be saved by the erection of Harbours of Refuge? That was extremely problematical. He did not deny that Harbours of Refuge would prove of some value, but it was very questionable whether there would be any material saving of life and property by the erection of the few Harbours of Refuge recommended by the Commissioners. Only a very limited number of vessels on our coasts could reasonably be expected to be in such a position, on the approach of a storm, as to be able to take advantage of those harbours. He had heard many experienced seafaring men speak against harbours of refuge, which they called "skulking holes;" and he never should forget the approbation when one of the sea captains, at the meeting held at Dundee, said, in answer to a question from the Commissioners, that he thought many more ships were lost in making for harbours than in putting out to sea. The Commissioners themselves said that in certain weather ships were only able to reach those ports which were under their lee; and, therefore, the greater the number of such ports the greater would be the saving of life. The Commissioners further said that the inevitable conclusion was that it would be advantageous to improve existing ports wherever practicable. But he understood that, instead of recommending the improvement of existing ports, the Commissioners recommended the construction of new harbours. It was his firm conviction that more losses occurred through ill-found unseaworthy ships than were occasioned by sudden gales. New and powerful vessels, if well manned, were to a great extent independent of harbours of refuge; and for coasting vessels, which would principally make use of them, it would be much more advantageous to improve those which already existed and which lay in their route, than to expend enormous sums on the construction of new harbours of refuge. This view was amply borne out by the statements in the Report of the Commissioners, and by the evidence which they had collected; but they had

fully determined on this gigantic scheme of expenditure, and they accordingly recommended its adoption to the Legislature. The specific recommendations of the Commission, moreover, were open to particular objections. He regretted that Scotland should figure at the head of the rest of places on which the outlay was to be made. The Commissioners recommended that £250,000 should be expended on the little town of Wick, and £300,000 at Peterhead, and he believed he was only doing his duty in protesting against a step which was so uncalled for. It might be desirable to expend a portion of that amount at Wick for the benefit of the herring fishery, which was of importance in a national point of view, but as regarded Peterhead, it had been declared by the unanimous testimony of the witnesses examined at Dundee, that such a harbour was wholly unnecessary. The north-east coast of England, however, was the point at which it was proposed to make the largest expenditure. He did not deny the importance of the commercial interests upon the Tyne, but on the same principle every other river in the kingdom would have a right to apply for a grant of public money in proportion to its shipping. They were also asked to expend £500,000 at Hartlepool, and £800,000 at Filey Bay; but how could they justify the erection of two harbours so near each other, at a cost of £1,300,000? If they rashly agreed to sanction the expenditure of this money, they or their successors would live to declare their inability to stop an enormous expenditure such as was going on at Dover and Alderney. The Commissioners expected that the expenditure would be at an end in about ten years, but he was convinced that if they sanctioned the expenditure by their vote that night there was not one of them that would ever see the end of it. There were recommendations of the Commissioners in which he concurred, and therefore he was unable to meet the Motion with a direct negative; but believing the proposed expenditure of £2,500,000 to be, in the present financial position of the country, inexpedient, and that it would be unwise for the House of Commons to enter into any pledge on the subject, he deemed it to be his duty to move the previous question.

MR. DODSON said, he rose to second the Amendment, because he thought the proposals advocated by the hon. Member for Sunderland were made at a very inopportune moment, and he was of opinion that it would be impolitic for the House to make any promise to incur so large an outlay as that which the Commissioners had proposed. They would have shortly to discuss the Report of the National Defences Commission, which, of course, must be more important than the question of Harbours of Refuge. It might indeed be said that to provide harbours of refuge was also a national object, but it was not so in the same degree, for the Government was not bound to take care of the defence of the country, but the Government was bound to protect the mercantile marine against storms and dangers of the sea, which were the act of God, any more than it was bound to protect the agricultural interest against damage by hailstorms. In dealing with the question before it the House should, he added, bear in mind that upon the north-east coast of England the wrecks which took place were attributable to causes which might be obviated to a considerable extent by the owners of vessels themselves, inasmuch as the principal sufferers were colliers, which were frequently sent out to sea in an unfit state. Under those circumstances, while he was of opinion that at the proper season the construction of harbours of refuge was an object to which the House might very properly give its sanction, he must decline advocating the proposed expenditure for the purpose at the present moment.

CAPTAIN TALBOT said, that as a naval officer who happened to have some experience in connection with the subject before the House, he deemed it to be his duty cordially to support the Motion of the hon. Member for Sunderland. The hon. Member for Montrose (Mr. Baxter) appeared to imagine that a vessel would never be lost on our coasts if she were properly appointed and efficiently commanded; but no one who was accustomed to the sea could, he thought, accede to the justice of that proposition. It was impossible, indeed, to glance at the evidence which had been taken before the Royal Commission without perceiving that although some cases of wreck were due, in some degree, to causes such as those which he had just mentioned, yet a large number of them were to be attributed to bad weather, and many of the latter had occurred amongst first class ships fully found and manned. The hon. Member for Sunderland (Mr. Lindsay) had pointed out to the House that property to the value of no less

than £1,500,000 was annually lost on our shores; while the average loss of human life, a matter of much greater importance, was no less than 850 per annum. Without dwelling, however, on the general question, he should wish to advert for a moment to the port of Waterford, the capabilities of which he had had an opportunity of ascertaining in person. The position of that port at the south-east angle of Ireland was considered to be a most important one; it commanded the entrance to the St. George's Channel, and the Bristol Channel, and the whole of the trade of the west coast of England as well as that of the east coast of Ireland had to pass by it, while the commanders of the Liverpool ocean steamers bound for America were peremptorily ordered by the owners to take—except in cases of great emergency—the southern route. Now these vessels, on reaching the mouth of the Irish Channel, might be met by a southerly wind, in which case it would be a matter of difficulty for them to return to the English coast, whereas, if there were a safe harbour on the south coast of Ireland, they would be able to proceed thither, and, if necessary, find shelter. There was another point. From Kingston to Cork there was a great extent of coast, but no harbour at all adapted for the purposes of a harbour of refuge. He did not make these remarks from any desire to put forward the claims of Waterford, which was capable of accommodating the local shipping, but for purely national reasons. A harbour of refuge at that point was specially required. He hoped they should have a favourable vote on this subject, and that the Government would be prepared to enter on the subject in the spirit in which it had been recommended by the Royal Commission.

SIR HARRY VERNEY said, that in his opinion his hon. Friend the Member for Sunderland had made out a fair case, and that the Government were really called on to take some early steps on this subject. It was not right that our brave seamen, the marrow and strength of the country, should be left to perish from dangers which were preventible. If the same accidents took place on railways as on the sea, they would have had long since Harbours of Refuge along the coast; but it was because the loss of life which was so great by shipwreck did not come fully home to them that they had overlooked the question. It was their interest as well as their duty to do so, for they could in no way more effectually promote our national defences than by the construction of Harbours of Refuge. The saving of the lives of from 800 to 1,000 seamen every year would be not only a most economical but a most wise measure of national defence, for they were the men who must fight our battles. There was no doubt that many colliers were sent to sea in an ill-found and unseaworthy state, and it was much to be desired that some means could be devised for preventing or punishing such traffic in the flesh, blood, and lives of our fellow-creatures, the owners of these vessels, by the system of insurance, saving themselves from pecuniary loss. Condign punishment should follow in every case where such a charge could be made out. He hoped the Government would accede to this Motion, so that there might be no occasion for a division. He, for one, should be ready to supply a much larger sum than that asked for, and he did not wish it to be supposed that persons who came from the interior of the country did not take an interest in the subject.

MR. BEECROFT said, this is a subject of great national importance, and I may be permitted to observe that the inhabitants of inland towns take quite as deep an interest in it as those residing in seaports. For instance, the people of the large manufacturing town which I have the honour to represent think it a positive disgrace that England, with an enormous commerce like hers, that the east coast from the Humber to the Frith of Forth should be left in a totally unprotected state. Will it be credited, that on that part of the coast there is not a single harbour capable of admitting vessels at low water? But such is the fact. The Royal Commissioners recommended Filey Bay as a most eligible site for a life and refuge harbour, which recommendation, if carried out, would be of immense service on the east coast. I have received a letter from the Leeds Chamber of Commerce on the subject, and, with the permission of the House, I will read a short extract from it:—

"This Chamber is of opinion no time should be lost in the construction of a national life harbour at Filey Bay, the necessity for which has become again evident from the disastrous results of the hurricane which recently swept over this island."

Dr. Cortis, of Filey, writes to me thus:—

"We feel very warmly on the subject just now, half our fishermen being ruined by the loss of ten of their vessels wrecked in our bay on the 28th of May, entirely for want of a harbour."

Along the north-east coast, extending from

the Fern Islands to Flamborough Head—say a sea distance of about 100 miles only—45 per cent of the whole coasting trade of England passes, and 32 per cent of her entire trade, coasting and foreign together, and on this part of the coast the scenes of shipwreck and loss of life are annually most heartrending and distressing. It is, therefore, of paramount importance that something should be done, and that soon. One million and a-half of property is annually lost on our coasts by shipwreck, and the lives lost from the same cause frequently exceed 1,000 in a year, no fewer than 1549 having thus perished in the year 1854. Why, only the other day, the awful destruction of fishing-boats belonging to Yarmouth and Lowestoft alone was attended with the loss of above 200 men. We cannot afford to lose year by year the valuable lives of so many brave fellows. How shall we be able to man our fleet if war were to come? We deem it to be of imperative necessity to find money for the building of ships of war, and yet we commit the suicidal policy of seeing our hardy seamen decimated year after year without ever attempting to make any adequate provision for their protection and safety. No doubt it will be said by the Government that the state of the finances of the country will prevent the recommendations of the Royal Commissioners being carried out at present. But I may observe that we find money for works of much less importance. This country never grudges money for works of necessity and mercy, but it does grudge money for works which it feels are not needed. I shall cordially support the Motion of the hon. Member for Sunderland.

MR. DANBY SEYMOUR said, he was surprised that the hon. Member for Montrose (Mr. Baxter) should have opposed this Motion, because upon referring to the evidence which was given before the Commission he found that the town he represented asked for a grant of £60,000 or £70,000 to improve its harbour, and that great efforts were made by the people of Dundee—of which town he believed the hon. Gentleman was a native—to obtain the construction of a harbour of refuge at Arbroath, only a few miles from that port. The hon. Member for Sussex (Mr. Dodson) had opposed the Motion upon the grounds of the financial difficulties of the country and the necessity for improving our national defences. Were not our best defences the seamen of the country and a full treasury? Was it not, therefore, the worst possible policy to allow our sailors to be drowned, and to throw annually a million and a half of property into the sea? It was frightful to look at the wreck chart and observe the number of black spots off Flamborough Head, demonstrating, in a painful manner, that humanity, as well as prudence, required them to establish harbours of refuge on the north-east coast. The Commission had recommended the formation of one at Hartlepool, and if that and other harbours were constructed they would be found useful in case of war both for the Royal and commercial marine. In addition to the want of a harbour for the north-east coast he thought a very strong case had been made out for one on the south-west coast at St. Ives, in the neighbourhood of which a very large amount of coasting tonnage had to pass, and which was nearly in the line from Liverpool to America. He entirely approved the scheme recommended in the Report of the Commission, and that particularly because it was founded upon the principle that the public money should not all be expended at a few places, but that assistance should be given to the improvement of a number of small harbours. Perhaps the most valuable part of that scheme was the proposal that loans should be made for the improvement of harbours upon the same plan upon which they had been granted for drainage, education, and other purposes. The harbour of Poole—the town which he had the honour to represent—was rapidly filling up because the inhabitants had no means of keeping it in proper order. They had made application to Parliament for an Act, unfortunately without success—but if the system of making loans was brought into operation not a month would elapse before they would set to work upon the improvement of their port. When the Commission was appointed it was understood that its Report would be final, and should be carried out, and he knew that some of its distinguished members would not have served on it had it been likely to prove otherwise. What more, then, had the Government to do than to decide whether or not they should act upon it? If they meant to throw it over let them say so at once, but if they meant to carry it out let there be no delay. There was no reason why the decision should be postponed until next year. If the right hon. Gentleman the President of the Board of Trade had a Bill let him introduce it, and allow the

House to see what its provisions were. He earnestly trusted the Government would not oppose the Motion, because the majority of the House agreed in the principles upon which the Commissioners had based their Report.

MR. TAYLOR remarked that he could not concur with the Commissioners that Filey was the best point, because it was too near the Humber, but he knew from experience that two or three harbours of refuge were most necessary on the east coast. They had not too many seamen, and they ought to take care of those which they had.

MR. KENDALL said, that with reference to the remarks of the hon. Member for Montrose (Mr. Baxter) he wished to remind the House that not a single member of the Committee nor of the Commission had any personal interest in the expenditure which they recommended. The only object which they could have had in view was the good of their country. He believed that St. Ives well deserved the £400,000 which it was proposed to expend upon it. But Sir F. Beaufort had truly stated to Captain Sheringham that if ever there was a place which demanded the attention and assistance of the country it was Padstow. A small sum, £40,000, as recommended by the Commissioners, would do an immense deal of good. When a vessel was embayed on the iron-bound coast of Cornwall there was no harbour to get to, except Padstow. On the 26th October, the night on which the *Royal Charter* was wrecked, no less than twenty-four vessels, with over one hundred lives and £30,000 worth of property, were lost on the Cornwall coast. The north-west, which was the dangerous wind, was the true wind for Padstow harbour, but captains of vessels were deterred from running for it because they had to hug the point, and if they missed the true wind failed inside the point, and their vessels went to certain destruction on a quicksand. The principle, he contended, should be to assist those places which showed the greatest disposition to assist themselves, and to begin where the most good would be effected at the least cost. No small place had done so much out of its own means as Padstow. By various appliances to assist ships, eighty-one coasting vessels had been saved and only fourteen of them belonged to Padstow. If the Government had commenced by expending a small sum on Padstow, the country would have believed that they were in earnest and anxious to do more as soon as the state of the finances would permit.

MR. AUGUSTUS SMITH said, that if he thought these harbours of refuge would really save all the property and lives which were lost by shipwreck he would vote for double the amount of money which was required to construct them. But it was a delusion to suppose that by the creation of these harbours anything like the amount of property or number of lives would be saved which were now lost. The previous year was one of the most disastrous on record as regarded the loss of life and property. More than 1,600 persons perished by shipwreck, but of that number 1,000 perished in six ships; and if they examined the circumstances under which those wrecks occurred, they would find the striking fact that they would not have been prevented by any of the harbours of refuge which were proposed. For instance, the *Royal Charter* passed the harbour of refuge at Holyhead, and went ashore on the coast of Anglesea; so that, unless the whole coast was one continuous harbour of refuge, such accidents would inevitably occur. Of 1,416 wrecks last year 350 had resulted from collision, and when allowance was made for ships which were lost through carelessness, which had foundered at sea, or had mistaken their position, he believed that not more than one-fourth of the entire number hac been lost through stress of weather, or tc which harbours of refuge could have been of any service. He warned the House that very many of the opinions and calculations in reference to harbours of refuge were based on incomplete information, and in practice would be found altogether illusory. The Government for years past had been gradually establishing really useful harbours, such as those at Portland and Holyhead, in which whole fleets could take shelter. With respect to the question of expense, he feared that the calculations of the Commission were illusory, and that the sum named would go only a short way in carrying out the scheme proposed. The north-east coast of England certainly required a harbour of refuge, but he believed if convict labour were more extensively employed, that might be economically and judiciously constructed, and the criminals themselves better disposed of than in the hulks at Bermuda. Hitherto harbours had been almost wholly improved and constructed by local enterprise, and if grants

were now given to assist particular localities, he believed a very injurious influence would be exercised, and endless demands would be made for assistance of this nature. Hon. Members by supporting the present Motion ought not to be tied down to the approbation of a Report with many portions of which they disagreed. He should therefore vote in favour of the Amendment.

SIR JOHN PAKINGTON: Sir, I have waited very patiently, but waited in vain, to hear the opinions of Her Majesty's Government on this subject. My hon. Friend the Member for Sunderland, in a very clear and convincing speech, opened the question, and in the course of it he stated that from what has passed this Session he is of opinion Her Majesty's Government never were in earnest about it. I confess that on the same grounds I have arrived at the same conclusion; and I think we have to-night a positive proof that it is a sound one. No one can deny the extreme importance of this subject or the extent to which it affects the interests of this great commercial country. There never was a question on which it more behoved the Government to form a distinct opinion; and as soon as any hon. Member had risen and made such a Motion as that which has proceeded from the hon. Member for Sunderland this evening, it was the duty of some Member of the Government to have risen and stated what their intention is. I do not know that I was ever more astonished than to see the right hon. Gentleman the President of the Board of Trade sitting silent on those benches and having, as is my belief, no opinion, no intention, beyond, to use a vulgar phrase, "of seeing how the cat jumps"—and either to grant this Motion if the Government cannot help it, or to resist it if they possibly can. That is the only way I can account for the strange and, I think, not very decent silence of the Government. I hold that the House of Commons and the country have peculiar claims on the Government now in office in respect of this question, because it was first agitated under the noble Viscount now at the head of the administration. It is true that it fell to me to appoint the Commission which has been referred to to-night; but why did I appoint it? In deference to the opinion of the Committee of the House of Commons, which Committee had been appointed during the period of office of the noble Lord.

I was very sorry to hear the hon. Gentleman the Member for Montrose (Mr. Baxter), who generally addresses the House with such good sense and moderation, trying, from the necessity of adopting any line of argument by which he could support the strange Motion by which he concluded, to throw discredit on the Committee and its conduct. He said that it consisted, in a large degree, of gentlemen who were Members for outports, and who therefore had a personal interest in the question. It did not appear to occur to him who the chairman of the Committee was. It was Mr. Wilson, whom the present Government have sent out to India in a high and responsible position. Mr. Wilson drew up the Report, and an ably drawn Report it is. It was in deference to the urgent recommendation of the Committee that the late Government appointed the Royal Commission. After the late Government came into office Mr. Wilson asked questions from time to time upon the subject, and urged that no time should be lost in the appointment of that Commission. I was not reluctant. I was much impressed with the ability with which the Report was drawn up; and I was glad to have the opportunity of taking part in what appeared to me to be a great national object. I was very anxious in the selection of the Members of that Commission, and I was sorry to hear the hon. Member for Truro (Mr. A. Smith) throw blame on its proceedings. But I believe that Commission was a very great success. Whom did I place at the head of that Commission? I appointed that gallant and distinguished man who has since shed his blood at the mouth of the Peiho; and I can appeal to the two Members of the Commission, who are also Members of this House, whether the conduct of that Commission by the gallant Admiral, and the mode in which he discharged all the duties which devolved on him in connection with it, was not worthy of his high reputation and character.

These are the steps by which the question has arrived at the position we now find it—when, after receiving, in answer to repeated inquiries, only evasive statements and straggling replies, my hon. Friend has properly raised this direct issue, and asks the House of Commons to decide whether something or whether nothing shall be done to carry out the recommendations of the Commission. The Government have made no sign as to their intentions, and I believe they have no intentions. But we have this significant clue to their feelings

that two hon. Gentleman immediately behind the Treasury bench have risen to move the previous question; and, with the exception of these two, and the hon. Member for Truro, not a single Gentleman has spoken to-night except in support of the Motion. Really, Sir, the course of this debate reminds me of that other memorable debate on the memorable Reform Bill, when for six nights hon. Gentleman rose in succession, with rigid impartiality, from alternate sides of the House, to give expression to the same sentiments. I have already adverted to the speech of the hon. Mover of the previous question. What were the arguments of the hon. Gentleman who seconded it? He said that storms were caused by the power of God, and, therefore we ought to do nothing to avert them. Now, when an hon. Gentleman uses an argument of this kind it is a pretty plain proof that he feels he has nothing better to say. Another of his arguments was that the finances of the country were not in a position to justify the outlay, and in this reason I suppose is to be found the cause of the hesitation shown by the Government. But what is the obvious answer to that argument. I will remind the House that the object which the hon. Member for Sunderland seeks to obtain is a great national object—no one had ventured to controvert that. Now, if we can afford to give up the duty on silks, which in such ample folds surround the persons of the wives and daughters of the middle classes—if we can afford to throw away the duties on champagne and claret, which appear only on the tables of the rich—I hope this House will not deny that we can afford £250,000 a year for the protection of this vast amount of property, and for the saving of the lives of the poor. Why the paper duty alone, which we should have lost if there had not, happily for us, been greater wisdom in other places than on the Treasury Bench—one year of the paper duty would have liquidated nearly the whole of the sum that is asked from the Government for so desirable an object as that, the expediency of which we are now discussing.

The hon. Member for Sunderland has, with great force and effect, dwelt on some of the statistics of this question. The House will, perhaps, forgive me if I touch on some others to which the hon. Gentleman slightly alluded, or which he passed over altogether. We have heard a good deal of the necessity of a harbour of refuge in the Bristol Channel. On that subject, let me remind the House of the increase of the trade at Swansea. The increase of the foreign trade at Swansea between 1851 and 1857 has risen from 60,000 tons in the former to 262,000 tons in the latter year. Is it not an urgent reason for the creation of a harbour of refuge on that unsheltered coast, when we find the trade of that one port extending with such extraordinary rapidity? And what has been the increase of our shipping from 1843 to 1857? The British shipping entered inwards and outwards during the former year was 7,181,000 tons; in the latter 13,694,000 tons. In foreign shipping the increase had been from 2,643,000 tons, in 1843 to 9,484,000 tons in 1857; so that the two put together form an aggregate increase on the fourteen years of 136 per cent. And what are the disastrous facts to which my hon. Friend has so properly called attention? In the course of the last five years the average amount of casualties that befel ships on our coast was 1000, and of this number two-fifths were a total loss. The average loss of human life exceeds 800, and the loss of property, according to the evidence of Captain Sullivan, who was anxious to make the estimate as low as possible, amounted to a million and a half a year. But then we are told by the hon. Member for Truro that all that amount of life and property will not be saved, though harbours of refuge are established. Very likely not; but let me remind the House on the other hand, that that estimate of the loss of life did not include a very touching and important part of the question—the grievous loss of life among fishermen. Let me remind the House of the frightful accounts we have had of the disastrous effects of the gale that occurred within the last fortnight. I declare I hardly ever read in the public journals a more affecting or touching story than the accounts which were published from the north of England, where some thousands of Englishmen assembled on the shore, saw ship after ship go down, and every life on board was sacrificed because there was no place of shelter near. The hon. Member for Montrose tells us that if there had been a harbour of refuge all these lives would not have been saved. Nobody says they would, and my hon. Friend (Mr. Lindsay) does not say they would; the Commission does not say they would; the Committee does not say they would. But what we and what they say is that, so far as the prudence of men can guard against the visitations of Providence,

Sir John Pakington

if England had had, as a commercial country she ought to have had, harbours of refuge, a large proportion of the lives who annually perish on our shores would be saved. Positive proof on such a subject is unattainable, but I think we approach near to positive proof when we find that so soon as a gale threatens, the harbours of refuge formed at Holyhead and at Portland are crowded with vessels who fly there for shelter, and find it. Since the harbour at Holyhead has been formed, it has been resorted to every winter by some 200 or 300 vessels which would otherwise have been knocking about St. George's Channel, and many of them probably lost. It is the same with regard to other harbours, and therefore it is trifling with the question to say, that if you had these harbours of refuge more lives would not be saved. I trust the Government, after their conduct this year with the finances of the country, will not mock the House by talking of difficulties on that score. The money they have thrown away this year would provide again and again for all that is wanted for these great national objects. I will not longer detain the House. I have stated the views I entertain on this important question, and I challenge contradiction to the conclusions at which I have arrived. I trust, if the Government does not accede to this Motion, my hon. Friend will press it to a division.

MR. MILNER GIBSON: The right hon. Baronet has fallen into an error in charging the Government with indifference to the importance of this question. The Government, considering all that has passed in reference to this question, considering the expectations that have been excited by the inquiries of a Committee of this House and the Report of a Commission, have felt it their duty to give attention to the subject, and endeavour to provide a measure which, if not carrying out the whole of the recommendations of the Commission, at any rate will make a commencement and carry out these recommendations to a certain extent. The subject was under the consideration of the Government before the Session began. But the right hon. Gentleman has to consider now not merely the general question of the advantage of having harbours of refuge on parts of the coast which are now unsheltered, but he has to consider the propriety of our passing this particular Resolution on our Minutes, with a view to guide the future decisions of this House. I understand that is the object. The right hon. Baronet, in expitiating on the great evils of the absence of harbours of refuge, mentioned two particular instances, the Mumbles in the Bristol Channel, and the great loss of life among the fishermen off Yarmouth and Lowestoft on the coast of Norfolk. In neither of those cases, if he binds himself to the Report of this Commission, will he obtain any assistance. The Mumbles scheme, which the right hon. Baronet thinks so necessary, was rejected by the Commissioners, and there is no provision in their recommendations for a harbour of refuge on that part of the coast which could be of the slightest use to the vessels suffering there from want of shelter. I mention this to show the importance of our not fettering the discretion of this House, when we come to consider the question of granting public money for harbours of refuge. The hon. Gentleman the Member for Truro put that point before us with great force. He said we are binding ourselves to a general scheme, without considering the merits of any one of the proposed works, or the amount of money they involve. Would it be just or fair to prejudge, without discussion, the claims of one particular as against the claims of another particular port, when it was a question of granting the public money? It may be well to pass abstract Resolutions, in order to indicate generally that it is necessary to do something upon a given subject. But if you pass such a Resolution as this you will bind yourselves, at the earliest possible moment, to bring in a measure to give effect to the precise recommendation of the Commissioners ["No, no!"] I confess I cannot understand the words of this Resolution to convey any other meaning, for they are—"to carry into effect the recommendation of the Commissioners to inquire into the formation of harbours of refuge upon the coasts of Great Britain and Ireland." You not only do that, but you prejudge a great number of separate questions, each of great importance; and you prejudge another very important question, as to the way in which the funds for the support of these harbours of refuge are to be provided. The hon. Member for Sunderland spoke of the harmony which prevailed between the Committee of this House and the Commission; and he quoted their agreement as an additional reason why we should bow to the authority of those two bodies. But, unfortunately, they were not

in harmony. They did not agree. They differed on one most material point, and that was as to the source from whence the funds are to be derived. Whilst the Commissioners recommended that a large portion of the money should be derived from the State grants, assisted by aids from the towns and places where the harbours of refuge were to be situated, the Committee of the House of Commons recommended that three-fourths of the charge of the support of these harbours of refuge should be levied upon shipping by a passing toll, upon the principle that those who derived the benefit of them should contribute to their construction and maintenance. This is a most important difference; and I think we should be wrong to prejudge a question of such a character by passing a general Resolution that we will carry out all the recommendations of the Commission. As to the question of passing tolls, I have one observation to make. The harbour of Ramsgate is a harbour of refuge to a very large number of vessels of small tonnage, which avail themselves of it during south-westerly gales. It is supported by passing tolls. But we have at this moment a Bill before the House to abolish those passing tolls, as a burden which the shipping interest is unwilling to bear. Upon the other hand we have a Committee recommending us to establish new passing tolls for the establishment of harbours of refuge. These are difficulties attending the question; and I submit, if the Government are to consider authorities upon a question involving the expenditure of money, there is no authority which they ought more carefully to consider than that of a Committee of the House of Commons. Now, in the whole of this debate I have never heard one Gentleman hint at the idea of a Committee of this House recommending that so large a portion of expenditure upon these harbours of refuge should be borne by the shipping who are to derive benefit from them. But it ought to have been mentioned, and it is my duty, upon the part of the Government, to mention it, as a matter that must be taken into consideration by the House.

I am sorry to say that I have not found any disposition on the part of the shipowners to contribute in the smallest degree to the support of these harbours of refuge. The chairman of the Shipowners' Society in Liverpool stated that he would rather not have harbours of refuge at all than contribute one farthing towards their construction or maintenance. This was stated before the Committee of the House of Commons, and we have never had one single application upon this important subject from ship-owners or mariners, with the exception of some recent memorials from fishermen. The applications have principally come from the localities where the proposed harbours are situate, and from persons having property, or whose interests would be promoted by the construction of these harbours in their immediate neighbourhood. It is rather discouraging, I must say, to find that the interest, for whose special benefit these harbours of refuge are to be constructed, have shown so great a reluctance to contribute a portion of the expense. It does seem to me, if harbours of refuge be necessary for passing shipping, and for the safety of our great mercantile marine, there is just as good a case why shipowners should contribute to them as they should contribute towards the support of lights, or buoys, or beacons, or any other facilities for navigation. Let me ask the right hon. Baronet the Member for Droitwich (Sir John Pakington) to consider whether it is right, after what has been stated, that we should pledge ourselves, upon two most important matters—first, as to the exact mode in which the money is to be raised for the making of these harbours; and, second, the exact and particular places to which the money should be given? His ministerial experience will tell him that if he had been in office at this time, whatever might have been his own views with reference to the bringing in of a measure, he would not ask the House of Commons to bind itself deliberately by a Resolution of this character.

With regard to the cost of these harbours, as recommended, it has been, as I understand from the Report of the Committee and of the Commissioners, very much understated. The Committee recommended that in the whole about £2,000,000 should be laid out; and that it should be advanced by the Government, three-fourths being repaid by a passing toll upon ships. The Commission made an advance upon that recommendation, for they suggested that not less than £4,000,000 should be expended; but they added that probably a portion of that £4,000,000 might be obtained from local aid. No doubt Hartlepool and the Tyne would be ready to contribute a considerable sum if the Government made a contribution; but I have been informed that many of the places at

which it is proposed to establish these harbours are not likely to be able to raise large sums of money for the purpose, and that the transference of their local dues would not in any way afford a security for the full advance recommended by the Commissioners. I, therefore, for one, having considered this question, believe it is wholly delusive to suppose we can obtain any considerable portion of the amount of the £4,000,000 from the localities in which it is to be spent. But if you, the House, are to pledge yourselves to the whole of this scheme, can you rely upon the estimates of it? You have never had them before you. You have never gone into the question whether the estimated expenditure has been so carefully considered and discussed as to justify the House in pledging itself to an adoption of the plan. I do not mean to say that the eminent men who have made those Estimates have not named a sufficient sum, according to the best of their judgment; but we know that when works of this kind, especially connected with water, are commenced, suggestions are made in their progress. What appears at first upon a very small scale is very apt to swell into a great one. In the case of the Holyhead Harbour you began with an Estimate of £800,000, but the probable expenditure will be £2,000,000. I therefore say that it is not at all beyond the range of probability to say that an expenditure now estimated at £4,000,000 may mount up, if you give way to all the large schemes, to £6,000,000. These are considerations which it is our duty to consider before we pledge ourselves to this Resolution.

I do not say that harbours of refuge are not desirable in themselves. There is no one in this House—and I am sure that in this I speak the sentiments of Her Majesty's Government, who more sincerely regrets the great loss of life that has taken place—probably some of it is attributable to the absence of shelter—upon the coasts of Yorkshire and Scotland. I should like to see a harbour in Wick, where the inhabitants have been prevented from making certain improvements, because they have been told that a larger scheme was under the consideration of the Government. I admit entirely that harbours of refuge might have had the effect of saving some portion of the property and lives that have been lost during the late storms; but I think an exaggerated view of their results in that direction has sometimes been taken. I have gone into a calculation of what would be the saving of life, supposing the harbour of Filey, which is the best situation for one on the eastern coast, had been in existence. I find that upon that coast during the seven years from 1850 to 1857, excluding 1855, (I do not know why the exclusion is made), there were 330 lives lost. In 1856, if Filey harbour had been made, there might have been five lives saved. This is in evidence given before the Commission. In 1857, twenty-four lives might have been saved; in 1858, three; and, in 1859, twenty-two. [Admiral DUNCOMBE: From what document is that?] It is from a careful analysis of returns from the Board of Trade. It is possible that all these people might have been saved; but the remaining lives that were lost, were lost at such a distance, and under such circumstances, that the harbour of refuge at Filey could have had no influence. The Commissioners themselves, lest the House should be misled, have distinctly pointed out how large a proportion of the losses of life and property at sea arises from circumstances which have no bearing whatever on the question of harbours of refuge. No doubt this must be so. Everybody must be aware that vessels require to be placed in the most favourable circumstances with regard to harbours of refuge in order to make them available; that there will be a vast number of ships upon an extensive coast liable to loss of property and life, though the whole of these harbours were constructed. As an illustration, I may mention that at the present moment upon the south coast of England, where there are a great number of fine natural harbours, which are better than any harbours of refuge you can construct, there is a very considerable loss of life and property. I do not know the per centage; but it was mentioned before the Committee that on the south coast something like 35 to 40 per cent of the loss of life which had taken place, had taken place there. We have no returns of sufficient accuracy to enable me to bring out an analysis sufficiently precise and certain to enable you to judge what would be the precise effects of harbours of refuge; but I, and every other man, must admit that the want of harbours of refuge, upon any coast frequented by shipping, is a great evil. It would be becoming in this country, as a great maritime nation, to do all we can, with justice to all other interests, to remedy this evil; and, on the part of the Government, I am not here to justify the

putting aside of this great question; for I entirely repudiate the notion of the right hon. Baronet, the Member for Droitwich, that the Government has any desire to evade the question, or shuffle out of it. I may state, in reference to what has fallen from the hon. Member for Poole (Mr. Danby Seymour), that we have prepared a Bill to carry out some of the most important recommendations of the Commission. So far as the Board of Trade is concerned, we are not authorized to take upon ourselves to prepare a scheme for a large expenditure of public money, or to carry, in all its parts and dimensions, a great measure of this sort. That must be matter for more mature consideration; and the state of public business during the present Session, and the number of measures with which the House has had to deal, would have prevented us from dealing with a subject of such magnitude. But we have prepared a measure for the purpose of improving existing harbours, for erecting piers, constructiug harbours, and effecting those objects which the hon. Member for Poole told us were considered in many parts of the country as most important. With reference to the saving of life, it appears to me that the improvement of harbours in towns already existing, in the seats of maritime trade, must have an important effect in saving life. If we look at the wreck chart, we shall see there are groups of wrecks always to be found in the immediate neighbourhood of ports much frequented by shipping. Why is this? Vessels arrive off the port—many of them tidal harbours—perhaps at the close of day, with heavy cargoes, the crew exhausted, and perhaps some of them sick. They all converge to a point, and loss ensues. It is, therefore, most important to create facilities for improving the entrance to those harbours; so that when vessels arrive off them they may speedily enter, and not be driven upon the dangers of a lee shore. The Bill we are about to introduce, will have an important bearing upon this question; and I hope the House of Commons will do us the credit of believing that we are in earnest upon this question. The Bill is ready to be laid upon the table; and I mentioned the other night, when I answered the question of the hon. Gentleman opposite, that it should be introduced when the state of public business admitted. It is a Bill to enable existing harbours to obtain money, and to create new facilities for the purpose, through the means indicated by the hon. Member for Poole. It is not in my power to command the business of the House, or to say the measure can be passed into law this Session; but I mention the fact that we are prepared with such a measure, and that, to a certain extent, it carries out the recommendations of the Commission. I mention this in order to rebut the charge that we have not considered this important subject, and to show that, in the opinion of the Government, it may now be dealt with.

Sir FREDERIC SMITH said, that he was sorry to gather from what the right hon. Gentleman the President of the Board of Trade had stated that there was no intention to form harbours of refuge. As a Member both of the Commission and of the two Committees that had sat on this subject, he was able to assure the House that the Estimates had been prepared with the utmost care and deliberation. They had been drawn up by an able man, Mr. Coode, one of the Commissioners, and, as an old Engineer Officer, he could pledge himself to their accuracy. They were works of the simplest kind. Great masses of material had to be placed in a certain spot, the price was well known, and any excess on the estimates, wherein a large sum was allowed for contingencies, was almost impossible. The cost would be £250,000 a year, and, if harbours of refuge were to be made at all, they must be made on a large scale. With regard to the difference of opinions between the Committees and the Commission, adverted to by the right hon. Gentleman (Mr. M. Gibson), it was simply as to the best way of obtaining the necessary funds, and that was a matter that the House of Commons itself would determine. He was quite sure that a large amount of lives might have been saved within the last few years if there had been harbours of refuge. A case came before the Commission, when not less than 700 vessels were off Flamborough Head at one time, and were many of them twice driven back, as far as the Firth of Forth, and on the second occasion several of them foundered. It was not too much to say that 1,000 vessels annually went down at sea which did not make for the shore, because their masters knew there was no place for them to run to; whereas, if harbours of refuge existed, a very large proportion might be saved. It was not till the Commissioners found that the existing harbours could not in general be improved that they recommended the construction of others. It

was, however, notorious that tidal harbours and rivers would not form harbours of refuge, because the bar prevented vessels from getting in at low tide, and therefore the Tyne Commissioners intended to form a breakwater in deep water. He himself had gone down to Wick, believing that such an expenditure was unnecessary, but the more fully he examined the matter the more he was convinced of the necessity that the Government should provide a harbour of refuge there. Persons interested in the fishery had been anxious years ago to construct a harbour such as would answer their requirements; but, fearing that this would interfere with the formation of a larger one, the Government prevented this intention from being carried out. Lives had since been lost, and he feared that responsibility attached somewhere. At an expenditure of not more than £50,000 in each case, excellent harbours at Carlingford and Waterford could be secured; and an outlay of £75,000 on Padstow would make it fit to be entered at almost any state of the weather. As regarded the northern ports at the present moment, there were no harbours in which our ships of war could take refuge from a gale in the northern ocean, without being obliged to run down as far as the Firth of Forth, and in case of war this would seriously interfere with our operations. If harbours of refuge existed at Peterhead and Wick, this deficiency would be supplied. In the first instance, it had been supposed that the Pentland Firth might have been made use of, but many objections to it were discovered. He denied that the Commissioners had any favourite theories or pet spots; they had entered on their inquiry with a full conviction of the important trust confided to them, and with the desire of obtaining, at the least cost to the public, the greatest possible security for our marine. In every case they did what they could to induce the local authorities to come forward; and when the people of the Tyne offered to provide £750,000, they showed they were in earnest, and deserved great credit for contributing so largely to that which was not merely a local object. The same might be said of the offer of the people of Hartlepool to contribute £500,000. It was true that, as some persons thought the bight of a bay was not the best place for a harbour of refuge, because when vessels had once got in, they might be confined there for many days, the Commissioners had selected the horn of the bay, and proposed a harbour of refuge at Filey, although that was a place of no trade. But then Hartlepool, a place of very large trade, came forward and offered half a million towards the cost of works there, and that was the reason why, although Filey and Hartlepool were near each other, works were recommended at both places. He had no doubt that the work could be completed within the ten years named by the Commissioners, as there was very little fine or facing work to be done, the great portion of the larger harbours at least consisting of rubble work, which could be put together in mass. He trusted that projects so beneficial would not be lost sight of.

MR. LIDDELL said, he was sure that the country would be as much disappointed as he had been with the answer of the right hon. Gentleman. It had been complained that the Resolution proposed by the hon. Member for Sunderland was an abstract Motion, but this, he thought, constituted its chief value. This question had prominently engaged the attention of the country for years, and persons would now be confirmed in the opinion they had before entertained, that the Government did not intend to do anything. Something had been said by the right hon. Gentleman in favour of the imposition of passing tolls to defray the cost of the proposed works. But in the Committee on this subject, he had himself moved the rejection of that part of the scheme. Passing tolls was a phrase very ominous to the ears of shipowners, because for many years they had been called on to contribute to the support of harbours, some of whose bars were dry, and into which at no state of the tide could a ship of more than 120 tons enter. Many shipowners, he admitted, were under the apprehension that harbours of refuge would be places where their captains might put in without their consent, and where their crews might get ashore, and various delays and expenses might arise. The only real objection made to the recommendations of the Commission was based on financial grounds. And he could not esteem that a valid objection, when the annual loss of property for want of the harbours of refuge was at the lowest estimate a million and a half of money, and the proposed annual expenditure for ten years only to prevent that great loss was no more than one-sixth of that sum. The property thus wrecked and sunk in the sea was so much taken away from the stock of reproductive capital and means of employ-

ing labour. Putting the saving of human life quite out of view, and looking at the question in the vulgarest way, as one of pounds, shillings, and pence, it was a very clear case. He must contend that the financial objection could not be a sincere one, for Parliament had during the last ten years voted no less than £2,089,000 for the two harbours of Dovor and Alderney, which could not pretend to be for the saving of life or property. Portland and Holyhead, on the contrary, were, he believed, exceedingly useful. If those who now raised the financial objection were sincere, let them refuse to spend another sixpence on Dovor or Alderney. To show that the expenditure which the hon. Member for Sunderland asked the House to sanction would be reproductive, he might mention the fact that while the cost of the Coastguard last year had been £755,000, the amount of property saved through that body was of the estimated value of £800,000 ; 1,200 lives having in addition been rescued through their instrumentality. The right hon. Gentleman had stated as evidence of the inutility of harbours of refuge that on the southern coast, where there were many harbours, there were also many shipwrecks. But he would remind the House that on the east coast there was no harbour of refuge for a distance of 250 miles, while one-half of all the wrecks in England occurred on the east coast, and one-quarter of them on that small portion of that coast, which represented but one thirty-sixth part of the coasts of the United Kingdom. Looking at the matter then on economical grounds, that would not be found an extravagant, but a reproductive expenditure ; and looking at it in the point of view of saving human life, it was in his opinion the duty of the greatest maritime nation in the world to provide that safety for its sailors which nearly every other country took care to furnish.

Sir JOHN JOHNSTONE said, he should support the Motion. The right hon. Gentleman (Mr. Gibson) had stated that if there were a harbour of refuge at Filey there might be a saving of five lives in the course of the year. He did not know how the right hon. Gentleman arrived at that opinion, but he thought no one who knew that part of the coast would support him in it. Two harbours of refuge ought to be formed, one to the north, and another to the south of Flamborough Head.

Mr. PAULL said, he wished to observe, with reference to the Piers and Harbours Bill, of which he had been enabled to procure the second reading, and which had been referred to a Select Committee, that the hon. Member for Poole had, two or three weeks ago, asked the President of the Board of Trade when he would introduce the Government measure on the subject ; to which question the right hon. Gentleman had replied that a measure of an analogous nature had been prepared, which he was waiting until the Select Committee alluded to had reported to bring in, thus casting upon him (Mr. Paull) the opprobium of delaying the Government Bill ; while from the statement of the right hon. Gentleman that evening it appeared that the pressure of business was so great that he had not deemed it expedient to introduce it. He might add that he had never listened to a speech which was likely to be received with more widespread dissatisfaction throughout the country than that which the right hon. Gentleman had just delivered. As the representative of St. Ives he felt very deeply interested in this subject, but he looke dat the question as one of national importance, and he felt assured that the claims of St. Ives were of such importance that they must meet with consideration along with those of other ports. He found that the wrecks in the Bristol Channel in 1859 were 66, and the crews of 20 of these vessels were drowned ; while in the case of six other vessels some were saved and some drowned. But if a harbour of refuge had existed at St. Ives this loss of life might have certainly been diminished. He hoped the Motion would be pressed to a division, and that it would be shown, although the Government might be remiss, the House of Commons was prepared to uphold the reports of its own Committee and the Royal Commission.

Sir MORTON PETO said, he hoped the Government would yet yield on this subject, and spare the House the necessity of a division. The mind of the Government and the country should be one with regard to it. The question admitted of no doubt ; but the Government might feel they would be wrong to be hurried. There was no necessity for being so. At the same time there should be a distinct understanding that there was a sincere desire on the part of the Government to carry it out. A reference had been made that night to Holyhead, and to the estimate being so much exceeded. Why was that ? It was because the plans were

altered several times. When his duties called him to that part of the country during the construction of that harbour, he generally found that they were working on a plan different from that which they were working on when he paid his previous visit. They managed these matters better on the Continent than in this country. When such public questions were agitated and settled the whole thing was committed to men who thoroughly understood it. A Commission was appointed, by whom all the plans were sifted; and, instead of being a mere question of pressure of the moment they were so carefully considered that when they were once settled there was no chance of there being unsettled again. If the Government had determined to carry out these works, plans should be prepared for the whole of the harbours; they should be submitted to practical men, who should report to the Government, who should then offer the works to contractors, taking adequate security for carrying them out at a given sum. There could be no doubt of making harbours of refuge at the precise sum contracted for, just as any other public works. Nothing could be more simple. It was a mere calculation of carrying so many millions of cubic yards of stone into a given depth of water, and there was no contingency in the case which could not be estimated. He hoped the Government would feel that the country had made up its mind on this subject. Representing as he did a section of the Metropolis, he must say his constituents would see with great pleasure that this question was settled. The taxation necessary for such a purpose they would bear not unwillingly; what they objected to was taxation for which they received no value. Only last night the House had entertained the propriety of having a map of the country on the 25-inch scale, on which a million of money might be expended, whereas a quarter of a million a year for ten years was now to be considered so formidable that the Government could not face it. The country was prepared to pay a fair expenditure for the navy, the army, and public works. If the object was just, righteous, and proper, the country would find the money, and if the Chancellor of the Exchequer found himself in a deficiency next year, arising from circumstances beyond his control, instead of reproaching, they would applaud him for the public spirit he evinced in providing for such works. He had no hesitation in supporting this Motion; at the same time, as a sincere supporter of the Government, he trusted they would not put their friends to the painful position of opposing them on this question.

MR. BENTINCK said, the question before the House involved the saving of thousands of lives and millions of property. His hon. Friend (Mr. Lindsay) had remarked that the Committee and the Commission to which this question had been referred entirely concurred in their views, and that consequently nothing had been done. Probably there was no member of the House who ever heard of anything being done in consequence of the labours of a Committee and a Commission. The result of his experience had been to show the uselessness of abstract Motions, and he regretted that his hon. Friend had not brought the matter to a more practical issue. The annual amount of loss of human life was 1,000, and of property 1,500,000; but he would put all questions of that kind aside, and take it, as the Majority of the House would, as simply a question of money. Upon that ground alone it was one of the most grave questions that the House had ever had to consider. A great deal had been said about localities. There were one or two to which he wished to refer. His hon. Friend had laid great stress upon Wick. No doubt a harbour of refuge there would be of great importance to the fishermen of the place; but it was not a national necessity. The reason why so many fishermen were lost was, that they would run all risks to make their own port; but every practical man that had been near Wick in bad weather would bear him out in saying that in a national point of view a harbour of refuge there would be useless. He had always thought that the foundation of a harbour of refuge between the Isle of Wight and the Downs would be a very important national work. He would undertake to prove that more money had been wasted upon those two harbours of Dover and Alderney, within the course of the last few years, to have constructed efficiently the whole of the harbours of refuge recommended by the Royal Commissioners. They had flung hundreds and thousands of pounds sterling into the sea for harbours and fortifications at localities, the merits of which he had never heard any hon. Member in that House, except some distinguished statesmen on the Treasury bench, defend. He had heard Alderney defended by the present and preceding

Boards of Admiralty. He had heard the right hon. Baronet the Member for Droitwich (Sir John Pakington), when he was at the head of the Admiralty, state that Alderney was a useful harbour for watching the proceedings at Cherbourg. Alderney was twenty-eight or thirty miles from Cherbourg, and, as a harbour of observation, it was as useless as if it were 500 miles off. The steamers that might be watching the operations of a fleet at Cherbourg would not run to Alderney, where there would be no one to whom to tell the news, but to Portland or Spithead, or wherever the fleet might be. In the event of bad weather no vessel would try to get into Alderney as a harbour of refuge, but would rather endeavour to get as far from it as possible. The fortifications in progress at Alderney were said to require 2,500 men according to some calculations, and 5,000 men according to others, to man them. But would any one tell him that, in the case of a threatened invasion, we should be likely to spare 2,500 men to garrison a barren rock, that would be perfectly useless until the war was over? The Government were therefore spending a large sum of money to construct strong fortifications that would be at the mercy of the French whenever they came to Alderney. The Government had already spent on Alderney alone £700,000 or £800,000, and the Estimates for the completion of the harbour and fortifications extended to £700,000 or £800,000 more. That would cover three years of the proposed expenditure for harbours of refuge. A scheme had been laid before the public for the construction of floating piers. He believed it was under the consideration of the Admiralty, who were about to facilitate the experiment. The projectors professed to be able by their plan to construct an efficient breakwater for an amount equal to only the interest of the principle which would be expended on a stone breakwater. The matter was, therefore, one that ought to receive the consideration of Her Majesty's Government. The question was, as he had before observed, strictly a question of money, and the only stumbling-block was that of finance. He would ask the House to recollect the amount of income voted away only a few days before for a financial experiment —he should not use a stronger word — an amount sufficient for two years of the expenditure required for the important work contemplated in the Motion of his hon. Friend. A most remarkable passage fell from the right hon. Gentleman the President of the Board of Trade, who always spoke with ability; but since he had sat on the Treasury bench, with considerable ingenuity. The right hon. Gentleman objected to going into details, but, as he understood his hon. Friend the Member for Sunderland (Mr. Lindsay), he did not want the House to be pinned to details, but to affirm a general principle. The right hon. Gentleman, however, had rather let the cat out of the bag. His right hon. Friend objected to "fettering the House in this matter," and intended to leave them entirely free "if the question is to be considered." He thought that in those last words of his right hon. Friend, the whole case of the Government was summed up. They were tantamount to an announcement to the House that the question was not to be considered, so far as the Government was concerned. His right hon. Friend asked the House not to prejudge the question. He was afraid that that was what his right hon. Friend himself had done, and that the conclusion at which he had arrived was that the Government ought not to interfere in the matter. His right hon. Friend had observed that the Commissioners asked where was the money for these harbours to be found? That was not a question for the Commissioners; it was a question for Her Majesty's Government. He had also observed that the shipowners had shown no disposition to bear their part of the expenses; but his right hon. Friend must have heard enough of the position of these shipowners to know it was reasonable that they should not be disposed to incur additional expenses. He had likewise observed that the Estimates were inaccurate. He (Mr. Bentinck) should have thought that his right hon. Friend was the last man to have touched on the question of inaccurate Estimates. It was indisputable that there was an enormous sacrifice of life and property annually through the want of those harbours. Succeeding Governments stood convicted of wasting millions of money on imaginary schemes, and when they were asked to contribute £250,000 a year for the purpose of saving that life and property, the Government threw every difficulty in the way. Under these circumstances he hoped the House of Commons would take the matter in their own hands, and support the Motion of his hon. Friend.

MR. BLAKE pointed out the necessity for Harbours of Refuge in Ireland, espe-

cially on the Eastern coast, along which all the Atlantic traffic from Liverpool necessarily passed.

SIR JAMES ELPHINSTONE said, he hoped his hon. Friend the Member for Sunderland would persevere with his Motion, and the more so as he considered the speech delivered by the hon. Gentleman the President of the Board of Trade upon the subject to be exceedingly unsatisfactory. He (Sir James Elphinstone) had paid a great deal of attention to the subject, having been a member of the Committee, and having accompanied the Commission along the coast of Scotland. The case of Wick had been referred to, and he must say that to see the fishing boats, 2,000 in number, leaving that port was one of the most extraordinary spectacles in the world. The present harbour could not accommodate them with advantage, and when it was considered that 10,000 of their best seamen manned these fishing boats, the importance of giving them protection could not be overrated. Though Wick was not the place he should select for a Harbour of Refuge, yet there were many considerations that ought to induce the Government to come forward in the spirit of the Commission and do something for the safety of these men. He would recommend Peterhead as a strategic point which the Government should not overlook. It is the advanced salient point on the East coast, some sixty miles nearer the entrance of the Baltic than any other point on the coast; its south bay offers great facilities for a harbour of refuge, and, in the event of war, as a turning point of the coast, it is most important as a point to concentrate an advanced squadron. He would also press the claims of Filey Bay, on the English coast. The coast at Flamborough Head was strewd with the wrecks of fishermen's boats when a storm came on, because there was no means of escape for them. He regretted to hear the tone of the hon. Member for Montrose on this question. He knew that the merchants of Dundee stood high, but they were not backward in asking for assistance when their own interests were at stake, and not nought they should be the last to oppose the claims of others. In 1857 five merchant ships belonging to Dundee got adrift at the North Cape, and the owners, through their representative, applied to Government and got steamers sent to their assistance. Why, then, should the merchants of Dundee oppose others when they applied for the interference of the Government? The Government admitted that there were four hundred miles of coast which they could not defend. They were about to ask the House for £12,000,000 for the defences of the dockyards, and why should not they as well ask for £15,000,000 for the construction of Harbours of Refuge. They would fill up a great portion of the intervening undefended points between their dockyards; and with the aid of a fleet of small vessels placed at these points they would be able to repel any invasion that could take place. He asked whether they ought to grudge £250,000 a year for a great object like that now proposed, when they had been throwing away their capital in the way they had done during the present Session.

VISCOUNT PALMERSTON: I am disposed to take the hon. Baronet at his word when he says that if we ask for £12,000,000 he will give us £15,000,000. However, I can assure the House that we are as sensible as any who have spoken of the vast importance of the matter now under consideration. It is impossible for any one to have gone through the Reports of the Committee and the Commission, and to have seen the vast amount of valuable life and property which are annually lost by shipwrecks on the coast without being convinced of the absolute necessity of taking measures to provide harbours of refuge for the protection of shipping and the prevention of those disasters. Therefore, if we object to the Motion of my hon. Friend it is not in the slightest degree from any indifference upon the subject, nor from our not having made up our minds upon the matter, nor from the motives which have been imputed to my right hon. Friend (Mr. M. Gibson) that he wished to evade or to shirk the question altogether; but the reason we object to it is because it pledges the House blindfold to the whole of the recommendations of the Commission to which recommendations the present debate has shown that even those who are prepared to vote for the Motion are not prepared to give an unqualified assent. Wick is one of the points that have been adverted to. Now, is everybody agreed that Wick is a case where a great outlay should be made? The hon. Member for West Norfolk (Mr. Bentinck) says that Wick is not a place for a national harbour. Another hon. Gentleman has told us that a harbour at Wick may be useful for local purposes, but not for national uses. One hon. Gentleman

says that there is no need for harbours on the south coast of England, while another hon. Member says there is the greatest need of harbours between the Foreland and Portsmouth. There is great diversity of opinion as to the different harbours, but my hon. Friend who makes this Motion calls upon the House, without consideration, without going into details, to pledge the Government to adopt the recommendations of the Commissioners in their entirety. There was great difference of opinion among the witnesses who were examined by the Commission and the Committee as to the particular localities. Some were in favour of Hartlepool, some for Filey, and some for other points. My right hon. Friend the President of the Board of Trade has told the House that the Government have a measure prepared for the commencement, at all events, of these operations. That measure might be brought in during the present Session if the other business before the House did not seem to make it impossible to hope that it might be carried into law before the prorogation; but we are prepared to assure the House that in the next Session this matter will assume a shape in which the House will be called upon to take it practically into consideration. I will not follow the hon. Member for Norfolk (Mr. Bentinck) into what he has said about Alderney, but I will merely observe that he has admitted that all those who have successively occupied the Treasury benches, and who from their official sources of information may be supposed to know more about the subject than hon. Members not possessed of that information, all have been of opinion that Alderney was a proper place to form a harbour. The Duke of Wellington, who may be considered a competent judge, attached the greatest importance to the fortification of Alderney in connection with Portland. But, with regard to this particular question, I assure the House that it is most unjust to the Government to state that this matter has not occupied their serious attention, that they are not fully alive to the importance of the subject, and that it is not their intention to deal with it in an efficient and practical manner. It is sufficient to know that a great number of our most valuable seamen are annually sacrificed to storms and disasters, some of whom might have been preserved were these Harbours of Refuge on the coasts. But at the same time I cannot help suspecting that a certain proportion of those calamities are traceable to ships being sent to sea insufficiently manned, or not properly found, and not in a condition to take the sea; and if on the one hand the Government is urged to take measures by providing at the public expense harbours of refuge, on the other hand I hope the owners of ships will feel the deep responsibility which rests upon them if, in order to avoid expense, they send ships to sea in a state not fit to cope with the difficulties which may arise. But not to detain the House, I can only say that I hope the House will not commit themselves to this sweeping Resolution, but will be satisfied with the assurance of the Government, that this matter has received and is receiving our serious consideration, and that, undoubtedly, it will be our duty in the next Session of Parliament to bring it before the House in some practical shape.

MR. LINDSAY, in reply, said, he was sorry he could not rest satisfied with the assurance of the noble Lord, because he could not believe the Government were in earnest, for the simple reason that they had given no proof of their sincerity. It was more than two years since the Committee appointed by the Government had reported in favour of what he asked the House to assert. It was one year since the Commissioners had reported, and nearly twelve months since his Motion had first appeared upon the paper of the House; but he had not pressed it, because he had hoped the Government would do what he conceived it was their duty to do, namely—to take the sense of the House upon the subject. There was really no difference between the Committee and the Commissioners as to essential points, and they agreed as to the necessity of establishing Harbours of Refuge. The Committee had recommended that the parties interested—the shipowners—should supply a portion of the funds in the shape of passing tolls; but the Commissioners had adopted a similar view in recommending that no grant of money should be made unless the parties interested also subscribed to the expense. If the Government had done their duty he would not have brought forward this Motion, but as they had only given evasive statements he had felt bound to ask the House to interfere. The Motion would only pledge the House to the principle of the recommendations, and not to the details; it would affirm the necessity of providing Harbours of Refuge for the saving of life and property. It was the fault of the Government

that he was compelled to make this Motion, and the country was entitled to have the opinion of the House expressed upon it.

THE CHANCELLOR OF THE EXCHEQUER: I will certainly not, after my hon. Friend has replied, attempt to enter upon the discussion of the question or reply to his reply, but there is one point upon which that reply is so calculated—of course unintentionally—to mislead the House—namely, upon what is the matter upon which we are going to vote, that I must take the liberty of calling the attention of the House to the Motion as it stands upon the paper. My hon. Friend has put a construction upon his Motion quite different from its true sense; but, if the House comes to the vote to which he invites it, it will be bound by the terms of the Resolution, and the speeches of the mover can have no effect whatever in altering the signification which its words convey. My hon. Friend says that he asks the House to pledge itself to this principle; that it is necessary to carry into effect the recommendations of the Commission or the Committee with regard to the necessity for the establishment of harbours of refuge. That is not the Motion. The Resolution says nothing whatever about the Committee; it refers only to the Commission. The Committee recommended an expenditure of two millions, the interest of three-fourths of which was to be paid out of the certain revenue of passing tolls. The Commission recommended an absolute expenditure, without any return, of two millions and a half, with a further local expenditure of a much more doubtful character, amounting to about a million and three-quarters, making a total of four millions, against two, with the source from which it is to be defrayed in a great measure uncertain. But that is not the only point. My hon. Friend says that he wants the House to affirm the necessity of establishing harbours of refuge. If he wants the House to affirm that, why did not he make a Motion to that effect? On the contrary, he moves a Motion to the effect that in the opinion of this House it is requisite to take the necessary measures for carrying into effect all the recommendations of the Commissioners. The hon. Member for West Norfolk (Mr. Bentinck) says that it is entirely wrong and absurd to lay out a shilling upon Wick, for the purpose of making it a national harbour of refuge, and he tells us in the same speech that he is going to give a cordial vote in support of the Motion of my hon. Friend, that vote being to the effect that money shall be laid out to make a national harbour at Wick. ["No, no!"] That is the grammatical construction of the Motion. [*A laugh.*] I am in the judgment of the House. The Resolution says that it is necessary to carry into effect the recommendations of the Commissioners, and I want to know whether it is or is not one of those recommendations that a national harbour of refuge shall be made at Wick, to a great extent with public money. That stands among the recommendations, and the hon. Member for Norfolk, who says that the recommendation is absurd, is going to vote for the Motion which declares it is necessary to take measures for carrying it into effect. The question is, whether it is wise for the House to commit itself to a Motion which at once pledges and binds it with respect to the harbours which are to be constructed, in regard to which the greatest difference of opinion exists, and with respect to the sources from which the money to be spent upon them is to be derived, the whole of which enters into and forms an essential part of the recommendation of the Commissioners. I intend strictly to observe the pledge which I gave to the House, and therefore I will not say one word in answer to the charges of insincerity which have with great levity been made against the Government by the right hon. Baronet opposite. My noble Friend has stated that the Government has a measure which they are ready to produce at the first opportunity at which they can hope to obtain for it a fair consideration, and with this statement I leave the matter in the hands of the House.

Whereupon Previous Question put, "That that question be now put."

The House *divided:*—Ayes 145; Noes 128: Majority 17.

Main Question put, and *agreed to.*

Resolved,

"That, in the opinion of this House, it is the duty of Her Majesty's Government to adopt, at the earliest possible period, the necessary measures to carry into effect the recommendations of the Commissioners appointed in 1858 to inquire into the formation of Harbours of Refuge on the Coasts of Great Britain and Ireland."

DIPLOMATIC SERVICE.

COMMITTEE MOVED FOR.

MR. GRANT DUFF: Sir, in rising to speak to the Motion of which I have given notice I wish entirely to disclaim any intention of criticising the diplomatic appointments of the present or any other Go-

vernment, still less of attempting to make a general attack upon the very respectable service with regard to which I desire that there should be some inquiry. I quite admit, and I think it is the general opinion of most persons who take an interest in the subject, that the representatives of this country at foreign Courts, and their subordinates, perform their duties very tolerably. The noble Lord the Member for Tiverton has said, before now, in this House, that they perform them as well as any body of men who are employed in a similar capacity by any other State. This may or may not be true, but it at least forms no part of my case to controvert it. I am of opinion, however, that the diplomatic service of this country, considering the prizes which it holds out, the opportunities of self-culture which it gives, and the exceptionally agreeable character of the duties which it imposes, ought to attract to it the very highest talent, and the very greatest attainments which are to be found in that large, heterogeneous, and constantly increasing class in this wealthy country, the members of which can afford to devote themselves to occupations which do not enable them to increase their fortunes. It is, however, perfectly notorious that it does not do this. Let any one take up the Foreign Office list, and see how many of the members of the diplomatic corps, from the first ambassador down to the youngest *attaché*, are persons who, before they entered the service, had given proof, either at our Universities, at our public schools, or elsewhere, of rare and distinguished merit. I gratefully acknowledge how much improvement has been recently effected, and that the present generation of *attachés* are superior to those of whom Sir Hamilton Seymour speaks in his evidence before the Committee on Official Salaries in 1850. Still nothing has as yet been done to make the service intellectually a *corps d'élite*. The first subject, then, into which I should wish a Committee to inquire is this :—Whether it would not be possible, gradually and tentatively — so gradually and so tentatively as not to interfere seriously with the patronage of any Minister who now sits on either of these opposing benches— to introduce the system of giving away all vacant first appointments in the diplomatic service to the most successful candidate in an examination which should stand in the same relation to the examinations now enforced, as the class do to the pass examinations at Oxford. I know it may be answered that the duties of an *attaché* are for the most part of a very simple kind ; that you do not want a person of remarkable power to write ordinary letters, still less to register and copy despatches ; but an able chief would generally contrive in one way or another to find some use for an able subordinate. I beg the House to understand that I do not by any means propose that the diplomatic service should be thrown open to competition like the Indian Civil Service. I do not think that, provided only the examination to which candidates were subjected was a judicious one, the mischiefs which most people would expect to arise would really arise from that course. I ask, however, for no sweeping change. I wish to see one attachéship— one only—every year given away by competition. I cannot doubt that after giving this system a ten years' trial, Government would find it to their advantage to extend it, but if they did not do so, nothing would be easier than to abolish the practice altogether. Anyhow, it is impossible to believe that there can be any objection to having the expediency of so moderate a proposal considered by a Committee. There is another point connected with the education of our diplomatists, to which I wish to call attention. By the recent regulations of the Foreign Office, a young man who is about to pass from the position of an unpaid to that of a paid *attaché* is required to prove his acquaintance with *Wheaton's Elements of International Law*, and *History of International Law*. Now Mr. Wheaton's books are very respectable and very useful books, but they are hardly sufficient to be the beginning, middle, and end of a diplomatist's training in international law. I confess, Sir, that it appears to me quite monstrous when we consider how enormously the whole modes of thought of the statesmen and publicists of Continental Europe are coloured by the jurisprudence of Rome that some seniority should not be taken, that at least the outlines of that magnificent system, and especially its terminology should be mastered by the young diplomatist. I am sure all hon. Gentlemen whose attention has been turned to this subject will agree with me, but in case I seem to some to exaggerate the importance of this branch of study, I may be permitted, perhaps, to read a few lines by the late eminent professor of civil law at Cambridge, Dr. Maine, which bear directly upon the sub-

ject. Nor are these remarks answered by urging that comparative ignorance of international law is of little consequence so long as the parties to international discussions completely understand each other; or, as it might be put, that Roman law may be important to the closet study of the law of nations, but is unessential as regards diplomacy. There cannot be a doubt that our success in negotiation is sometimes perceptibly affected by our neglect of Roman law; for, from this cause we and the public, or negotiators of other countries, constantly misunderstand each other. It is not rarely that we refuse respect or attention to diplomatic communications, as wide of the point and full of verbiage or conceits, when, in fact, they owe those imaginary imperfections simply to the juristical point of view from which they have been conceived and written. And, on the other hand, State papers of English origin, which to an Englishman's mind ought, from their strong sense and directness, to carry all before them, will often make but an inconsiderable impression on the recipient from their not falling in with the course of thought which he insensibly pursues when dealing with a question of public law. In truth, the technicalities of Roman law are as really, though not so visibly, mixed up with questions of diplomacy as are the technicalities of special pleading with points of the English common law. So long as they cannot be disentangled English influence suffers obvious disadvantage through the imperfect communion of thought. It is undesirable that there should not be among the English public a sensible fraction which can completely decipher the documents of international transactions, but it is more than undesirable that the incapacity should extend to our statesmen and diplomatists. Whether Roman law be useful or not to English lawyers, it is a downright absurdity that, on the theatre of international affairs, England should appear by delegates unequipped with the species of knowledge which furnishes the medium of intellectual communication to the other performers on the scene. These, Sir, are weighty words, and I do trust that the Government, whether they do or do not grant the Committee, will at least inquire whether they ought not to be acted on; for sure am I that only a mere fraction of our existing diplomatists have ever read a page of *Institutes of Gains*, or *Justinian*. There is yet another matter with regard to which some evidence was taken before the Consular Committee; but as to which it seems desirable that we should hear something more — I mean the establishment of an Oriental College. It is strange enough that now that Haileybury is no more, we, whose connection with the East is so great, should actually have no establishment where Oriental languages are taught on a great scale. It seems hardly creditable. Every year our relations with the East are likely to increase. Every step taken either in the reform of the Turkish Empire, or, if it cannot be reformed, in its demolition, will increase our intercourse with Eastern Europe, and with Western Asia. China and Japan will become continually more important to us. The establishment of fairs in Northern India is likely, we may hope, greatly to increase our trade with the wide regions beyond the Himalaya. I do think, then, that as well for our merchants as for our consuls and our diplomatists, we should do wisely seriously to inquire whether some institution of the kind might not gradually be formed. So much for the educational part of the inquiries of the Committee. I pass to other matters. It will be in the recollection of the House that the Committee which sat in 1850 on official salaries, recommended that the number of our missions in Germany should be reduced. This recommendation was not acted upon, and most people would probably argue that in advising that there should be only one central mission, at Frankfort or elsewhere, they went too far. I confess, Sir, I think that if you so remodel your service as to have in it only persons of first-rate capacity, that I think you do well to retain your present number of missions, because every mission will then be really and truly a centre of English influence in the very highest sense of the term. If things are to be on their present footing, I am more doubtful, and I think the question might again be considered, rather more fully than in 1850, more especially with reference to the mission at Stuttgardt. Then we have the question of the present mode of carrying on diplomatic relations with Rome. Might not the Report of a Committee, if in favour of any alteration of the present system, strengthen the hands of Government which wished to introduce any modification? There seems to be a common consent alike in "another place," in the press, and amongst persons who have lately been in Italy that the gentleman who at present

acts for us at Rome performs his functions with extraordinary ability and with perfect success; but then it is only fair to remember that circumstances give him very peculiar advantages, and that his own qualifications are of the highest kind. Surely, without any disadvantage to the public service, the Committee which I propose might receive evidence as to whether inconvenience was experienced some years back, or is likely to be one day experienced again, by the anomalous nature of our intercourse with the Court of Rome. Another question which might be with great advantage investigated by a Committee of this House is—one to which attention was recently called — I mean as to whether the Persian mission should be under the Foreign Office or under the India Office. It will be remembered that it has been sometimes under the one, and sometimes under the other, during the course of the present century. Her Majesty's present advisers, when they acceded to power, found it in correspondence with the Indian Office. Since that time, however, by the decision of the noble Lord at the head of Her Majesty's Government this arrangement has been altered, and it is now under the control of the Foreign Office. Now, with regard to the expediency of this arrangement there are the most diverse opinions. Some persons tell me that all the most important questions which arise in our intercourse with Persia are connected with our position in India. Others say, with equal confidence, that this is not so, and that all our most important relations with Persia are connected with the position which we occupy with regard to Russia. Far be it from me to attempt to decide which of these two views is the correct one. It is pre-eminently a question for a Committee. There is another matter which is accessory to this, I mean the question as to whether we should or should not give presents in Persia and other Eastern countries. Some say that the mission of Sir John Malcolm, who gave presents largely, produced great effect. Others maintain that Malcolm spent a vast sum of money, made much display, and did very little. They add, that although the Russians still continue to give presents, they will soon discontinue them, if they see that we are determined to do so, and ere long we shall stand just in the same position with regard to Russia at the Persian Court as we do now, and save our money. I pass, Sir, to another branch of this subject—to the expense of our embassies. Now, I am by no means a friend, as a general rule, to cutting down official salaries. It is far better policy to raise the men to the level of the pay, than to depreciate the pay to the level of the men. Put your diplomatic service on a right footing, and you may, with the utmost propriety, keep most of your salaries at their present figures; nay, you might, I am sure, with the full approbation of the country, even increase some of them. If, on the other hand, the service is to remain just as it is, I think a new Committee might with great propriety retraverse some of the ground which was traversed by the Committee on official salaries. There is one embassy, which however much you may increase the efficiency of your diplomatists, will, if the amount which is now paid is still paid, remain unless the value of money altogether changes, most scandalously overpaid. I allude, of course, to the Embassy at Paris. Let me remind the House of the exact position of this much-discussed question. In consequence of the Report of the Committee to which I have so frequently alluded, the salary of the Ambassador at Paris was reduced from £10,000 a year to £8,000 a year, but since that time it has been again raised to its former level. The noble Lord at the head of Her Majesty's Government maintained, before the Committee on Official Salaries, that it was necessary to pay the Ambassador at Paris very highly on account of the great expense of that capital, and the propriety of the Ambassador's receiving a great many people at his house. I quite subscribe to all this, and I admit also that Paris is now more expensive than it was in 1850. What, however, is the great expense of Paris? House-rent. But the House will remember that the hotel of the British Ambassador belongs to the British Government, and has cost the British taxpayer, first and last, more than £100,000. What is the second exceptional expense of Paris? Fuel. Does the British Ambassador pay for his fuel? Not at all. That expense lurks under a convenient item—"Miscellaneous"—which we vote in the Estimates. Several servants at the Embassy are also, I believe, paid by the public. On the whole I shall not be far wrong in asserting that the salary of the Ambassador, added to his other advantages, puts him in the position of a man who has, independently of his private fortune, from £15,000 to £16,000 a year to spend in Paris, which

is surely ridiculously more than what is needful. Again, Sir, it would be very desirable to have some evidence as to the expediency of continuing diplomatists for a very long time at the same Court. I confess I have great doubts about it, and some strong opinions were expressed on this subject before the consular Committee. When a man is led to consider that he will be in a particular place for a permanency, his relations with its inhabitants take insensibly a new character, and he often becomes entangled in local matters which by no means add to his efficiency as a public servant. There are a number of other questions which might be, with great advantage, reported on by a Committee. It might, for example, be considered whether there should or should not be any unpaid *attachés*, or whether the whole service ought not to be paid. The noble Lord at the head of Her Majesty's Government expressed some years ago great doubts on this subject. How far, again, should the service be a close one — that is to say, within what limits ought it to be in the power of a Minister to introduce into the higher ranks of the service persons who had not gone through its lower grades. The noble Lord the Secretary for Foreign Affairs expressed an opinion on this subject before the Committee of 1850. Might we not also derive a great many useful hints, if evidence was produced before a Committee as to the diplomatic service of other countries. I have been told, for example, that the Russians endeavour as much as possible to have at their various missions persons of different kinds of excellence. Say, for instance, one man who is pre-eminently a man of society — another of letters — another particularly skilled in the routine of the *chancellerie*, and so on. The Swedish system has also its admirers. The Swedes, as I have been informed, consider no one below the rank of Secretary of Legation to belong, strictly speaking, to the diplomatic service at all. The *attachés* do the subordinate work of the Embassy, and enjoy, in return, the various advantages which their position confers, but have not necessarily a claim to promotion, and generally leave the service early. If they show marked ability, the Government has of course always the option of offering them promotion. Without, however, touching on any other questions which might be discussed, I think I have said enough to make out a good case for a friendly but full inquiry into the whole working of our diplomatic service—an inquiry at least as large as that which lately took place with regard to the consular service. It is surely a strong argument in favour of this, to say that while there have been in the course of the last fifty years several inquiries into the consular service there has never been, so far as I can learn, at any period of our history, a full inquiry by this House into our diplomatic service. The Committee on official salaries discussed only a very small part of this great subject. Some tell me that any Government will be very unwilling to grant this inquiry. I really cannot see why it should. I do not accuse any Government of improper practices. To refuse inquiry is to excite suspicion. I do not say that the service is bad, but I desire to make it admirable. There has been a great deal of talk of late years about "secret diplomacy." Some of this talk has not been wise; but it has more influence than our rulers perhaps imagine. If they want to prevent it doing evil hereafter, let them grant a full, a fair, and a free inquiry.

COLONEL SYKES seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the present condition of the Diplomatic Service, and the best means of increasing its efficiency."

LORD JOHN RUSSELL said, he was ready to acknowledge that the hon. Member had not made a personal attack upon any of the gentlemen who were engaged in the diplomatic service, but the fact which he had stated—that there was no reason for finding fault with the diplomatic sereice—could hardly be used as an argument for appointing a Committee of Inquiry. He believed that the proposed Committee would produce little or no result. The questions which the hon. Member had mooted were not questions to be examined by a Committee, although they might from time to time occupy the attention of the Executive Government. For example, there was no great number of persons who applied for the post of *attaché*, which, indeed, was not one that would generally be an object of great competition, and consequently, nothing would be gained by making it the subject of a competitive examination. Again, the hon. Member thought that more attention should be paid to the Roman law; but, without going into that matter at the present time, it might be said that there were other things required in our diplo-

matic service of much more importance than the knowledge of the Roman law, and, generally speaking, our diplomatic servants obtained that information which it was necessary their Government should possess, and inspired that confidence which it was desirable that Englishmen representing their country abroad should enjoy. Nor was the question whether the Persian mission should be under the Foreign or the Indian Office worth the consideration of a Committee. It was one which might be decided either way without any great risk of harm being done. The fact that no Committee had ever been appointed on the diplomatic service was a great compliment to that service. If things were going wrong let a Committee be appointed to inquire and report on the faults of the system; but if, as the hon. Member had stated, there was no fault to be found with the diplomatic service, why put hon. Gentlemen to the trouble of attending a Committee? He hoped the House would reject the Motion.

MR. MONCKTON MILNES said, he thought the speech of the hon. Mover of the Committee displayed great good sense and research, and if the Motion had been brought forward earlier in the Session it would have been received with considerable favour by the House. He believed that the Diplomatic Service was capable of amendment, and should be glad to see the whole system of unpaid *attachés* abolished altogether, but at the present late period of the Session he did not think that the discussion of that subject would be attended by any special advantage, and, therefore, he hoped the hon. Member would withdraw his Motion. The various important points raised in his speech might be considered at some future time. In the case of the consular service the appointment of a Committee was necessary, because strong representations were made and a desire for different arrangements were expressed on that matter.

MR. KINNAIRD said, that as a member of the Consular Committee, he could assure the House that upon examination the service was found to be infinitely more effective than they were led to suppose from the attacks which had been made upon it. Although the speech of his hon. Friend showed great research, he would recommend the withdrawal of the Motion.

MR. GRANT DUFF said, he would withdraw his Motion for the present, but he should take the earliest opportunity next Session of bringing the matter more fully before the House.

Motion, by leave, *withdrawn*.

MARINE STORES.—LEAVE.

MR. SPOONER moved for leave to bring in a Bill to regulate the business of Marine Store Dealers.

MR. SPEAKER said, that as it was a Bill relating to trade, it must be moved for in a Committee of the whole House.

Order for Committee read.

(In the Committee.)

Resolved,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill for regulating the business of Dealers in Marine Stores."

House resumed.

Resolution *reported*.

Bill *ordered* to be brought in by Mr. SPOONER and Mr. SCHOLEFIELD.

SOUTH KENSINGTON MUSEUM.

COMMITTEE MOVED FOR.

MR. LOWE, in moving for a Select Committee to inquire what buildings were necessary for the South Kensington Museum, explained that the collections of the Science and Art Department were first placed in Somerset House, thence removed to Marlborough House, and then carried to the building known as the Brompton Boilers. Part was now contained in an iron building, which, of all others, was least suitable, as it was not impervious to rain; part was in some offices; part was in some wooden chests, brought from Marlborough House; and part was in some house, with two walls covered with tarpauling, which was put there by the Earl of Derby's Government. Of course, some money had been spent. A sum of £15,000 had been expended on an iron building for the purposes of the Department of Science and Art, but it was used to accommodate the relics of the Exhibition of 1851, belonging to the Society of Arts. A sum of £10,000 had been spent for the Turner and Vernon Galleries, not for the purposes of the Science and Art Department, and a good and sound building erected. Another building erected at the public expense had been given up to the Sheepshanks Collection, and £10,000 had been allowed to enable the department to move from Marlborough House to South Kensington, which had been applied principally to the building of offices. It would,

of course, have been quite practicable to apply for a small sum of money to patch up these buildings, but he thought the time had come when the House should inquire into the subject, cause all the facts to be laid before it, and then make up its mind as to the course it would adopt. So far from wishing to surround the matter with any secrecy, it was the object of his Motion to procure the appointment of a Committee which would go carefully into the matter and see what was best to be done. If, after due inquiry, they arrived at a determination unfavourable to this establishment, by all means let it be done away with; but let the collections belonging to the public be lodged in some place in a becoming manner. He gathered from certain indications which reached him, that there were gentlemen who desired that this institution should not be further extended; all he could say was that the subject was a legitimate one for inquiry, and that before a Committee every person would have an opportunity of giving utterance to the views which he entertained.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire and report what buildings are necessary for the South Kensington Museum."

MR. JOHN LOCKE said, the observations of the right hon. Gentleman were not at all in accordance with the notice which he had placed on the paper, from the terms of which—"to consider what buildings are necessary"—any ordinary individual would come to the conclusion that it was intended to erect more buildings at the South Kensington Museum. No other interpretation could be put upon the language than that the establishment was to be increased, though it certainly was not for its beauty, nor yet for its usefulness, if it continued to be carried on in the same spirit as at present. It afforded an illustration on a small scale of all the jobs which had ever been carried out in similar undertakings. £15,000 were expended at one time, £10,000 at another; £10,000 were laid out in removing things down there, and there was a fresh charge for putting them in their places. The right hon. Gentleman must admit that the spot was full of puddles of water, and that in every respect it was a complete failure. The wording of the proposition ought to be altered, so that the question for the Committee to determine would be whether the South Kensington Museum ought not to be done away with altogether. It was idle to talk of extending what in the eyes of a vast number of persons was a nuisance. Pictures were taken out of different galleries and put into most inconvenient places; buildings of a most unsightly character, called "the Brompton boilers," had been erected; a sum of £10,000 had been expended on a mere temporary erection, and altogether the concern was in a most woful plight. He hoped the right hon. Gentleman would have no objection to alter his Motion so as to enable the Committee to consider whether the institution ought not to be done away with altogether.

MR. DILLWYN said that, agreeing in what had fallen from the hon. and learned Member (Mr. John Locke) respecting the trumpery building denominated "the Brompton boilers," he thought the matter might with advantage be referred to the Committee which was at present engaged in making inquiries with reference to the British Museum. The subject was interesting not only to that House, but to the country, and as it could not possibly receive adequate attention at that hour (five minutes to 1 o'clock), he begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

SIR GEORGE LEWIS said, the only effect of referring the question to the Committee charged with inquiring into the British Museum would be to preclude the possibility of any Report being made during the present Session, and would therefore be tantamount to rejecting the Motion. Although both were denominated "museums," the establishments were as distinct as if they were in separate towns, and it was not usual to vest in gentlemen who had undertaken particular duties other functions for which they were by no means prepared. He did not agree with the construction which had been put on the wording of the Motion, and he thought the language of his right hon. Friend was entirely neutral. He apprehended that it would be quite competent for the Committee, under the terms of the reference, to make any inquiry respecting the buildings at South Kensington, and if the House, before voting the Estimates wished for any information, it would be quite within its power to obtain it. But he hoped the expedient of adjournment, which seemed now to be employed in reference to every Motion which came before the House, would not be resorted to.

MR. CONINGHAM said, he had opposed

the successive grants to the South Kensington Museum, and the course which he had taken was completely vindicated by the speech of the right hon. Gentleman. It was but too easy to perceive that the British Museum and that at South Kensington were distinct establishments when their respective agents were seen opposing each other in a public auction room in London amid the derision of the spectators. There was a tendency to unlimited expense at Brompton, as was evinced by the largely increased stipends lately voted to the functionaries there, whose pay largely exceeded that of the officers of the British Museum —and but very trifling results had been obtained by the public. He could not help expressing his earnest desire that the Committee would not fail to inquire into the administration, for he had been told privately that if investigation were made into the mode of collection and sale of works of art, a system of jobbery would be exposed which would take the House by surprise.

MR. BLACKBURN said, he thought an inuqiry should be instituted as to whether it would not be better to transfer the South Kensington Museum to the British Museum, and thus, by combining the collections, to have but one picture gallery and one museum, instead of having, as at present, several dotted about in different places. At all events the proposed inquiry was unnecessary until the Committee on the British Museum had reported.

MR. M'CANN said, that having inspected the School of Art at the Museum, he was of opinion it was calculated to do a great deal of good. He could also state that there was no room for the pictures now there, either in the British Museum or in the National Gallery. He thought the Committee should be granted.

MR. HANKEY said, he could not understand what the object of the inquiry was, and expressed a wish to know whether it was intended to have any connection with the National Gallery. Would it not embrace the Turner and Sheepshanks collections, which formed part of the National Gallery collection? But these collections had been left to the nation and were its property, and the Committee would, he contended, be placed in an anomalous position if they were to inquire where one portion of the pictures was to remain and not the other.

SIR GEORGE LEWIS said, that the Sheepshanks collection was given to the nation upon the condition that it should be exhibited at Kensington. He was willing to alter the terms of the Motion by leaving out the words "What buildings are necessary." And thus leave the Committee at liberty to consider and report generally on the question of the Museum at Kensington.

MR. KINNAIRD said, he thought the disussion had shown the necessity of the proposed inquiry being instituted.

MR. AYRTON said, that before the British Museum Committee the proposal had been made by those who were friends of Brompton to spend some hundreds of thousands of pounds at Kensington, with no other earthly object, so far as he could ascertain, except the gratification of a few persons who used Kensington for certain purposes.

Motion and Original Question, by leave, *withdrawn.*

Select Committee *appointed*, "to inquire and report concerning the South Kensington Museum."

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, June 20, 1860.

MINUTES.] PUBLIC BILLS.—1° Oxford University (No. 2); Railway Cheap Trains, &c.; Dealers in Marine Stores.

2°. Professional Oaths Abolition; Highways (South Wales); Stipendiary Magistrates; Inland Bonding.

PROFESSIONAL OATHS ABOLITION BILL.

SECOND READING.

Order for Second Reading read.

MR. W. EWART, in moving the second reading of this Bill, said that the oaths intended to be abolished were unnecessary. There were a number of ancient statutes which imposed the obligation of an oath upon three professions — those of law, physic, and schoolmasters. They could be traced back to the times of James II. and William and Mary. The oaths imposed on lawyers remained. Physicians and surgeons had emancipated themselves, and with regard to schoolmasters the oaths had become obsolete. The principle of the Bill was, that in all cases where there was

no judicial office, or office of trust, the professional oath ought to be withdrawn, but that where there was such office an oath should still be taken. He did not object to the oath of allegiance; but beyond that, as a general rule, no oath ought to be required. It might be said that in the oath of supremacy persons were asked to swear to an untruth, when they declared that no one had any spiritual jurisdiction or authority in this country. Putting aside the Roman Catholics, the Moravians — a body which had been regarded with great favour since the time of George II.—had a spiritual head at Hernhutt in Germany; and, therefore, no Moravian could truly make that declaration. Lord Campbell, in his *Life of Lord Chancellor Harcourt*, and Mr. Hallam, in his 2nd vol. of his *Constitutional History*, adopted the view that it would be more consonant with the dignity of the Crown that the duty of the subject should be testified simply by taking the oath of allegiance. Unnecessary oaths tempted to perjury. Those whose consciences were not sufficiently tender would violate such oaths. As the poet said—

"These will recant vows made in pain, as violent and void."

If the effect of these oaths was to prevent one honest man from entering an honourable profession, it was the duty of the House to relieve him. Believing this to be a reasonable measure, he confidently asked the House to give it a second reading.

MR. NEWDEGATE said, that the Bill had stood for the second reading about five weeks previously. The House was then very full, and he felt rather surprised when the hon. Member for Dumfries (Mr. Ewart) postponed it for a month, but he naturally came to the conclusion that the hon. Member did not intend to persevere with it. It now, however, appeared that he did propose to go on with it. It was a great inconvenience to hon. Members that the House should sit in the day time on Wednesday, the day on which Her Majesty held her levée, as it was impossible for a Member to attend to his duty there, and at the same time to pay his dutiful respects to Her Majesty. It was the third attempt this Session to break up the settlement effected in 1858; but, looking to the state of the House at that moment, particularly to his own side of it (there were but two Members on the Opposition benches), he would not discuss it then, but would give notice that on going into Committee he would move that the Bill be committed that day six months.

MR. A. MILLS said, the question was simply one of legal reform. The alteration proposed had nothing to do with the settlement of 1858, but was recommended by the benchers of the Temple ten years before, and had been supported by many high legal authorities. He regretted that the hon. Member for Dumfries retained the oath of allegiance in certain cases, but if that were thought desirable it would not, in his opinion, be a serious blot upon the Bill. Those oaths provided no real security, and only tended to degrade that sense of responsibility which persons entering professions or offices of high civil trust would feel if they were left to their own individual convictions. Instead of running any risk of imperilling that sense of moral responsibility by abolishing these restrictions, he hoped they would inaugurate a far better era in our history.

MR. DENMAN said, of all the odd reasons he had ever heard against discussing a Bill, those advanced by the hon. Member for North Warwick were the oddest. If there was any force in them, they would lead to the conclusion that the House should not sit at all on that day. It was not true that the question had been discussed in 1858. He thought that any one who was in the habit of seeing the oaths taken in batches, term after term, in the Queen's Bench and the Bail Court at Westminster, must desire that the Bill should be passed into law. The manner, too, in which the oaths were taken before the benchers at the Inns of Court when students were called to the bar was most unseemly. He had known an instance of a most able, learned, and conscientious gentleman, and good citizen, who would not go to the bar on account of the oaths which he would be compelled to take. He thought a case had fully been made out for the Bill, and he trusted the House would agree to the second reading. With regard to retaining the oath of allegiance in certain cases, that was a question which could properly be dealt with in Committee.

SIR GEORGE LEWIS: As I understand that the hon. Member for North Warwickshire (Mr. Newdegate) does not intend to oppose the second reading of this Bill, I cannot see that much advantage will be derived from a prolonged discussion on the present stage. With regard to my own vote, which will be in favour of the

second reading, I must say that I do not attach any great importance to promissory oaths, such as are dealt with by this Bill, which cannot be made the subject of a prosecution. I do not believe that our constitution reposes for its security upon the oaths of allegiance. I dare say the House will recollect the anecdote of a French statesman who, on being called on to swear to a new constitution somewhere about the beginning of this century, remarked that that was the tenth constitution to which he had sworn in his time. The efficacy of oaths of this description may be judged of from that example. In times of disturbance such oaths are utterly valueless where the constitution does not rest, as the English constitution does, on the affections and convictions of the people. My objection to this Bill, therefore, is that it goes a very little way indeed, and that it only effects an object which, perhaps, is scarcely worth the interference of Parliament. However, I have no other objection to it, and if there are any points which require detailed consideration, the Committee will be the proper period. I trust, therefore, that the House will pass at once the second reading.

MR. SOTHERON ESTCOURT: The value of an oath or a signature depends, of course, altogether upon the honesty of the person taking or giving it. The right hon. Gentleman has told us the story of a French statesman who had no objection to swear to any number of constitutions, and the parallel to it may be found in the anecdote, well known to all gentlemen who have been at Oxford, of the undergraduate who, when he was told on presenting himself for matriculation "You will have to sign the 39 Articles," replied "Oh, yes; 40 if you like." When you meet with persons who are ready to trifle with oaths and securities of this kind of course they cannot be of much use. I am not going to make any objection to this Bill now, but I am afraid lest in giving my assent to it I may be entrapped into assenting to a much larger measure than it appears to be on the face of it. Where we deal with matters of such importance we have a right to expect that the particular proposition before us has received proper consideration from the Government of the day. I have no doubt that the hon. Gentleman who has charge of the Bill has given great attention to it, but I hope that on the next stage the Government will be able to tell us that they have laid the matter before their law officers, and that the effect of the Bill will be confined to that which appears on the face of it to be its intention. I object myself to an oath being required on any subject but on one of the most solemn importance; but I should very reluctantly part with the power of requiring any person filling an office of any consequence in this realm to take the oath of allegiance. But, as I read this Bill it is intended to abolish the requirement to take the oath of allegiance as well as the oaths of abjuration and supremacy. I cannot tell what reasons may be offered why all the oaths should not be abolished in reference to the particular offices affected by the Bill, but at any rate we ought to have the opinion of the law officers that the operation of the Bill will not extend beyond the intent which appears on the face of it.

MR. MELLOR said, that the benchers of the Inner Temple had given no opinion on the subject of these oaths, but his own experience was entirely in favour of their abolition. Nothing could be more shocking than the levity with which they were administered and taken.

MR. HENLEY said, he agreed in the necessity of requiring from the Government the information desired by his right hon. Friend below him (Mr. S. Estcourt). The difficulty of considering the Bill was increased by the arguments of those who supported it. The right hon. Gentleman the Secretary of State said he objected to all promissory oaths whatever; but he should like to hear from the right hon. Gentleman whether he was of opinion that the army ought no longer to take the oath of allegiance. That was a question of considerable gravity. The hon. Gentleman who had charge of the Bill was in favour of continuing the oaths in the case of all offices of trust, but then the question would arise what were offices of trust? As he understood that the hon. Gentleman intended to introduce considerable amendments into the Bill, he hoped that the Bill would be committed *pro formâ*, and the amendments introduced in it before the discussions came on, so that there might not be any loss of time in discussing matters which were not really intended to stand in the Bill. As to the anecdote of the Home Secretary about the Frenchman who was so ready to take any number of oaths, he did not think Englishmen were so unscrupulous in general. In a great majority of cases they did attach importance to the oaths, even of a promissory nature, which they took.

Sir George Lewis

SIR GEORGE LEWIS explained that what he had said was, that he did not attribute any value to the general administration of the oath of allegiance to the public at large with a view of maintaining the existing constitution. He had made no remark with reference to the administration of the oath to persons holding office under the Crown, or persons in the army, neither of whom were affected by this Bill.

SIR FRANCIS GOLDSMID said, he should support the Bill. He thought that the danger which the right hon. Gentleman opposite had pointed out was amply guarded against.

Bill read 2°, and *committed* for *To-morrow.*

AGGRAVATED ASSAULTS ACT AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

VISCOUNT RAYNHAM moved that the House go into Committee on this Bill.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

VISCOUNT ENFIELD said, he rose to move that the Bill be committed that day three months. The argument in favour of the Bill was, that the existing Act had failed; but the returns which had lately been laid on the table, showed that the present law on this subject was not inoperative, and that the powers possessed by the magistrates were sufficient. It appeared that in the last five years 123 cases had been disposed of at the City Police Courts by convictions, with from one to six months' imprisonment; at Bow Street, 75; at Clerkenwell, 301; at Lambeth, 121; at Marlborough Street, 141; at Marylebone, 101; at Southwark, 289; at the Thames Court, 153; at Worship Street, 264; at Hammersmith and Wandsworth, 69; and at Greenwich and Woolwich, 220. The punishments in those cases varied from one to six months' imprisonment. But even granting that the law had failed, would the means proposed by the Bill have any effect in repressing the offence? There was difficulty enough at present in getting prosecutors to come forward; but that Bill would infinitely increase that difficulty. Was it at all likely that, after being subjected to the brutal punishment of flogging, the cruel husband would return to his wife and behave better? The only petitions which had been presented in reference to the Bill were presented by the women of England against it. All our legislation of late years had been of a humanizing character; and a strong feeling had grown up lately, in reference to the use of these punishments in the army and navy, that they did not repress offences, but merely brutalized those on whom they were inflicted. But even granting that all the arguments which he had advanced were unsound, the Bill, as it stood, could not be carried into operation. The third clause gave a power of appeal to Quarter Sessions, with the privilege of being held to bail. Of course, everybody sentenced to this punishment would appeal. The first thing a man would do, when he was bailed, would be to wreak his vengeance on his unfortunate victim, and then take himself off altogether. For all these reasons, he should move that the Bill be read a second time that day three months.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee"

—instead thereof.

MR. HARDY said, he rose to second the Amendment. If they were to be guided by their feelings merely in these matters, there was no one who would not

"—— put in every honest hand a whip
"To lash the rascals naked through the world"

who were guilty of such outrages. But the questions to be asked before legislating further were, had we a right to inflict a barbarous punishment like this, was it likely to repress the offence, and was there sufficient proof that the present law had been inoperative? From a return moved by the hon. Member for Greenwich (Mr. Alderman Salomons) it appeared that at Bow Street, where the best among the Metropolitan magistrates were usually stationed, of twenty-four convictions for wife-beating which had taken place during the last five years, a sentence of six months' imprisonment had only been imposed in a fourth of the cases; and of fifty-one assaults on other women in three instances only had this punishment been inflicted. The law had not even been stretched to its utmost limits in these nine cases out of a total number of seventy-five, as the magistrates had power to require, at the expiration of the sentence, that the offender should be bound over to keep the peace for an additional period of six months. At the Thames Police Court, out of 153 convictions, only twenty of the offenders

had been sentenced to six months' incarceration. At Worship Street Police Court the proportion was greater; sixty-seven out of a total of 264 having undergone this lengthened imprisonment, but the number of those sentenced to hard labour was steadily diminishing. It must be borne in mind that the magistrate, if he conceived the case was one that called for severer penalties, could send it for trial before the Sessions Court, where the accused would have the benefit of having his case heard by a jury. It was unwise, he maintained, to place in the hands of a single person the uncontrolled exercise of a power which might be harshly employed in one of those moments of indignation to which every man was liable. He might add that no Metropolitan magistrate asked for these additional powers. He had obtained from Mr. Shepherd, the manager of the House of Correction in the West Riding, some particulars relating to the effects of corporal punishment as at present applied. In thirteen years previous to 1852 it appeared that 256 persons were committed to that prison, part of whose sentence was that they should be whipped. Of these 156 returned to prison in seven years afterwards, being at the rate of nearly 61 per cent. It was, therefore, plain that they were not deterred by this punishment from their evil courses. Of 40,223 persons committed under all sentences, 11,294 returned in seven years, being at the rate of 28 per cent. This showed the effects of mere imprisonment accompanied by good reformatory discipline, and ought to make the House pause before extending the punishment of the lash. The existing law had not yet been carried out in all its severity, and, if the punishment were now increased as proposed, he doubted whether women would be found to proceed against those by whom they were so cruelly beaten. Brutal as the offence undoubtedly was, the great object of the House must be to secure certainty of punishment, and he therefore felt anxious to prevent a course of legislation which their feelings might naturally lead them to pursue.

Mr. PAULL said, he had come down to the House with the intention of moving the Amendment which had been more ably moved by the noble Lord. He should, therefore, give him his cordial support. He objected to the Bill, both on account of its principle and its details, and he criticised its provisions with a view of showing that, even if the House were to sanction the punishment of whipping, which he regarded as ineffectual, there were defects in the measure which must prove fatal.

Mr. W. EWART said, he would remind the House that petitions had been presented by those whom it was sought to protect, complaining of the degrading punishment which it was proposed to legalize. He had been assured by one of the ablest of the Metropolitan magistrates that the power of appeal in itself would defeat the provisions of the Bill, from the fact that the husband held the purse-strings. Believing that punishments of undue severity created a reaction in the public mind, he should, on mature consideration, vote against the further progress of the measure.

Colonel NORTH observed that he would never consent to place in the hands of a single individual the power of flogging a fellow-creature. So much was he opposed to flogging, even in the army, that if he thought any one man could do away with it, he would abolish it altogether.

Sir GEORGE LEWIS said, the principle which animated the House was the honourable and manly desire of preventing husbands from brutally maltreating their wives, but it was necessary to pause before they adopted the proposition embodied in the Bill of the noble Lord. That measure was framed on the simple principle which had guided our ancestors, who, when they found a particular crime becoming prevalent, increased the stringency of the law, so that ultimately our criminal code became noted for its severity. But the policy which had been adopted of late years, and which had proved more successful in the repression of crime, was to mitigate the penalty. At the beginning of last century whipping was a common punishment, and his noble Friend now sought to revive its popularity. There were other punishments which some persons, in their indignation against brutal husbands, might invite them to re-establish, such, for instance, as that of the pillory, where culprits, with their ears cut off, were made to stand. A satirical poet touched in a well-known couplet on the treatment of offenders in the last century, and of the feelings with which such spectacles were regarded :—

"Earless on high stood unabash'd Defoe,
And Tutchin flagrant from the scourge below."

Since the occasion on which this subject last engaged the attention of the House he had consulted the magistrates, and found them almost unanimously of opinion that, so far from diminishing, the tendency of

the noble Lord's Bill would be to increase these brutal assaults. In reply to questions put by him, Mr. Hall, the chief magistrate of Bow Street, whose opinion was naturally entitled to weight, stated that the crime of beating wives had decreased. The number of cases heard at the several police courts from the 1st of May, 1858, to the 1st of May, 1859, amounted to about 192; and from the 1st of May, 1859, to the 1st of May, 1860, to 142, showing a diminution of 50 cases during the latter period. During the year ending the 1st of May, 1860, the *maximum* punishment of six months was not usually inflicted. In 142 cases then heard 19 offenders were sentenced to imprisonment for six months, 18 for four months, 31 for three months, 36 for two months, 29 for one month, and in the remaining cases the punishment varied from six weeks to seven days. In the same period, in addition to imprisonment, bail was required for six months in 6 cases, for four months in 1 case, for two months in 2 cases, and for one month in 1 case. It was, therefore, evident that the power of requiring recognizances, which in many cases would amount to an additional term of imprisonment, had been rarely exercised. As the noble Lord, in the new edition of his Bill, had omitted the provisions relative to a *minimum* of four months and a *maximum* of eight months' incarceration, it was unnecessary for him to trouble the House with the opinions he had received on that point, but he should like to read the answer given to the fourth query by Mr. Hall:—

"I am clearly of opinion, and I believe that every police magistrate so thinks, that it is not desirable to inflict flogging for first or second offences. My strong belief is that the existence of such a power would defeat the object in view. Even under the present Act wives reluctantly complain; but if husbands are to be subjected to corporal chastisement and long imprisonment there will be a very general disinclination to appeal to a magistrate. At present, by the interference of friends or otherwise, a reconciliation may be effected between husband and wife upon his liberation from prison, but the infliction of the degrading punishment of flogging will, I fear, destroy all chance of a renewal of kind feeling. Offenders having been whipped will probably quit the prison animated by intense and implacable hatred of their wives, whose lives may, perhaps, be placed in great peril. The more I reflect on the subject the more opposed I am to the infliction of flogging. The decrease I have mentioned during the period of a year is strong evidence of the sufficiency of the powers given by the present Aggravated Assaults Act, and I beg to call attention to the fact that only in ten cases did the magistrates consider it necessary to require bail over and above the imprisonment adjudged, and further that in no more than nineteen instances was imprisonment imposed to the extent of six months."

A letter, very much to the same effect, had been received from Mr. Paynter, also an experienced magistrate. Under the circumstances, and however much they might respect the motives which had induced the noble Lord to bring forward his Bill, it could not fail to be regarded as a mistaken and retrograde policy; and if the noble Lord still pressed the measure on the attention of the House the only course which could be adopted was to vote in favour of the Amendment.

MR. BONHAM-CARTER said, that he could not agree with all the alterations that had been made in the Bill, but he held that on a former occasion the House had unmistakeably expressed its opinion in favour of the principles contained in it. The question was not merely as to the severity, but as to the applicability of the sentence. A man who was bound by all the laws of religion, not to speak of the ties of affection, to use the great physical power which he possessed for the protection of his wife, had no right to inflict torture upon her, and to keep her in a state of subservience and fear. A man who did so was worse than a brute, for no instance was found in the animal kingdom where the female was treated with that brutality which Englishmen were believed in foreign countries to exercise towards their wives. The punishment for such offences inflicted by the existing law was felt, perhaps, with even greater severity by the wife and family, whose means of support were withdrawn when the husband was put in prison, whereas the dread of a punishment, short but ignominious, might exercise a deterrent effect over that brutal class of men who could not be regarded as adults, but as grown-up and ignorant children. The arguments which they had heard urged against the principle of the Bill applied simply to the cases of women who had already suffered from their husbands' brutality; but they should also consider the vast nember of women whom such an enactment as that before them would protect in future from violence and unmanly assaults. He was not in favour of inflicting the punishment of flogging for a first offence, but as that point was a matter of detail, it could be amended in Committee.

MR. DEEDES said, whatever the feeling of the House might have been on the second reading, the feeling was strongly

against the Bill at that time; and he apprehended the cause of that was that the House, however anxious to put down this brutal crime, had calmly considered the proposed method of doing so, and had come to the conclusion that it would not be effective. He wished to call attention to the anomalies of the appeal clause. It appeared while that appeal was pending the offender might be liberated on bail. Of course he would go home, and he (Mr. Deedes) would like to know what sort of life the husband and wife would lead while waiting for the hearing of the appeal. He believed that no bench of Magistrates would confirm the punishment of flogging on appeal. He had no morbid horror of flogging, and he was not prepared to say that it should not be continued in the army or employed in the case of young culprits, but he believed that in this instance the noble Lord would fail in his object; and he would suggest to him to accept the general feeling of the House and withdraw his Bill.

MR. PULLER said, he was of opinion that to inflict the punishment of flogging for the first offence which a man might be betrayed into committing in the heat of passion would be somewhat too strong a measure, but there was some reason to suppose that corporal punishment was the only form of punishment which would prove efficacious in the case of the individual who was in the habit of repeating the offence. In the early part of the present reign, when several cases of assault, or threatened assault, on Her Majesty took place, the Government of the day, instead of bringing in a Bill to make the offence high treason, passed a law under the operation of which the first person guilty of the offence might be whipped, and the result had, he believed, been that there had been since no repetition of it. The House had been told that the punishment provided by the existing law had not been carried out except in a very few cases, but that was accounted for by the magistrates knowing that the long imprisonment of a husband was generally followed by the wife being sent to the workhouse. The actual result of the law as it stood was—that within the last five years 375 persons had been committed for aggravated assaults on women, one-third of such assaults being on wives. Looking, however, at the Bill before them, he could not think that such a punishment as that proposed should be inflicted at the discretion of any single magistrate. They might, however, safely be entrusted with the power of sending cases to the Quarter Sessions, and the Quarter Sessions might then inflict the punishment in question.

MR. BRADY suggested the withdrawal of the Bill, and the introduction of another empowering the Magistrate te send the cases with which the Bill proposed to deal to the Quarter Sessions.

VISCOUNT RAYNHAM replied, it could surely not be said that the present law was effective when under it an aggravated assault took place every day in the Metropolis alone. He admitted that the lash was a degrading punishment, but it was intended for a degrading offence. He referred to the adoption of flogging as a punishment for assaulting Her Majesty, and he contended that the House ought to consider every woman as worthy of protection as our gracious Sovereign. If the House would allow the Bill to go into Committee he would propose such alterations as would prevent the offenders being at large during the pending of the appeal, and would not give a power of appeal against the flogging only, but against the sentence altogether. He was willing to withdraw the Bill if the Government would agree to support a measure for the infliction of the same punishment on the sentence of the Quarter Sessions.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 57; Noes 174: Majority 117.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

VALUATION OF LANDS (SCOTLAND) ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. BLACKBURN, on moving the second reading of this Bill, stated that its object was to amend the Valuation Act, which had been passed in 1854. That Act only provided for the gross value, and the present Bill sought to amend it in providing that the net value should also be found, in order that all assessments should be made on it. He regretted that he had not seen the Bill of the Home Secretary in reference to the valuation of England and Wales, but he believed there could be no objection to this measure.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR WILLIAM SCOTT said, that there were clauses in the Bill to which great exception must be taken. He considered that if the Bill were passed, great confusion in the mode of valuation in Scotland would be introduced.

SIR GEORGE LEWIS said, this Bill was one of considerable importance, as its operation would affect the interests of all persons resident in Scotland, and alter the basis of the present valuation of property with reference to all local taxes, or at any rate a part of them, and in that indirect manner the Bill would have a bearing upon the Parliamentary and other franchises. So far as he understood the statement of the hon. Gentleman, it was this:—The Scotch Valuation Bill established a basis which was different from that established by the English law, namely, a gross rental as opposed to a net rental, without the deductions specified in the second section of the Bill. Those deductions were allowed by the English law, and the Bill which he (Sir George Lewis) intended to introduce, and which would shortly be in the hands of Members, merely recognized the existing law, and introduced no new principle with regard to valuation. This Bill sought to alter the law as fixed by the Act at present in force in Scotland, and substituted a rateable value with deductions, instead of a rateable value identical with the gross rental. He was not prepared to say that such an alteration might not be desirable; but he wished to point out to the House that all those changes with regard to the incidents of taxation, affected existing interests, and gave rise to a great difference of opinion. In the absence of the Lord Advocate, he felt great diffidence in expressing any opinion upon the subject. He thought it would be more satisfactory to the House, before coming to any decision, that they should hear any opinion which he might have to express upon the matter. If the House should agree to the second reading, he trusted it would be understood that upon the Motion for going into Committee it would be open to the Lord Advocate to express an opinion unfavourable to the Bill, in case he should have formed one.

MR. BLACK said, the objections taken to this Bill were well-founded. He thought the Bill would introduce great confusion into the present mode of valuation in Scotland, which he believed was to be much commended. The proposed mode of assessment would involve many disputes which might be avoided by taking the gross valuation. Under the mode of assessment which the Bill would introduce a man might be a voter one year and yet have no right to a vote the next year. He believed that the Bill would only tend to introduce confusion and difficulty, and he therefore moved that it be read a second time that day six months.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words, 'upon this day three months.'

MR. CRAUFURD seconded the Amendment, because it did not appear that any hardship had arisen from the present mode of valuing, to which people were accustomed, and no grounds had been shown for making this change. The effect of the Bill would be to disfranchise hundreds of electors throughout Scotland, as was stated in a petition that he had presented from the town council of Ayr, and in that town alone he believed a hundred would be disfranchised by it. The existing arrangement worked very well, and it was unnecessary to disturb it.

MR. MURE said, the general object of the Bill was to introduce a general principle of valuation in Scotland, and as he believed they were all willing to establish that principle, he hoped they would assent to the suggestion of the right hon. Baronet (Sir George Lewis) read the Bill a second time, and consider its principles, and amend its detailt in Committee.

THE LORD ADVOCATE (who was by this time in his place) said, that when the Valuations Bill of 1854 was under consideration, the Select Committee, including the late Mr. Hume, took much trouble with the question whether the assessable value, or the gross value, should be adopted, and it was found impossible to frame a schedule of deductions for repairs, insurance, and other expenses of property, besides rates and taxes. That idea was therefore abandoned, and the gross value was taken as the only practicable scheme. But the hon. and learned Gentleman now proposed to re-open the whole question, and so far from his Bill producing uniformity, it would produce discrepancies all over the country, if an attempt were to be made by the local authorities to estimate the probable average annual amount of those charges. The result would be that they must either have a

special estimate of the annual cost of repairs for each property, which would be too cumbrous and laborious to be attempted, or else the new valuation would be a mere assemblage of averages, none of which would correctly give the real value. The effect of such a system might also be to exclude from the election roll some men whose qualifications entitled them to be placed upon it. It was true that in Ireland a system of net valuation existed, but there it was carried out by a Government Board on an uniform system, whereas it would be left by this Bill before the House to the Commissioners of Supply in each place. In his opinion the gross valuation was practically the more useful system of the two, the actual rent paid being taken as a basis for it. One clause of the Bill, relative to the valuation of crops, might perhaps not be objectionable; but as the present system worked, upon the whole, to the benefit of the country, it was better to leave it as it stood.

MR. BLACKBURN, in reply, denied that the Bill proposed to introduce any new principles. The Valuation Bill was only brought in in 1854, and it introduced a very erroneous system—a system so erroneous, indeed, that it could not be carried out under the Bill itself. He maintained that the principle of his Bill, which was to assess on the net value, was the only fair and just one. It prevailed in Ireland, and was about to be adopted for England. The present system was peculiarly hard on railways, which were assessed on gross value in the parishes through which their lines passed, and great litigation was the consequence in order to secure a fair deduction for maintenance of the way. He would suggest that they should agree to the second reading of the Bill, and postpone the Committee until they had been made aware of the provisions of the English Bill, which the right hon. Baronet the Home Secretary was about to introduce. If the principle of that Bill proved to be assessment on net value, then let the principle be also applied to Scotland; if it were not, then the House could reject the present Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 69; Noes 116: Majority 47.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

The Lord Advocate

FELONY AND MISDEMEANOUR BILL.

SECOND READING.

Order for Second Reading read.

MR. DENMAN, in moving the second reading of this Bill, explained that its object was to assimilate the proceedings on trials for felony and misdemeanour to those on trials at Nisi Prius, as far as related to the regulation of addresses to the jury. Its object would be more easily seen if the House would permit him in a few words to review the successive amendments of the law with regard to criminal procedure, and the facilities allowed to prisoners for their defence. It was only during the last century that a prisoner had been first allowed to examine witnesses upon oath. The denial of that right was an anomaly which had existed for centuries, and the strongest reasons given for its continuance were no better than this—that if the witnesses were not examined on oath they would be "able to speak more largely and beneficially for the prisoner." It was not until the reign of Queen Anne that an act was passed to allow prisoners to examine witnesses upon oath. After that, even down to the year 1836, the state of things remained anomalous and strange; for whereas in cases of misdemeanour prisoners had always been able not only to call their sworn witnesses but to employ counsel to argue their cases before the jury, in cases of felony it was not till 1836 that a Bill brought in by the hon. Member for Dumfries was carried to allow counsel to be heard for prisoners. That was resisted for a long time by Judges and other lawyers of great authority. Lord Lyndhurst was one who opposed it at first, though he afterwards became converted; however, the law was at length altered, and a great amendment it had proved. It was curious to remark that before 1836 the offence of treason as well as that of misdemeanour stood upon a different footing from cases of felony, for by an Act of William and Mary the prisoner on his trial for treason had a right to call upon the Judge to assign to him any two counsel whom he chose to name. By the construction of that Act, which had prevailed almost ever since it was passed, a prisoner in a case of treason had also a further advantage, for it was held that his counsel might not only open the case for his defence, and then call evidence, but comment afterwards on that evidence, and set right anything that might have been set wrong

in cross-examination by the prosecuting counsel, and so leave his case for the prosecuting counsel's reply and the summing up of the Judge. Such had been the law in cases of treason ever since William III., and at first a still more liberal privilege was given, because two speeches were allowed to be made by each of the prisoner's counsel, namely, before and after the witnesses were called. But in trials at *Nisi Prius* on the Civil side, until 1854 what was the state of the law? The plaintiff's counsel might open his case, and then call witnesses; and then, if the defendant did not call witnesses, the counsel for the plaintiff had no opportunity of speaking a second time; but if the defendant's counsel did call witnesses then the plaintiff's counsel might reply, while the defendant's counsel could only speak once, namely, in opening his case. That gave an unfair advantage to the party who had the last word, the other party not being permitted to sum up his own evidence. The Commissioners for the amendment of the law therefore recommended an alteration; and, in 1854, an Act was passed, of the working of which they had now had six years' experience, by which, in *Nisi Prius* trials, if at the close of the statement of the plaintiff's case the counsel for the defendant did not announce his intention of calling witnesses, the counsel for the plaintiff was allowed to address the jury a second time after his own witnesses had been called, to sum up their evidence, and the defendant's counsel had the last word; but if the defendant's counsel chose to call witnesses, the defendant's counsel made a second speech after the defendant's evidence had been produced, commenting upon the defendant's case, and the plaintiff's counsel then replied in order to explain and sum up what had been said by his own witnesses. The effect of the new practice had not been to lengthen trials in any considerable degree. On the contrary, a great deal of time had been saved through the prevention of much fruitless cross-examination of witnesses, as well as of those lengthened anticipatory observations which counsel, not having the right of reply, were obliged to address to the jury, in order to meet every conceivable turn which the case was likely to take. From not being allowed to sum up the whole of the evidence at the close, the prisoner's counsel were frequently deterred from calling important witnesses, merely because they could not tell what might be the effect upon the jury if these witnesses were shaken on some immaterial part of their testimony. Such a state of things operated most prejudicially to the due administration of justice, and the Judge was sometimes compelled by it to take upon himself the functions of an advocate. The evil would be remedied by conceding to counsel on both sides the right of being heard after as well as before they adduced their evidence, in the same order as was now adopted with so much advantage at *Nisi Prius*. He believed he had sufficiently presented the case without going into all its details. He considered it to be a very strong one, and the only point he would further refer to was the principle which some contended for—namely, the right of the counsel for the prisoner always to have the last word; but as that was a point which had been fully argued during the discussion of the Prisoners' Counsel Bill in 1836, when a sort of compromise was entered into, he saw no reason for further discussing the matter in relation to the present Bill. He left the Bill in the hands of the House, and he hoped they would pass it as an improvement upon the present law.

MR. HARDY said, he did not intend to oppose the Motion, although he was not so sanguine as the hon. and learned Mover, about the benefits to flow from this measure. There was not a perfect analogy between civil and criminal cases, counsel being generally employed on both sides in the former class of cases, while in the vast majority of the latter the accused was undefended. The unfortunate prisoner who had no counsel was placed at a great disadvantage by his own unfitness to cross-examine witnesses; and to prevent injustice from being done him, the Judge had sometimes to put himself in the invidious position of being, as it were, his advocate. When the counsel for the accused was deterred from calling witnesses, it was generally because he had serious misgivings as to the value of their testimony, and the mere right of making a speech would not enable him to prop up a bad case.

THE SOLICITOR GENERAL said, he thought the House would do well to assent to the second reading of the Bill, though he must admit that there was considerable force in the argument of the hon. Gentleman opposite (Mr. Hardy), that the analogy between the proceedings in civil and criminal cases was not quite so close as was imagined by the hon. and learned Gentleman who moved the second reading

of the Bill. But although there might be objections to the details of the Bill, yet even that was no reason why they should not apply a principle that helped to elucidate the truth in matters affecting property to the certainly not less important interests of life and liberty. With regard to the objection that inconvenience would arise from prolonging the duration of trials, he believed the House would place very little stress upon it when the object was to secure the more complete administration of justice. His own opinion was that the provision sought to be made by the Bill would prove most advantageous, and he should vote for the second reading on the general ground that the learned Commissioners on whose recommendation the change was made in civil procedure based their recommendation upon the conviction that the change was required to ascertain the truth, and it followed in the main that what was expedient in one case for the attainment of that end would be found expedient in the other.

SIR GEORGE LEWIS said, he was of opinion that when the prisoner's counsel called witnesses he should have the right to a second speech. At present the prosecuting counsel had both the first and the last word; and if the prisoner's counsel were not permitted to sum up, and explain any defect observable in the manner in which a witness gave his testimony, he would probably be induced to abstain from calling witnesses at all. His own experience in his present office taught him that prisoners having defences that might fairly be submitted to the jury were deprived of the benefit of them, from the fear lest one of the witnesses might break down, and therefore the counsel employed refrained from calling him. If the defending counsel could make a second speech his motive for withholding the prisoner's case from the Court would often be removed. It was, however, a question whether the prosecuting counsel should be allowed a second speech. Where the prisoner was undefended he did not think that was at all necessary. The witnesses for the prosecution in that case would not be cross-examined; and, therefore, if anything in their testimony required explanation, the Judge could point it out to the jury.

MR. MONTAGUE SMITH said, he should support the Bill, as he thought it most important that after the evidence had been given, and perhaps shaken in cross-examination, the prisoner's cousel should have the opportunity of summing it up and explaining the discrepancies. He thought, however, that where there was no counsel for the prisoner there was no reason why the prosecutor's counsel should have a second speech. Perhaps in the case of prisoner's counsel the Judge might have a discretion as to whether the second speech should be made or not. He did not support the Bill, because he thought that in the existing state of the law the Judges failed in their duty of holding the scales of justice fairly and impartially, but because he believed that the Bill relieved the Judges of a certain responsibility now thrown upon them, but which they ought not to bear.

MR. SOTHERON ESTCOURT said, he thought that if this Bill was passed, the Court would be bound in all cases to assign counsel to a prisoner, which would so lengthen the proceedings at quarter sessions as to render necessary the appointment of stipendiary chairmen in all counties.

MR. COBBETT said, he believed that the Bill would work with great advantage in many cases to both the prosecution and the prisoner. He should vote for the second reading, and he trusted his hon. and learned Friend would accede to any modification of the measure which might be deemed necessary, when the House went into Committee.

Bill read 2°, and *committed* for *Tuesday* next.

ECCLESIASTICAL COMMISSION, &c., BILL.

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on the Amendment proposed to Question [6th June],

"'That the Bill be now read a second time;' and which Amendment was, to leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Question again proposed "That the word 'now' stand part of the Question."

Debate *resumed*.

MR. HENLEY said, he would remind the House that the principle upon which the Bill before them had already been assented to, both by that and the other House of Parliament. The hon. and learned Member for the University of Cambridge (Mr. Selwyn), however, who had moved the Amendment, had not only objected to the scheme embodied in the Bill, but had set up a counter-proposition,

The Solicitor General

and had made charges against the Commissioners which, if sustained, would raise a grave question, not only whether new duties should be imposed upon them, but whether the duties which they now discharged ought to continue to be intrusted to them. Fortunately, the hon. and learned Gentleman had confined his argument to a very narrow issue. He had raised no question as to the amount of the incomes paid to the Bishops or Chapters, nor had he made any charge against the Commission arising out of the sale and purchase or letting of estates, or the erection or repair of buildings. The only complaints he had made against the Bill were, that it would extend a system of centralization, and would render necessary a heavy amount of compensation. He also characterized it as a measure of confiscation. Centralization, compensation, and confiscation—these were ugly words, and ought to be well supported. His hon. Friend, however, endeavoured to prove his case in a somewhat singular manner. In the first instance, he said that centralization must carry with it bad and expensive management; and, to prove that that had been the result in this case, he instituted a comparison between the rental of the estates in the hands of the Commissioners and the expense of their management. He stated the annual rental of the estates at £173,000. At first, he (Mr. Henley) could not find these figures; but he ultimately discovered that they were not in the statement of the Commissioners as to the income for the year 1859—to the Report for which year the hon. and learned Gentleman otherwise confined himself—but were quoted by the authorities appointed by the Treasury, and referred to the year 1858. The hon. and learned Gentleman said that the annual rental was £173,000, and the expenses of management £43,000. That, if true, was a formidable charge; but was it well founded? To arrive at that amount the hon. and learned Gentleman had added together the totals of five accounts. The first of these was the Common Fund income account, the office expenses of which, with some small surveying and legal expenses, amounted to £13,000, but which had as much to do with the rental of the estates as it had with the Pope of Rome. The next was the Common Fund general account, in which surveyors' and lawyers' expenses stood at £6,400; the third was capitular leaseholds, £490; and the last was Bishops' and Chapters' commuted estates, £12,922. When they looked at the accounts Nos. 1 and 4, it was clear that the expenses charged in them were largely increased through the purchase and sale of the vast amount of property with which the Commission dealt; how, then, could the hon. Gentleman charge them as agency expenses upon the rental of the estates? [Mr. SELWYN dissented.] His hon. and learned Friend shook his head, but that was what he had done.

MR. SELWYN explained that he had not said that the sum of £43,000 was paid out of the rental, but had only contrasted the rental with that and two other sums—namely, £404, which the Commissioners gave to local charities, and £809,000 which they spent on the endowment of churches.

MR. HENLEY said, he must remind the hon. and learned Gentleman that his words were, "There could be no question that the management of estates by a central body was enormously expensive. The simple expense of management amounted to no less than £43,000." The hon. and learned Gentleman might not have intended to produce the impression that that sum was expended for the management of estates of which the rental was only £173,000; but that was the impression which those words conveyed to his mind, and he believed also to those of other hon. Members. His hon. and learned Friend had said not a word about the purchase and sale of estates, but the last Report of the Commissioners stated that the value of the fee simple of the property sold and purchased during the year amounted to no less a sum than £1,000,000; so that it was no wonder that these solicitors' and surveyors' charges had been rather high. Nevertheless, during the same year, they had paid over a balance to the Common Fund of no less than £100,000 in money.

To return to the rental account. The gross rental for the year 1859, including arrears, instead of £173,000, amounted to £218,000. The net rental was £184,000, while the charge for management was in reality only about £10,200. So that instead of a charge of £43,000 upon an income of £173,000, it turned out to be for agency and management a charge of something over £10,000 upon a rental of £218,000, or between 4 and 5 per cent. Whether that might be a trifle more or less than it ought to be he would not pretend to say, but it was not such a charge

as would warrant the statement that the Commissioners were wholly unworthy of confidence, as would have been the case had they really spent £43,000 in managing estates of which the rental was only £173,000. In the Appendix to the Report, it was stated that in buying and selling they had dealt with no fewer than 288 enfranchisements, 241 sales, and 71 purchases, and had, as he had said, paid over a balance to the Common Fund of £100,000. His hon. and learned Friend, however, had, as he had shown, omitted to notice the necessary charges for all that buying and selling.

Let him now consider what was the counter-proposition which his hon. and learned Friend opposed to this Bill. His hon. and learned Friend entirely disclaimed, on the part of the capitular bodies, any wish that their incomes should be increased, but he said they ought to do what the Court of Chancery would do — they ought to divide the estates. He had also said a great deal about confiscation. Now, as far as he understood the matter, what occurred twenty-five years ago with regard to the Church property was that Parliament said, "This is trust property, and we will take upon ourselves to declare the uses of it." The distinction was extremely fine between declaring the uses and settling where the legal estate should be. According to his hon. and learned Friend, if the legal estate was transferred to the Commissioners for the use of the Bishops and Chapters, that was confiscation, but if each of these persons or bodies was allowed to have a slice of the property, that was not confiscation. That was rather too fine a distinction for him. The real question for decision was, which of these two modes of dealing with the property would conduce most to the comfort and convenience of those who were interested in it? No one would go further than he would to provide that the parties who had the first interest in the property should have the amount which the law intended them to receive secured to them, not only without trouble, but in the manner which would be most acceptable to themselves. He could not, however, forget the difficulties which arose and the insinuations, often of the most unfounded character, which were thrown out during the existence of the old system, according to which the Bishops or Chapters held the estates and paid to the Ecclesiastical Commission a fixed sum as the surplus produced over a certain amount. His hon. and learned Friend desired that a certain quantity of land in perpetuity should be given to each of the Chapters, which should produce exactly the income which they were entitled to receive. In the first place, as land frequently changed its value, the adoption of that plan would render unnecessary a new settlement every ten or fifteen years, or whatever time might be fixed; but there was the further objection to it, that it was almost impossible to assign to a man a given number of acres which should each year or on the average of years for ever produce a certain sum, and neither more nor less. Some persons might manage an estate in such a manner as, while diminishing its value in future years, to get a greater immediate produce from it. For these reasons he thought that it would not be advisable to adopt the proposition of his hon. and learned Friend, and preferred to it that contained in this Bill. His hon. and learned Friend had charged the Commissioners with having violated the Act of Parliament which required them to have an independent audit, by having the accounts audited by Mr. Morgan, one of their own officers. When he heard that, he thought the days of the old Ecclesiastical Commission had come back, but on turning to the Act he found that his hon. and learned Friend was quite wrong in his facts. The Act of Parliament provided that "the accounts shall be audited from time to time in such manner and at such times as shall be directed"—by whom? —not by the Ecclesiastical Commissioners but "by the Commissioners of Her Majesty's Treasury." It was therefore not the fault of the Ecclesiastical Commissioners if the Treasury had had such confidence in one of the officers of the Commission officers, an eminent actuary, as to be satisfied with his audit. It was true that the business had so much increased of late years that Mr. Morgan had not been able to go into all the accounts; but he believed that, upon the whole, the audit was a satisfactory one. He thought the proposal of the Commission was on the whole less objectionable than that of the hon. and learned Gentleman. If his hon. and learned Friend had proved his case against the Commission the case would be equally good and equally valid against leaving in their hands the portion which he proposed to leave to them. If the Commissioners were so extravagant in their management as had

been alleged, it would not be right or proper on the part of the House of Commons to leave to them the management of any portion of the property. But now that he had gone through the principal statements of his hon. and learned Friend the Member for Cambridge University, he hoped he had removed the impression which they were so well calculated to produce on the public mind. He believed they ought all to have but one object, to get the property in the hands of the Ecclesiastical Commissioners as well managed for everybody as they could, and at as little expense as possible. The Bishops and the capitular bodies should have their fair share of it in the manner most conducive to their interests and most grateful to their feelings. He also thought that the remainder should be placed under the best possible management. The business of the Commission could not be carried on without expense, and he did not believe that it could be transacted at much less cost than at present. He should therefore have much pleasure in voting for the second reading of the Bill, reserving to himself the right of proposing any alteration in Committee.

MR. PEASE said that, though not a member of the Church of England, he wished to disclaim being actuated by any feelings of hostility to it. The diocese of Durham contributed £55,000 a year to the revenues of the Ecclesiastical Commission. He did not know how much out of that the Commissioners allocated to the county of Durham, but it was a very small sum indeed, and one which the Commissioners, he thought, would hardly like to have mentioned in that House. The inhabitants had endeavoured to do their duty; they had made subscriptions, held bazaars, and resorted to other methods to raise money for the erection of churches and schools; but when he considered the proportion given to Durham out of the revenues of the Commission as compared with what was given to other counties, he thought it time that there should be further legislation. A small village in Yorkshire received a grant of £600 towards building a church, the population being 150, while only the same amount was granted towards building a church in West Hartlepool, the population being 10,000, though he did not wish to deny that the latter place received also a grant of £39 a year. Of twenty-three churches built or enlarged in the county, eighteen were done by the people themselves, and the remainder by the aid of the Ecclesiastical Commissioners. The see of Durham was called the golden see, but there was no see for which less was done by the church to supply the spiritual wants of the people than was done for the see of Durham. One result of this was the increase of dissenting communities. There was not a village in the county in which there were not two or three rooms or other places of worship for Dissenters, who had also the advantage of greater lay assistance than the church had, though that advantage was now disappearing. Property had its privileges, but it had also its duties, and he thought the House would not say that other parts of the kingdom had equal claims to the revenues derived from church property in the county of Durham, as the county of Durham itself had.

MR. G. C. BENTINCK said, he thought the Bill ought not to go to a second reading, on the grounds which had been stated by his hon. and learned Friend the Member for the University of Cambridge (Mr. Selwyn), and he was surprised the other day to hear the very feeble defence offered by the right hon. Gentleman the Home Secretary for these accounts. He had hoped that the Government would have produced a well-considered measure upon the subject. He perfectly agreed with an observation that had been made that piece legislation was generally bad, but it was positively dangerous when applied to the Church. He was quite surprised the other day to hear the right hon. Gentleman (Sir George Lewis) who had great financial abilities, say that the accounts were satisfactory and could easily be understood by a person having a special knowledge. Now, the more he looked at these accounts, the more complicated they became, and the less he understood them. Why were they not furnished with a tabular statement of the amount of the receipts, the sources whence they were derived, and the expenses of management? If that were done the House would easily see how the accounts stood. He had been told that the expenses of the management of the Commission were nearer £70,000 than £40,000, which had been stated in that House to be the amount. He did not wish to see the Ecclesiastical Commission destroyed, but he thought considerable improvement might be made in its administration. He denied that the Amendment of his hon. and learned Friend would lead

[*Second Night.*

to a retrograde policy; it would lead to a progressive policy. He did not contend that the estates of the capitular body should be retransferred to them, but his objection to the Bill was, that it proposed to cast all this property at once into the hands of the Ecclesiastical Commission, without taking into consideration the special claims to which it was subjected. The Ecclesiastical Commission was a very unpopular body. It owed its origin to the Reform agitation of thirty years ago. The heads of the Church took fright, and resolved to sacrifice a part, to keep the rest, and the Act of 1835 was passed, which was followed by the appointment of the Ecclesiastical Commission. No doubt great abuses existed in the Church at that time, but the Commission began at the wrong end. The chapters were reduced in number, but nothing was done in any other respect to reform those establishments. If the canonries were sinecures then, they were sinecures now. Those foundations were of two kinds, cathedrals of the old foundation, and those of the new foundation. To the former of these he would not then refer; but those of the new foundation had three special objects—religious instruction, secular education, and works of charity.

Debate *further adjourned* till *To-morrow*.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 21, 1860.

MINUTES.] PUBLIC BILLS.—1ª Ecclesiastical Commission.
2ª Councillors of Burghs and Burgesses (Scotland); Plea on Indictment.

ITALY.

NAPLES AND SICILY.—QUESTION.

THE MARQUESS OF NORMANBY said, he had given private notice to his noble Friend, the Lord President, of his intention to ask two questions, both relating to certain reported acts of Her Majesty's Government in reference to the contest now going on between the King of Naples and certain parties of a nondescript character in Sicily. He did not intend to say a word that might be calculated to give rise to discussion, but his object was to give his noble Friend an opportunity—of which he would, no doubt, gladly avail himself—of contradicting a rumour which had been very current within the last two days, and which had already been made use of by foreign journals in raising a prejudice as to our supposed intervention in the affairs of other nations, contrary to our avowed policy. The question to which he wished to call the attention of his noble Friend was this. It had been stated within the last two days in telegraphic despatches that a demand had been made on the part of the Sardinian Government for the restoration of two steamers, with armed men and ammunition on board, which had been seized by the Neapolitan cruisers, and that such demand had been backed up by Mr. Elliot, Her Majesty's representative at Naples. Now, the conduct of the Sardinian Government had led to the belief that there had been no desire on their part to shut their eyes to the expeditions which had started from Genoa and other ports; but with respect to Mr. Elliot, he could hardly suppose it possible that any English Minister could have consented to back up a claim for the liberation of vessels which had been engaged in an enterprise avowedly contrary to the law of nations. Still less was it likely that Mr. Elliot could have interfered on the ground which had been stated, namely, that the persons on board the captured vessels were furnished with passports to Malta. It was scarcely probable that a body of men, so armed and furnished with munitions of war, would have been very willingly received by the Governor of Malta; and nothing was more calculated to create prejudice in the minds of foreign nations against our interference in the affairs of Italy than that any expedition of such a character should be allowed to take shelter in Malta, and to continue its enterprise from that place. It was further reported that the British Admiral, while the evacuation of Palermo was taking place, had undertaken to send a garrison of English Marines to the fortress of Castellamare; and an answer which had been given by the noble Lord the Foreign Secretary in "another place," in reply to a question upon the subject, tended to create an impression that the report in question could not be positively contradicted. He believed that no one would regret more than the noble Lord himself that he had been compelled to give an apparent confirmation of the report, and that he had not felt himself authorized to contradict the rumour in the strongest terms; but at the same time he (the Marquess of Normanby)

should be glad to learn from the noble Duke at the head of the Admiralty whether the power of occupying any foreign territory during a time of revolution fell within the discretion of any British officer. These were the two questions he wished to put; and as a proof that even those for whom we professed an interest deprecated this incessant meddling on our part, he might state that two days ago he had seen in a Piedmontese paper—the *Unione*—an article discussing the subject whether Sicily ought or ought not to be annexed to Piedmont. The writer declared that there would be both good and evil in such an annexation. The good was that Sardinia would at once get rid of all interference on the part of England, and the evil was that, on the other hand, France would at once claim the cession of further territory.

EARL GRANVILLE said, the noble Marquess had certainly given notice of his intention to ask a question, but he had asked considerably more than was supposed to be his intention when he gave notice. However, with regard to the second question he could say that Her Majesty's Government had received no information whatever in confirmation of the statement contained in the telegram, that there had been an occupation of Sicilian territory by British forces; and with regard to the first question, as to the interference of Mr. Elliot, all he could say was, that no despatch had been received upon the subject.

LORD BROUGHAM said, he was glad to find that there was no truth in the rumour that the French Government was about to send a military force to Naples or Sicily for any purpose. He trusted, also, that the Austrian Government would not send troops for the support of the tyrant of Naples.

PLEA ON INDICTMENT BILL.

SECOND READING.

LORD BROUGHAM, in moving the second reading of the Bill, said his attention had been principally directed to the subject by numerous and strong representations made to him by different persons, especially by chaplains of prisons, from 150 of whom he had received communications, showing the expediency of relieving those unfortunate persons who were placed under their spiritual care, from having either to plead "not guilty" or "guilty" to the indictment charging them with offences. All lawyers knew that the plea of "not guilty" meant legally nothing more than "I wish to be tried." But persons unacquainted with the forms required by law were often in a dilemma upon that very point — more especially those who were not sufficiently hardened in crime to be callous to the voice of conscience, and who were therefore more entitled to consideration than any other class of criminals. These persons, when perhaps beginning to be awakened to a tenderness of conscience under the ministrations and persuasions of the chaplains, began to feel alarmed at the idea of telling a falsehood by pleading not guilty, because their consicences told them that they were partly guilty of the offence imputed to them. But although partly guilty of the offence, they might not be guilty in a legal point of view, and would therefore be entitled to an acquittal, which they could not obtain at present if they felt unwilling to add the sin of falsehood to their previous crime. Instances frequently arose in which a man might plead guilty without having legally committed the offence imputed to him. For instance, a person stealing fruit from a tree would be guilty in law of trespass only, whereas, if the fruit had fallen from the tree it would be larceny. Such instances, involving the nice distinctions and subtleties of the law, though they were perfectly understood by lawyers, and probably by their Lordships, were not easily comprehended by the class of persons who were usually called to plead to indictments, and a great deal of inconvenience and injustice was the consequence. It had happened over and over again that a prisoner had pleaded guilty from tenderness of conscience; but that the Judge, happening to read over the depositions, found that the legal offence had not been committed, and accordingly had directed the plea to be withdrawn, and the prisoner to be tried upon a plea of not guilty. But the jury in such cases had heard the plea of guilty, and although the man had confessed, from an error in law, it was extremely difficult for the learned Judge in his summing up to obtain an acquittal. By the Bill now before their Lordships it was proposed to alter the question put to the prisoner in asking him to plead to an indictment, from the usual formula, "Are you guilty or not guilty?" to the more reasonable and suitable form of "Do you wish to be tried, or do you plead guilty?"

THE LORD CHANCELLOR agreed with his noble and learned Friend as to the proper legal meaning of the plea of "Not guilty;" but he had seen numerous instances in which inconvenience had arisen from the prisoner misunderstanding the nature of the plea. A prisoner frequently said, "Guilty, my Lord," conscious that he had committed part, or believing he had committed the whole, of the legal offence imputed to him; but upon the clerk of the court explaining to him the meaning of the plea of "Not guilty," he would plead differently. It often happened, he believed, that the dialogue between the Judge and the prisoner, as to whether the latter should plead guilty or not guilty, had a very injurious effect upon the bystanders, who could not always understand the apparent anomaly. It was admitted on every hand, that the plea of "Not guilty" legally meant "I wish to be tried." Why not, then, substitute the true formula for the fictitious one, and use language which the prisoner could readily understand? He had received letters over and over again from chaplains of prisons and from magistrates, urging the desirability of the change which the Bill now before their Lordships proposed to effect.

Bill read 2ª and *committed* to a Committee of the Whole House *To-morrow.*

ADULTERATION OF FOOD OR DRINK BILL.—COMMITTEE.

House in Committee (according to Order).

Clause 1 (Penalty for adulterating Articles of Food or Drink.)

LORD TEYNHAM said, that as this clause now stood, the Bill, which was of great importance, would become an entire nullity. In order to convict it would be necessary to prove that the article was adulterated to the knowledge of the seller. Now it would be practically impossible to prove this knowledge. Take the case of milk. It was not too much to say that the lives of many of the infants of the poor were sacrificed owing to the adulterations in this commodity; but if the vendor were allowed to say, "I know nothing about the adulteration—I sell my milk as it was given to me," it would be impossible ever to bring home the charge either as to this or other articles. At the present moment, when provisions were so dear, it was of great importance that a poor man's family should receive the whole amount of nourishment they expected for the money which they expended. It was said that the vendor might really be ignorant of the adulterations; but he maintained that a shopkeeper ought to have some knowledge of the quality of the articles he was selling, and in any case the amount of the penalty inflicted might vary according to the circumstances. The noble Lord concluded by moving an Amendment,

"To omit all the Words to the Word ('pure') in Line 14, for the Purpose of inserting the following—namely, ('Every Person who shall sell any simple Article of Food or Drink with which any foreign Ingredient has been mixed, or any composite Article with which any Ingredient injurious to the Health of Persons eating or drinking the same has been mixed, or which, though not injurious, has been added for the Purpose of Adulteration, or any simple Substance which has been in anywise treated so that its Virtues have been extracted, shall'")

LORD WENSLEYDALE said, the Committee on this subject had agreed in recommending that the Bill should be confined to adulterations which were prejudicial to health; but the Amendment would render penal any admixture of foreign ingredients in articles sold. Now, he thought it would not be right to extend the operation of the Bill so far as this. It would be rather hard, for example, to inflict a penalty upon a milkman who had poured a little water into his milk. He thought also that a guilty knowledge should be essential to any conviction. It was possible that the article adulterated might have been bought from the wholesale dealer and sold without any fraudulent intention, in which case it would hardly be right to convict.

THE LORD CHANCELLOR also opposed the Amendment. The wholesome maxim of the law was—*actus non facit reum nisi mens sit rea*, and this should not now be departed from. Proof of the *scienter* was essential to constitute the legal offence.

Amendment *negatived.*

Clause *agreed to.*

Amendments made.

The Report of the Amendments to be received on *Monday* next.

House adjourned, at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 21, 1860.

MINUTES.] PUBLIC BILLS.—1° European Forces (India); Metropolitan Building Act (1855) Amendment.

2° Poor Relief, &c., (Ireland); Burial Grounds (Ireland) Act (1856) Amendment.
3° Local Boards of Health, &c.; Local Government Supplemental; Law of Property.

PETITIONS.—RULES OF THE HOUSE.

MR. T. S. DUNCOMBE said, he had to present a Petition, or rather remonstrance, from parties assembled at a public meeting held in the Borough of Finsbury, against the course which the House of Commons had adopted in appointing a Committee to search for precedents on the subject of Taxation Bills instead of taking a more direct step. He begged to move that the Petition be read by the Clerk at the Table.

SIR WILLIAM MILES: What is the prayer?

The CLERK:—"To the honourable the Commons of the United Kingdom in Parliament assembled; the respectful remonstrance of the undersigned"——["Order, order!"]

MR. DISRAELI: I rise to order, Sir. I conclude it is against our rules that, instead of a form of Petition praying for anything, a remonstrance should be addressed to this House. I believe that to be an irregular proceeding.

MR. SPEAKER: I understand that it concludes with a prayer.

MR. DISRAELI: Then, I put it to you, Sir, whether a prayer can be received which comes in the shape of a remonstrance?

MR. SPEAKER: There are precedents for the case now before the House, that when a Petition, under the name of a Remonstrance, concludes with a prayer, properly and respectfully worded, the House does receive it.

Petition read and ordered to lie on the table.

THE DEFENCES OF PORTSMOUTH.

QUESTION.

LORD WILLIAM GRAHAM said, he rose to ask the Secretary of State for War, Whether he can afford any explanation of the Statement he made that no plan for the Defence of Portsmouth, except the Duke of Richmond's, existed at the time the Government land at Portsmouth was sold for £8,000, seeing that in the Appendix to the Report of the Defence Commission it is stated that a Committee which sat on this subject in 1804 recommended a plan for the Defence of Portsmouth, at an expense of £712,000, which included four batteries at Stokes Bay?

MR. SIDNEY HERBERT said, he was not certain of the exact words which he had used, but what he had intended to convey was that no plan which had been officially adopted existed for the defence of Portsmouth. It was quite true that plans had been submitted, but, as they had not received adoption, and were not to be acted upon, there was no reason why the land should be retained in the hands of the Government.

LOW MOOR GUN FACTORY—QUESTION.

SIR DE LACY EVANS said, he would beg to ask the Secretary of State for War, what may have been the extent of the Contract alleged to have been entered into by the War Department with the Low Moor Foundry Company for cannon of large calibre, which, on trial, have been found to burst in several instances; and whether any questions of dispute exist between the Government and the Low Moor Company in regard to this Contract?

MR. SIDNEY HERBERT said, that Government had entered into a contract with the Low Moor Factory to supply a certain number of guns at a certain time and at a certain fixed price. No dispute had ever taken place, nor had any dissatisfaction been experienced. On the contrary, the country could not have been better served than it had been by the Low Moor Company. He supposed the hon. and gallant Member must allude to the attempt at hooping five guns, which had burst. In consequence of the bursting, the work of hooping had been suspended until some more efficient way of securing them should be discovered.

EUROPEAN FORCES (INDIA BILL).

LEAVE. FIRST READING.

Order read for resuming Adjourned Debate on Question (12th June),

"That leave be given to bring in a Bill to repeal so much of the Act of the twenty-second and twenty-third years of Victoria, chapter twenty-seven, as authorises the Secretary of State in Council to give directions for raising European Forces for the Indian army of Her Majesty."

Question again proposed.

Debate *resumed*.

LORD STANLEY: In rising to address the House on this Indian army question, I would, in the first place, assure the House, and it is certainly not necessary for me to assure my right hon. Friend the

Secretary of State for India, that nothing is further from my ideas, or, I hope, the habits of my political life, than to come forward in opposition to a measure proposed by the Government simply because I happen to sit on this side of the House, or because the plan which he has introduced is different in many respects from that which I myself intended twelve months ago to propose. I know, probably better than most hon. Members, what are the difficulties of Indian administration in the present day; and I know also how great is the intricacy and perplexity of this particular question, involving, as it does, a vast variety of considerations, both political and military. And I will readily admit, also, that, although the permanent interests affected and the principles involved are the same now as they were at the time when I was responsible for the conduct of Indian affairs, still, as far as the immediate facility of dealing with this question is concerned, the events of the last twelve months have made some difference. Holding that opinion, if I could have agreed—if I could even have acquiesced in the principle of the Bill which my right hon. Friend has introduced, I certainly should not have been withheld from doing so by any wish to maintain an appearance of consistency with the opinions which I endeavoured to promote last year; the only consistency in such a case that I should value would be a consistent determination at every time to do that which, under the circumstances of the moment, was most for the interests of the Empire. But, having been for some months responsible for the settlement of this question, having been a member of the Indian Army Commission of 1858; and having during the last two or three years ascertained either orally or from written documents what is the opinion of almost all those who are most competent to form a judgment upon it, I think it would be not merely a want of earnestness and sincerity on my part, but it would be an act of political cowardice in me if I were now, from fear of misconception or from any other motive whatever, to hesitate to express the opinions which I honestly entertain. I do not think it is a factious proceeding to support an opinion which I formed long before taking office, and which in office I endeavoured to carry out. Nor can I think it unreasonable to endeavour at least to secure in this House a fair and full consideration for opinions which are entertained by the Governor General of India, by Sir John Lawrence and by Sir James Outram, and which are shared in by the whole of the permanent Indian Administration in this country. Before I endeavour to state what this question is, perhaps the House will allow me to mention in a few words what it is not, and what it is popularly supposed to be. My right hon. Friend, while admitting this, for him, unpleasant fact, that the members of his Council were unanimous in their opposition to this plan, threw out a hint that that need not influence the opinion of the House, since no department was ever willing to let power pass out of its own hands. I do not quite understand the meaning of that phrase as applied to the Council for India, because they have no power in connection with military administration, except that of giving advice to the Secretary of State, which he may either take or reject. But, whatever may be the meaning of my right hon. Friend, it is undoubtedly an idea commonly entertained out of doors as well as to some extent in this House, that the point really at issue in dealing with this question is a contest between the Military Department and the Indian Administration, not indeed for power generally, but for that particular form of power which consists in the distribution of patronage. Now, this is, in my opinion, entirely a mistake. The question of patronage and that of organization are altogether distinct, and if the House should think it desirable that that which was recommended in the first instance by Sir John Lawrence, and which subsequently received the sanction of the noble Lord the Secretary for Foreign Affairs in a debate in this House two years ago—namely, to open altogether to competition the first appointments in the local Indian regiments—should be carried into effect, the proposition is one which might just as easily be acted upon, even though no change in the organization of the Indian army took place, as if the plan for amalgamation were realized. If, upon the other hand, the House should, upon grounds of general policy, deem it expedient that the fusion of the two armies should be carried out, and should at the same time be of opinion that, considering the Indian Administration pays for the maintenance of the existing local troops, it ought to have some voice in the first appointment of officers, it would be quite easy to retain the patronage of which I

am speaking in the hands in which it is at present placed, while in all other respects the fusion of the local with the Queen's troops might be complete. I am not recommending that plan, although I believe it has been entertained; all I want to show is that the questions of patronage and amalgamation are entirely distinct, and that, whatever opinion may have been pronounced with respect to amalgamation by the Indian authorities, that opinion is one which is wholly free from all suspicion of being dictated by personal motives.

I have alluded to one of the prejudices which exist on this subject, but there is a second—for I cannot call it anything else but a prejudice — which is sometimes openly put forward, but which more frequently underlies men's thoughts than it appears upon the surface, and which makes in favour of the maintenance of a single as opposed to a double army. We are repeatedly told that it is an "anomaly"—that is the word used—to keep up two separate military organizations under the same Crown, and subject to the same authority on the part of Parliament. We in England are broken into anomalies, whether we like them or not; but, if there be any anomaly in the case, it is not the maintenance in India of a specially Indian army, but our tenure of India itself. In the present instance, however, the House must bear in mind that we have no precedent and no parallel to guide us. You cannot reason from the case of a colony as to the decision at which you ought to arrive; for India is not a colony in the ordinary sense of the word; it is not a settlement; it can hardly be called a province. It may more appropriately be designated an empire in itself, although the appellation is one which I am aware has been cavilled at. India possesses her own laws, her own finances and her own system of civil administration. She maintains at her own cost an armed force numbering no less than 300,000 men, and of two anomalies it is surely the less that that force should stand apart, than that it should be made a portion of another force, the head quarters of which is separated from it by a distance of half the globe, and which, in point of numbers is greatly inferior.

One word on the manner in which my right hon. Friend proposes to take the issue on this question of amalgamation. He raises it, undoubtedly, in the simplest form, and so far his method of procedure is for the convenience of the House. This disadvantage, however, attends upon the proposal of my right hon. Friend, that we have not before us—at least, not in a shape which would enable us to come to any decision with respect to it—the scheme by which he proposes to carry his purpose into effect. He asks us simply to declare that no further recruiting shall take place for the local European army in India—a proposition which is almost equivalent to an abstract resolution that the maintenance of such army is inexpedient. But, while my right hon. Friend asks us to pledge ourselves to that extent, he does not call upon us to come to a decision as to what we are to substitute for the existing system. If we take the plan of amalgamation proposed by Sir William Mansfield, or any other person conversant with the subject, and endeavour to point out the difficulties inherent in it, my right hon. Friend would very fairly tell us that that was not his scheme. Well, we ask you, what is your scheme? My right hon. Friend answers,—"I am not calling upon you to decide upon the details of any scheme; all I seek at your hands now, is to affirm the principle that a local army in India ought to cease to exist." That is to say, we are called upon to affirm that it is expedient that a certain thing should be done, though many of us may believe that the greatest difficulty must be experienced in working out the necessary details in a manner consistent with the guaranteed claims of Indian officers, if indeed that be possible at all. Nor do I think the difficulty which presents itself in dealing with the question in this form is diminished by the suggestion which my right hon. Friend has thrown out to the effect, that we are not now asked to consider the case of the Native army, but only that of the European force in India. If that were really so, and that we were simply to decide upon what should be done with a force of 20,000 or 30,000 Europeans, our views upon the matter might, indeed, be materially altered. If we could dissociate from the question at issue to-night that larger question of what ought to be done with the Native army, then, no doubt, the interests involved would be incalculably less important, and the controversy would be confined within much narrower limits. I am, however, afraid that you cannot separate the case of the local European from that of the Native Indian army. And for this reason, that if you are to maintain in India a powerful

European force, consisting of 60,000 or 80,000 men, composed of the principal troops of the Line, and if together with and by the side of that army you are to keep up at the same time a Native army, which will be necessarily less looked to, less thought of, and less trusted, and which will be mostly employed, in all probability, on services in connection with which opportunity will be taken to economize European life — if, I repeat, two such armies are to be maintained in a separate form, and without any tie or bond between them, it is, I think, plain that the officers of the Native force will feel that their position is one—I will not say of degradation, but, at all events, of inferiority—that they will lose that self-respect and *ésprit de corps* which ought to belong to every army; and that service in the Native force, instead of being sought for by competent men in India as heretofore, would form a refuge only for those who can obtain no other employment. I have heard something of jealousy as existing at present between the local forces and those of the Line; but what state of things, is more likely to create and perpetuate ill-feeling than that in which the officers of the one army will perpetually assert the superiority of their position over the officers of the other, while the latter will feel that they are placed in a position of undeserved but not the less real inferiority. To take such a course, then, as that to which I am alluding, would, in my opinion, be to destroy the efficiency of the Native force.

But the question may be asked, do we require Native troops, and can we trust them after the experience of the last few years? I answer that question by another, —how are those Native troops to be replaced? You cannot hope with any European force which you can command, to keep under control a territory containing 1,500,000 square miles and 180,000,000 of inhabitants. — 60,000 or even 80,000 Europeans will never suffice to keep in subjection so great an empire, and you cannot increase your army beyond that limit, partly because of the enormous cost of European troops in India, and partly because of the waste of life in consequenc of the climate. It should also be borne in mind that you require services to be performed in India which European troops cannot render, while I believe, in practice, no large force of Europeans has ever taken the field in that country without being accompanied by Native troops. Let me also remind the House that circumstances may arise which will render it a matter of considerable difficulty to keep up the number of Europeans, even at the lowest limit upon which you might deem it expedient to fix. There are many circumstances in this country the tendency of which is to make recruiting difficult; wages are rising, the position of the labourer is improving, the capital of the country is rapidly increasing; but notwithstanding these things, emigration has not ceased, and the demand for labour in the home market exceeds the supply. It will be a matter of difficulty, therefore, even in time of peace to obtain the number of men required for Indian service. On the other hand, if the contingency should arise, a contingency which is painful even to contemplate, one at the present time most improbable, but still within the range of possibility, and against which the existence of an army is intended to provide—if a war should take place in Europe in which England should be compelled to take part, I do not see by what means you could maintain an European force of 70,000 or 80,000 men in India unless indeed you resorted to that unhappy, and, as I think, discreditable expedient which you were driven to adopt in the Crimean war, that of enlisting foreign mercenaries.

I hold, then, that the maintenance of a Native army both for the present and for the future is inevitable; and holding that opinion, I am glad to believe, as I do, that the dangers incident to its existence are considerably exaggerated in popular belief. You have in India every variety of race and opinion, and between these various populations the old feuds and animosities still continue. In 1857, when the mutiny first broke out, the first thing done was to raise a new Native army, and that army marched on Delhi as readily as it would have done against a foreign enemy. In point of fact to the Sikhs, service in Hindostan was foreign service, and in like manner, if insurrection were to break out in the Punjab, you would have no difficulty in obtaining the assistance of troops raised in any other part of India to put down such disturbance. The really serious danger you had to encounter at the time the outbreak occurred was that of giving to one single race a vast preponderance in the constitution of the Native force. If that error is avoided for the future, as I apprehend it will be after the lesson we

Lord Stanley

have received, the maintenance of a Native force is in a great degree free from danger, and if on the one hand it be conceded, that the maintenance to a considerable extent of a Native force is under the circumstances of India inevitable, and if on the other hand it be admitted that a Native army cannot be maintained entirely dissociated from the European force, without the officers and men losing their *esprit de corps* and self-respect, it follows inevitably that a local European force must, to some extent at least be maintained. I do not like on questions of this kind to appeal to authorities, however eminent, because reasons of policy ought to be considered on their own merits. But I find that Sir John Malcolm, when examined before this House in 1813, so exactly expressed the opinion I have endeavoured to lay before you, that I will quote one sentence from his evidence. He was asked—

"If the European regiments were to be reduced, and the infantry of the Company's army to consist of Natives alone, what would be the effect?"

His answer was,—

"If such a separation were to take place it would tend materially to destroy the efficiency of the Company's army. . . . In the Sepoy service the officers cannot be employed except in all the lowest drudgery and fatigue of war. They will in consequence sink in their reputation, and will become little better than a country militia."

He goes on to argue that an army, exclusively Native, organized in the manner now proposed, would sink into a condition not superior to that of the armies of Native Princes.

There is one consideration which you cannot altogether overlook, although I am far from regarding it as of paramount or primary importance—I mean the feelings of those officers whom you are about to transfer from one service to another. I allude to that subject, because my right hon. Friend said that, with very few exceptions, the feeling of the officers of the Indian army was favourable to amalgamation—or at least that it is only the older officers that are against amalgamation, the junior officers being in general in favour of it. There must be much that is conjectural in an estimate of the feelings of a large body of men with whom we do not come into personal contact; and when the opinion of a Minister is known, those who dissent from that opinion naturally shrink from expressing views which are known to be unwelcome when it is felt that their expression can serve no useful purpose. On the other hand those who agree with the Minister are, as naturally ready to say so. That rule applies, no doubt, to both sides of the question. I do not contend that I, any more than my right hon. Friend, have ascertained exactly and impartially the state of feeling on this subject. But having communicated with very many officers, and having a few years ago passed some months in India, I must say that I have never heard it affirmed that any Indian officers, except, it may be, a few of the very youngest, were favourable to the change otherwise than for the reasons which I am about to give. I certainly have heard officers, who disliked the idea of the transfer, say that though they thought it would be injurious, yet they were satisfied from the manner in which the question was treated at home, that it would take place sooner or later; that there were influences at work which could not be resisted, and that if the change was to take place, they would rather it should take place at once, in order that they might be relieved from the anxiety in which they were placed and know what their future was to be. That is a feeling which prevailed some time ago, and no doubt it is rather increased than diminished by the long period of suspense in which the Indian army has been kept. There is another ground on which I believe that some officers of the local force may not be unfavourable to amalgamation. No one who has heard the free and unreserved expression of opinion among the officers of that force, as I heard it a few years ago, can fail to be aware that one of their strongest feelings—I am not identifying myself with that feeling as founded in justice, I speak merely of its existence—one of their strongest feelings is a belief that they have little chance of justice at home—that interest, and influence, and favour have a great deal to do with military administration here, and that services rendered at a distance from England stand no chance of adequate recognition; and they argue in this way.—If we remain as a local force we have no chance whatever, but if we take our turn in service with the European forces we shall be brought under the notice of the authorities at home, and we shall have some prospect of obtaining justice. I believe, therefore, that there may be local officers who are disposed to acquiesce in the fusion—some from a natural impatience of the state of suspense to which they are subject, others

from despair of justice being done to the local army. But I appeal to my right hon. Friend whether an approval on these two grounds ought to be considered as an approval of any value. But it is not for the sake of the officers of the Indian army that I would maintain a local European force in India; it is for the sake of the public service in India; and in all the discussions on this question I have never heard a fair and satisfactory answer given to what is, in my mind, the greatest objection to the measure of the Government. Supposing that the plan includes the Native as well as the European army of India, it is contended that you will lose the most valuable assistance which the Governor General now has in carrying on the local administration of Indian affairs when you lose the service of some thousands of officers trained exclusively to the Indian service. I do not know that it would be possible to obtain any more important testimony than that of the Governor General himself upon this subject, and here is what he says:—

"No one would dream of attempting to administer the civil affairs of India through officers who were not attached to the Government by some other tie than the receipt of Indian salaries. And inasmuch as the efficiency of our military service, in those branches of it which are of daily importance to the peace and safety of the country, such as the management of irregular regiments, or the conduct of the half-political, half-military operations on the frontiers, and in Native States, depends mainly upon the application which the officer gives to his early training, upon the heartiness with which he undertakes his duty, and upon his persevering adherence to it, I should greatly deplore seeing Her Majesty's army in India officered entirely, or even in the greater part, by men who are at liberty to cast themselves loose from the country at their pleasure, and at an insignificant sacrifice of their interests."

Now, Sir, I do not suppose that any man in this House will argue the question on the ground that it is better altogether to separate officers of the army from the civil administration of India. The separation of civil from military functions may be very proper in an advanced state of European civilization, but it is certainly not a system that would answer in India. There are many parts of India in which it would be, I do not say difficult or inconvenient, but simply impossible to administer civil affairs through the agency of civilians. Let any man read, for instance, the work of Sir Herbert Edwardes, entitled, *A Year on the Punjab Frontier*, and he will see what is the normal condition of life among the tribes beyond the Indus and he will be able to judge how far it would be possible in countries inhabited by such a population to separate the power of administration from the power of the sword, and how much more influence the administrator of affairs must have who is a military officer than if he were a mere civilian. My noble Friend Lord Ellenborough, than whom no one has devoted himself more thoroughly to the study of Indian Affairs, felt this so strongly that he at one time threw out a suggestion that all the civil servants should be required to pass through the army, in order that they might have some military training. I do not go that length, but I assert, what I believe no one conversant with Indian affairs will require me to prove, that Indian administration, to be successfully carried on, requires a large admixture of the military element. Well, then, the question is, how will you get military men to take part in that administration? My right hon. Friend's theory—at least, it is that which is usually put forward—is that all you have got to do is to give inducements and facilities for officers of the Line to leave their regiments and enter into the civil administration, and you will by that means obtain an ample supply. To that I have two answers. In the first place, I do not believe that you will get men, and in the second I do not believe that if you do they will be men who have received so useful and valuable a training as is now enjoyed by officers in India. With regard to the first point, the difficulty of obtaining men, probably the House will permit me to read another extract from Earl Canning's recently published Minute:—

"I adhere to the opinion that the interests of India require that there should be an army devoted to India. I am confirmed in it by the experience which I have acquired, after much intercourse with officers of Her Majesty's regiments of the Line in India, of the unwillingness which appears to prevail among them to look to India as the scene of their profession for any considerable length of time. During the excitement of active service this feeling was not so perceptible; though even in 1858 the applications for leave to return to England were numerous; but since the cessation of military operations it has become very strong, and it is not too much to say that it is a rare occurrence to meet with an officer of the Line who looks forward contentedly to a long stay in India. I do not think that the unwillingness will be removed by throwing open the door to their employment in every kind of Staff or irregular service. Making every allowance for the events of the last three years, for the disjointed and uncertain condition of service in India to which those events have led, and for all the discomforts of frequent and unseasonable move-

ment of corps and indifferent accommodation, the feeling is, I fear, likely to prove a lasting one among those who are brought to India only accidentally. I believe that there are very few Englishmen indeed who will readily make up their minds to devote themselves to a career in this country, unless they are trained to look to it, and are bound to it from their youth."

I think it is impossible to overrate the value and importance of a protest of that kind coming from the Governor General. I have in the course of the last two years made myself acquainted with many opinions which have been expressed upon important matters by Lord Canning. Sometimes it has been my misfortune to differ from him, but far more frequently I have agreed with him; and whether I have agreed or whether I have differed, I never read a despatch or a letter written by him upon any question of public policy which did not bear the marks of anxious and careful inquiry, and of a conscientious desire to ascertain the truth. And recollect, when Lord Canning expresses this opinion, he comes forward, not so much to speak to inferences drawn from facts which are public to every one, as to give evidence to a fact of which he is peculiarly and personally cognizant. From his position he knows better than any other man can do what are the feelings of those who are engaged in the Indian service. Applications for leave are made to him; he knows who wishes to stay, and who desires to go; and when he speaks of a prevalent distaste for Indian service as existing among men who are not trained in early youth to Indian life he is only bearing witness to a fact which is more or less familiar to every one who is conversant with Indian society. No doubt, the feeling of which he speaks has been aggravated by the recent mutiny, and by the antipathy of races to which I am afraid it has led, but it is a feeling which existed in India years ago, and I have repeatedly heard from able and experienced servants of the Government, from men whose Indian career has been one unbroken success, from men who, if any men have done so, have won the prizes of Indian public life, —I have heard, I say, from such men, that although satisfied with their own share of good fortune, although they did not regret that much of their lives had been passed in India, yet that if any opportunity of returning to England had offered itself to them in the earlier part of their career, they would undoubtedly have thrown up the service and returned to this country, at the sacrifice of their position and prospects. Nor do I assert this only from my personal experience. Of all the public men who have ever served in the East there is none who has left a more illustrious name than Lord Metcalfe. He was a man who possessed all those qualities which make success not a matter of speculation, but of certainty; yet what was the case with regard to Lord Metcalfe? We have it upon record that not long after he entered the Indian service he became so wearied of his banishment, and so disgusted with the apparent hopelessness of his career, that he wrote to his friends imploring that he might be allowed to throw up his appointment in India and return to England. If a road had been opened to him, if it had been in his power, without any material sacrifice, to come home, he would have acted upon the feeling which he then acknowledged, would have abandoned his prospects in the Indian service, and India would have lost one of her most illustrious administrators. I do not say that the life of public servants in India is one which men ultimately regret. It is a career of great interest. It offers noble opportunities, and confers splendid prizes, and men who go out determined not to look back, and knowing that their lives must be passed in India, become mentally as well as physically acclimatized, and make the most valuable public servants that we have. But what I say is, that in the first instance there is a struggle and a sacrifice, and that the prospect of banishment from England for the greater part of his life is one which no man willingly faces. It is a sacrifice generally made only when men are driven by necessity to make it.

In the next place, if you do find men who are willing so to serve, it is hardly possible they should acquire the same training as they do now; for in order to gain a real knowledge of India, I believe that it is essential that men should go there at a time of life when their ideas are still unformed, when their habits are flexible, and when they can readily adapt themselves to the ideas and requirements of Indian life. My right hon. Friend asked why should not that be the case with officers of Line regiments—why should not they go out early and determine to remain in India? Because they have no certainty of being able to do so. Suppose there is a war or a prospect of a war at home, and an officer is living with his regiment in India, and has for years been studying the lan-

guages of the country, intending to retire from the service and devote himself to civil administration. His regiment is recalled with a prospect of being engaged in hostilities, and it is impossible for him with honour to leave it. He therefore quits the country, and takes his part in the events which may be passing on this side of the globe. He thus loses probably the special aptitude for Indian affairs which he had acquired, certainly, he loses the wish to return to India, and a trained administrator is lost to that country. You must not measure the amount of loss sustained merely by the number of persons who are thus inevitably prevented from pursuing an Indian career. You must bear in mind also the element of uncertainty, the not knowing whether or not they will be able to continue in the Indian service, which will more than anything else discourage men from entering upon what is at first a very laborious and very irksome task. I do not like to read extracts, but only two days ago I received a letter from a gentleman of considerable position and very high attainments, who for a time held an official situation in India, but who is wholly unconnected with either the civil or military service of that country, and whose opinion is therefore a perfectly unbiassed one. He says:—

"I am convinced that no man, let him possess a concentration of all talents, can or will fit himself for service in India unless it is the business of his life." "At the end of eighteen years' service in a tropical colony, with a thorough knowledge of the languages, I felt every day I had something to learn. I learnt by every day's experience how I must have irritated my people by my ignorance of their habits—an ignorance excused only as being obviously ignorance."

I think that it is impossible to overrate the importance of this subject, because we have in India to deal with a people whom we can hardly measure by any European standard. In Indian affairs we have repeatedly seen how great discontent and dissatisfaction has been created by ignorance of Native customs and ideas. I will not refer to the signal illustrations of this fact which the events of the last two years have afforded, but this I will say, that having heard, as we all have, innumerable speculations as to the cause of the recent insurrection, I believe that although undoubtedly there were deep-seated causes also at work, and although there were persons who for their own objects excited the people, yet I am inclined to think with Sir John Lawrence that the alarm excited by the greased cartridges was not affected, but was a real alarm, caused by our ignorance of the prejudices entertained by our army upon that subject. I do not believe that any European going for the first time to India, and having to do with the Natives, can avoid giving offence and causing discontent, however anxious he may be to do so. If hon. Gentlemen wish to see the whole subject discussed far more fully and ably than I can deal with it, I can only refer them to that admirable Minute of Sir James Outram which they will find at page 110 of the blue-book, and with every word of which I would express my concurrence.

I now come to that upon which my right hon. Friend laid the greatest stress, and undoubtedly, not without cause if his conviction was well founded. He argued as if there was a necessary connection between the existence of a local European force and the existence of discontent and want of discipline in that force. We have had a great many assertions made upon that point both in this House and out of it; but I have not found any proof given of the truth of these assertions. True, insubordination prevailed to a lamentable extent among the local European troops of India last year. But what ought to be shown, and what has not yet been shown, is that the local character of that army had anything to do with its insubordination. The incidents of their mutiny are fresh in the recollection of every hon. Member of this House, and therefore I need only say that the event was altogether exceptional and casual. I am not here to defend these men. Their claims, I think, were not reasonable, and their conduct, I am sure, was unfortunate. But I maintain that the circumstances which led to that mutiny were such as can hardly recur. In the first place you had the older troops, as I believe, greatly demoralized by two years of civil war. Then you had a number of recruits raised in haste and sent out from this country, under the urgent necessity of the case, with the political object of making as great a display of European force as possible; but in point of training and discipline they were not in such a state as they might have been if despatched at greater leisure, and with more previous preparation. Then, in addition, there were exaggerated expectations entertained, I am told, by many of these troops on the subject of the prize money, to which they thought them-

selves entitled. Those expectations were disappointed, and that disappointment produced discontent. And although I am most unwilling to say anything which may appear to throw blame upon the local authorities, who in a very delicate matter undoubtedly acted to the best of their judgment, still I thought at the time, and I have always thought since, that if some rather fuller and more detailed explanation of the grounds on which the decision of the Government was based had been made known to the men, and it had been proved to them that they were only asked to do what they were previously bound to do by the oaths they had taken on entering the service, something at least might have been done — I do not know how much — towards allaying their discontent. All these considerations form certainly not a justification, but a palliation and explanation to some extent of the bad feeling which existed among the local force. And what I wish to ask my right hon. Friend is this—Can you show, have you ever attempted to show that, placed in the same circumstances, influenced by the same opinions, and exposed to the same—I will not say real but supposed—provocation (and even if it was ill-founded the men felt it to be real to them) —troops of the Line would not have acted precisely as they did? Then, is the accident of a single mutiny to condemn a service of 100 years? You had once a mutiny at the Nore, but did you on that account condemn the whole constitution of your navy, or the whole race of British seamen?

I am told that we must accept the opinion of the highest military authorities on this subject. Now, I do unreservedly accept that opinion as conclusive upon the fact of a mutinous spirit prevailing among the troops; but what I do not see is the connection between the local character of the force and the insubordination which has unhappily existed. I have endeavoured to collect the reasons and arguments by which that view is supported, and I find it stated by some very able advocates of the proposed amalgamation, that men serving in the local force have a natural tendency to become desperate because they have no opportunity of returning to England. If that argument had been used seventy years ago, in the days of Clive and Hastings, when men who left this country for service in India rarely came back, it might have been used with some justice; but the pension list of the Indian army sufficiently proves that the men who go out to serve in the local European force do look forward to their return, and actually do return to this country as much as their brethren of the Line.

Another plea urged in favour of the amalgamation is that if insubordination shows itself in a portion of the troops of the Line, it can be stopped by changing the quarters of the men, and thus preventing it from spreading to the rest of the army. Now, I see no reason why you should not take just the same precaution in the case of a local force. This objection would be perfectly valid if it applied to a local force raised for a territory of a very limited area. It would be perfectly sound, for example, in Malta, the Ionian Islands, or the West Indian colonies. But, when we are considering the case of a local force, maintained in an empire the area of which is greater than the whole of Western Europe, it is unreasonable and absurd to say, "Oh! it is dangerous to have a local force, because, if there be any inclination for mutiny or combination among them, you have no means of separating the regiments." My right hon. Friend appears to have picked up an argument which he had heard or read, applying to the case of local forces generally, and he applies it to the case of India, with which it has obviously nothing to do.

In his speech the other night the right hon. Gentleman gave us another reason for his measure, when he said it was the opinion of military men that a local force was apt to deteriorate, because it had no opportunity of access to the highest military authorities. Well, I want to know who the highest military authorities are; because I should say none is, or ought to be, higher than the Commander-in-Chief in India. His power and responsibility are theoretically equal to, and practically they are even greater than those of your Commander of the Forces at home. This objection, then, like the one I have previously noticed, merely takes the form of some general reasoning upon the subject, and is applied to a case to which it has no relation whatever. It is perfectly true that local regiments raised for a small colony can never have an opportunity of seeing service upon a large scale, and therefore would labour under considerable disadvantages in undertaking any great military operation; but it is quite a different thing where your local force is intended for a vast country

like India, and is in magnitude an army of itself. And with regard to disaffection, I believe that so far from the fact of troops being localized in India being an incentive to discontent among them it operates exactly the other way. I believe that nothing tends so much to keep up a healthy English feeling or a sentiment of patriotism among a body of men, whether in the civil or the military service, as the knowledge that they are settled among a vast population wholly alien, and in part, hostile, a population by which they are regarded, at best, as strangers, and in comparison with whose numbers they are themselves but a drop in the ocean.

My right hon. Friend made very light of an argument which is often used—namely, that if discontent should arise in the one army the presence of the other army would act as a check upon it. And he made this remark—in which I entirely agree with him—"God help us if our best or only chance for preserving India is to be found in the employment of one English force against another!" Nobody, I should suppose, contemplates the possibility of such an alternative; yet it does not at all affect the argument to which my right hon. Friend was replying, and which, as it has remained wholly unanswered, I will venture to repeat—that, if there be a danger of combination or discontent among the troops quartered in India, the evil would be less likely to spread over two separate forces differently constituted and, in a great measure, entertaining different ideas than over one army homogeneously composed. That is all that I have heard asserted on the subject, and as far it goes I believe it is a sound and just conclusion. But, quoting distinguished authorities, the right hon. Gentleman spoke of the inefficiency as well as the bad discipline of the local European force, and he used words to this effect, that it is the commonly received opinion—I am glad my right hon. Friend did not endorse that opinion—that officers cannot pass ten or fifteen years in India without losing something of their energy. This is certainly an invidious subject; but if one is to compare the services of the two armies respectively, I will venture to say that those who were lately known as Company's officers have had their full share of all the perils and all the honour acquired in Indian warfare, and that there has certainly been no inferiority on their side. Look back only for twenty years,

Lord Stanley

to the period of the greatest disaster that has befallen our arms in modern times—the destruction of the army of Afghanistan. Whose name is associated with that event as the general then commanding our troops? No word shall fall from me that can reproach the memory of Sir James Elphinstone: he was a brave and respected officer: but he was sent out late in life, afflicted with many physical infirmities, and unfit, as he himself admitted, for an active command. That was the doing of the Government of the day. But the fact remains that it was under the command of a Royal officer that the great military disaster in Affghanistan occurred; while it was under the Company's officers, Generals Pollock, and Nott, that that disaster was retrieved. Again let me turn to the events of the last three years. I should be sorry to appear to undervalue or disparage such brilliant services as those which have been rendered by Lord Clyde, Sir William Mansfield, and Sir Hugh Rose. It was lately part of my duty to ask this House to recognize those services, and I certainly never discharged any duty with greater pleasure. But every man acquainted with England or India must feel that the imminent peril was past, the neck of the rebellion broken, before those distinguished men reached the scene of action. And when Delhi fell, who were the chief agents in producing that important result? Why, the Indian generals—Wilson, Nicholson, and Neill, and the Indian civilian, Sir John Lawrence. And when I hear it said that officers, after ten or fifteen years of Indian service, lose a part of their energy, I ask myself whether I am dreaming or under a delusion when I suppose that Munro, Malcolm, Ochterlony, Henry Lawrence, Outram, Edwardes, and many others, whose names, were I to cite them, would not be unknown to this House, were men who spent not ten or fifteen years, but the whole of their working life in active employment in India. Personal contrasts are of necessity very disagreeable, but if we are to compare officers of the two armies with each other I must say I think an officer in the Indian service has opportunities for a manlier and more thorough training than can usually be enjoyed by an officer serving in the home service. Surely, a command on the Punjab frontier involves greater responsibility and more active duties, and brings with it greater knowledge of military life, than a command at Aldershot, or even in a

colonial garrison. And when the object is to train men for service in India, what can be more important than an acquaintance with the country, its climate, its people, its roads, means of transport, and commissariat? And at what serious disadvantage in these respects must an inexperienced Queen's officer be placed on arriving at Calcutta or Bombay for the first time? Moreover, it should be remembered that we are always sure, under the present system, of obtaining the best men in the Indian service to fill the highest commands; whereas, if the armies are amalgamated, that advantage will exist no longer: for there will be many more attractive positions for officers of the Line. Upon the question of the relative efficiency of the two forces, Sir Thomas Franks was called before the Commission to express his opinion, and he said:—

"I have served in the field with portions of the European forces of the three Presidencies, and nothing could surpass their gallantry, efficiency, and intelligence."

Sir Willougby Cotton said:—

"I do not think it is possible to have better staff officers than the Indian army had, nor that there should be a more efficient force than the Indian artillery."

Sir James Outram may be said not to be an entirely impartial witness, since he has taken an active part in this controversy; but whatever his feelings may be, all who know him may be sure that he would not state as a matter of fact that which he did not solemnly believe. Sir James Outram said:—

"Men of the local force are better in health and physical energy, man for man."

He adds, and there is some significance in what he says:—

"If, as is alleged, the discipline of the local army is bad, the fault of bad discipline is generally supposed to be with the Commander-in-Chief, and of all the Commanders-in-Chief who have served in India only one has been appointed from the local service."

And he adds:—

"Contrast the performances of the Bengal Commissariat during the mutinies, when the empire was in a state of dislocation, with those of the Royal Commissariat in the Crimea, under the eye of the British nation, and where a land transport of seven miles only was required of the departments."

Lord Ellenborough, who although a civilian has deeply studied war, and has directed the administration of an army, stated explicitly that the Company's officers have a more extensive knowledge comparatively with officers of the Line.—

"The Company's officers have acquired a much more extensive knowledge; till this revolution they would probably have been, as soldiers, superior to the officers of the Queen's army. They had seen more, they had more enlarged minds, because they had more to do."

But upon this question it is not merely to the evidence of men now living that I desire to refer. My right hon. Friend in the course of his speech quoted the language used by Sir John Malcolm, and I admit that a higher or better opinion than Sir John Malcolm's it is impossible to cite. I do not pretend to know what opinion he expressed at other times, because this is a question upon which men may naturally see occasion to change their views: but he was questioned in 1813, before a Committee of this House, and, after stating in very high, but still general terms, his opinion of the character of the local troops, a question was put to him which bears very closely on the proposition now made by the Government. He was asked—

"Would it be advantageous to have the regiments of Europeans in India completed by filling up the casualties with recruits, or to have them occasionally renewed by entire regiments?"

That is practically the question now in issue — whether it is better to keep an army permanently in India, recruiting it from England, or to renew it by sending out entire regiments. Sir John Malcolm said:—

"It would, no doubt, be most economical to have them filled up with recruits, and the regiments would always continue more efficient, as any new regiment coming entire from England is unfit for service for, I may say, a twelvemonth at least."

My right hon. Friend quoted Lord Metcalfe, and I find in Lord Metcalfe's volume of papers the following passage:—

"The Indian army, although it be taken under the Crown, must, nevertheless, continue in some respects a separate body,—that is, it must be officered as at present by officers brought up in its own bosom."

He then proposes a system of exchange, so that, if there is any meaning in words, it is clear that he was contemplating a state of things in which the local army was to remain distinct from that of the Line. Again, my right hon. Friend cited in support of his proposal the greatest name and authority on military subjects in modern times—the Duke of Wellington. I heard with interest, and I have since read care-

fully the passage quoted. But what does the Duke of Wellington say? I do not find in that passage a single word about amalgamation, not a single word about the disadvantage of a local army. What the Duke of Wellington said was that the Company's troops ought to be transferred to the Crown. That is quite a different question from the abolition of the local army, and I venture to suggest that the motive of the Duke of Wellington's recommendation may easily be understood. He knew that there was a jealousy between the two armies: he knew also that there was a feeling among officers as to the superiority of service directly under the Crown over service under the Company; and he came to the conclusion that the supposed inequality between the two was the cause of jealousy which it was expedient to remove. I need not tell the House that since the Act of 1858 that cause of jealousy is removed. I have only one more authority to quote. Let me remind the House that I am not calling witnesses into court. I am only taking the liberty to cross-examine witnesses whom my right hon. Friend has called. I have not looked through all the writings of Lord Cornwallis. He may have entertained different views at different times; but, looking over Lord Cornwallis's collected Despatches, I alighted on this passage:—

"Several objections have occurred to me on more mature deliberation against declaring all the forces in this country King's troops. If an Act of Parliament could be obtained permitting the Company to beat up for recruits, and to keep them under martial law until their embarkation, and if some means could be adopted to establish equality of rank between King's and Company's officers, I believe I should be satisfied."

What becomes then of the authorities cited in favour of the Government plan? Lord Metcalfe favours a local army; the Duke of Wellington is only for a transfer of the troops under the Crown; and Lord Cornwallis would be satisfied with the maintenance of a local force on certain conditions which have long since been fulfilled.

The opinion of Lord Cornwallis alludes to one of the principal grounds upon which the plan of fusion is based—the alleged existence of jealousy and rivalry between the two services. I do not care to deny that such jealousy has existed. No doubt it has often gone beyond the limits of natural and healthy emulation, and its existence has prejudiced the interests of the public service. But why has it existed? Let us see what complaints the local officers have had, and up to what time they have been excluded from an equality of rank and honours. The first instance of a Royal commission being granted to an Indian officer is in 1788. The rank of Lieutenant General was not granted until 1813. The Order of the Bath was nominally conceded in 1815, but it was actually given for the first time in 1826. Brevets for service date from 1828. The rank of General was first extended to Indian officers in 1837. Their rank as officers was not recognized in Europe until 1855, and the first instance of a Commander-in-Chief being appointed from the local forces was in 1856—only four years ago. It is not unnatural that officers of an army 300,000 strong, treated in such a way, should have entertained feelings of jealousy towards their more fortunate comrades of the Line. We should entertain the same feelings under the same circumstances. It is very easy to do away with the feeling by doing away with the causes. By far the greater part of those causes have been removed, and if any remain at the present day they are insignificant. But when it is argued that jealousy must exist between two armies differently constituted in two countries, subject to the same supreme authority, I say that jealousy need not exist unless you put one army in a condition of greater advantage and favour than the other.

In one respect there is a disadvantage in the continuance of a local force. I admit that many soldiers who are invalided at an early age are only incapable of service as far as India is concerned, and are still able to do effective duty in a temperate climate. But, if that is admitted to be a disadvantage, it is one from which it is very easy to escape, because there is no difficulty whatever, as far as the men are concerned in arranging a system of transfer from Indian to general service, by making service in one army count towards pension for service in the other. Such an arrangement involves no other difficulty than the mere mechanical one of balancing the accounts of the Indian and English Exchequer. In the case of the exchange of officers from one service to the other I am disposed to agree with Lord Canning that the difficulties, though doubtless grave, are not insuperable; but as regards the men, there are absolutely no difficulties to encounter; all that is necessary is to determine how much of the pension of the soldier transferred ought to be charged on

the Indian, and how much on the English revenue.

But there is one other consideration which I think the House ought not altogether to overlook, and that is the effect of the change on the army of the Line. What do you propose to do? Why virtually to employ 25,000 troops or 30,000 troops in India more than have hitherto been considered necessary. You will not be able materially to reduce the strength of your Colonial garrisons. You can reduce that of the Cape, because the number of troops maintained there of late years has been, to my mind, extravagantly high. But, with that exception, you cannot reduce the Colonial forces. If, then, the Colonial service cannot be reduced, and the Indian service is to be increased, every officer and soldier gets a longer period of service abroad, and a proportionately shorter period of service at home. For the men, perhaps, that change will not make much difference; but for officers, consider how far you can afford to make the service less attractive than now. You now require from them intellectual qualities of a higher character than before; the pay is low compared with other professions; the chances of distinction in time of peace are uncertain; and I apprehend that this change will materially increase the difficulty—a difficulty already beginning to be severely felt—of obtaining candidates for commissions. It is now your object to induce, as far as you can, men of social position and of independent fortune—who have a stake in the country, and have the feeling of citizens as well as soldiers—to enter the army. That is a principle which may be carried too far. I think it is carried too far, if you sacrifice the intellectual qualifications of an officer in order to secure those advantages; but, kept within reasonable bounds, no doubt the policy is sound; and it will be for the House to consider how far this prospect of considerably increasing the period of foreign service will be likely to affect the entrance of such men into the army. It may be said, perhaps, that individual officers can find the means of evading foreign service, because they can generally, at least in time of peace, arrange an exchange out of a regiment which is going abroad, into one which is to remain at home. But, even when such exchanges are possible consistently with the rules of the service, I do not believe that is a system which the House will desire to encourage.

A good deal has been said as to the inconvenience of locking up in India a considerable European force, by making it a merely local force, when you may require it nearer home. There is an Indian, as well as an English side, to that question; and it might be contended that, considering that India bears the expense of maintaining an army for her protection, it is not reasonable that she should be obliged to maintain as large an army in time of peace as in time of war, in order that that army may act as a reserve for the benefit of the Home Government. But I deny that, in any strict sense of the word, a European local force is locked up in India. The Company's forces have had before, and the local Indian troops may have again, if required, to serve in time of war beyond the limits of India, as, for instance, in Egypt, in Persia, and in China. When any great emergency arises, there can be no doubt that they will and ought to be sent out of India, provided that it be for purposes of war, and not for ordinary garrison duty; and provided also that their employment beyond the limits of India shall not be protracted when the urgent need of them has ceased. What I contend for is, not that a local force shall never, under any circumstances, cross the frontiers of India—for that has never been the case—but that India shall be its home, and that it shall not leave India, except in the case of war. If its liability not to leave India, except in the event of war, constitutes any objection to a local force, precisely the same objection applies to the rule which regulates the service of the Guards at home.

It would be exhausting the patience of the House were I to go further into this question now. The question is one which it is hardly possible to argue fully within the ordinary limits of a debate; but there is one aspect in which the House ought to look at it, and that is in its effect on the power of the Governor General. I am far from wishing that, in regard to administrative matters, greater authority should be given to the Governor General than he now possesses. In some respects I think he, or rather his immediate subordinates at Calcutta, have a larger administrative authority than is desirable. I should be glad to see somewhat less centralization in the Administration of India, and somewhat more local freedom given to the governors of the minor Presidencies. But that feeling is quite consistent with the

opinion I now maintain, that in all matters which are political or military, the power of the Governor General ought in India to be supreme. Since the days of Hastings, to whatever disadvantages the Indian Administration has been exposed, it has always been free from the evil and danger of a divided authority. If that danger is ever to arise, the division of power can only be between two persons. The only person who can possibly be placed in a position which would render him a rival to the Governor General, is the Commander-in-Chief. In the case of a local army stationed in India, every officer looks up to the Governor General, as the head of the whole local service and the representative of the Crown; but it is obvious that the same feeling will not and cannot exist in an army of the Line which is serving only for a short time in the country, and of which the immediate head is the Commander-in-Chief on the spot, with a limited power of appeal to the Commander-in-Chief at home. With India garrisoned exclusively by officers of the Line, the person first in importance will be the Commander-in-Chief—the Governor General will both in Native eyes and in those of the army, stand only second. I do not want to exaggerate the amount of inconvenience, not to say danger, which will ensue; but the effect, both as regards the relations of the two, the one with the other, and as regards the relations of the Government with the Native Princes and subject population, will be most injurious.

I am not going, at this time, into a consideration of the estimated cost of the change projected. I agree fully in the remarks made by the gentleman to whom my right hon. Friend committed the charge of the inquiry into this subject, that materials are wanting for anything like a minute or correct estimate of that cost. The question principally to be considered under this head is, how far the invaliding of soldiers, with the expense it occasions, will be diminished by a system of more frequent reliefs. That of itself is a proposition not altogether free from doubt. It is distinctly affirmed by medical men, and is, indeed, familiar to every one who has Indian experience, that however men may suffer in the course of years from the Indian climate, still by far the largest and most formidable mortality is that which arises among newly landed troops. I find from one statement that among eight regiments of the Line the proportion of loss

Lord Stanley

was 110 out of 1,000 men in their first year in India. And, of course, the more frequent the reliefs, the more frequently you bring young, raw, unseasoned soldiers into India, the greater will be the mortality from those causes which affect men on their first arrival. The House must not omit to observe, also, that the liability to sickness which affects men who have been long in the country is capable of diminution by prudent sanitary measures, more especially if it shall be found possible to quarter a large number of European troops in the hills. On the other hand, the mortality which falls upon young soldiers from their own imprudence, their ignorance of the climate, their neglect of precautions, cannot, in a proportionate degree, be diminished by artificial means. Then you have further to consider, even assuming that more frequent removals would diminish the mortality of the troops, whether the saving thence arising would compensate for the enormous cost of transport and the practical neutralization of a considerable portion of the army by its being constantly on the passage backwards and forwards. I have touched but lightly on these two last topics, because I fear I must have exhausted the patience of the House in endeavouring to state, (and after all I have done it but imperfectly) the grounds on which I object to the total substitution of the army of the Line for a local force in India. In doing so, I can assure the House I have discharged what is to me a distasteful duty. I would always much rather on Indian questions support the Government than oppose it. I know in this case I am acting against the opinions of many of those whom I deeply respect; but I know the arguments I have laid before you—and the weight of which I feel far more strongly than I have been able to express—I know these arguments do weigh heavily on the minds of those who, from their experience and knowledge of Indian matters, are most competent to form a judgment on the question. I wish only that the subject shall —as I am confident it will—receive a fair, impartial, and deliberate consideration. I am well aware that from the position I have occupied I have been too much mixed up in this question, too long personally interested in it, to approach it at this time with a completely unbiassed mind; and, whatever decision the House may come to, I, for one, will acquiesce in it frankly, knowing from an experience

now extending over a considerable length of time, that upon almost every topic that comes before us, be it what it may, the collective judgment of this House is wiser and sounder than that of any individual Member.

GENERAL PEEL: Having sat with my noble Friend on that Royal Commission to which he alluded, and having been a party to the settlement which he proposed in 1858, I am anxious to take the earliest opportunity afforded me of stating the grounds on which I now come to an entirely different conclusion from that which he has just laid before us. The question before the House is, whether the right hon. Gentleman (Sir C. Wood) shall be permitted to bring in a Bill to repeal so much of the 22 & 23 *Vict.*, c. 27, as enables the Secretary of State for India to raise men for Her Majesty's local European force in India—whether we shall continue to maintain a separate European force for the protection of India, or whether the whole of the European troops in India shall form part of the Queen's general army. This is a question the importance of which it is impossible to exaggerate. It is far too important to be made a party one. By a party question I do not mean of a political kind. I do not think that on either side of the House there is the slightest disposition in that sense to treat this as a party question. What I mean is that we ought not to allow our judgment in this matter to be biassed by any preference we may as officers have for the regular rather than the Indian army, or for the Home as distinguished from the Indian Government. I cannot but think that my noble Friend must naturally, from the position which he formerly filled, be so biassed in his opinion on this question as not to attach the same weight to the evidence of officers of the Royal army as to that of other persons, and no doubt my own opinions are as much biassed by my connection with the Royal army. Such has been the diversity of opinions and such the conflicting arguments for and against the proposition of the Government, that it is not in the least degree surprising that there should be a want of unanimity in the House, and for that reason I shall not quote any of the authorities, for they are all before the House, and the House can form its own judgment upon them. The bare majority and the minority of the Royal Commission came to exactly opposite conclusions. There was an understanding between my noble Friend and myself that, as the question would come before us in our capacity of Members of the Cabinet, we should not express our opinions on the Commission; but, still, as I agreed generally in the views of the majority, and my noble Friend in those of the minority, our voting on the Commission would not have made any difference in the relative proportions of the majority and minority. The majority consisted of five eminent officers of the regular army, and the minority contained the names of four as eminent officers of the Indian army. But the Marquess of Tweedale, Lord Melville, Sir Harry Smith, Sir George Wetherall, though Queen's officers, have served in India for a long time, and have had just as good an opportunity of forming an opinion on this subject as Indian officers. The diversity of opinion arose from viewing the question in reference to the several interests—I will not say prejudices—of India and the Indian army, or the interests or prejudices of England and the Queen's army. It was my duty, as Chairman of the Commission, to put the questions to the witnesses, and in the case of nearly every witness, as soon as ever he declared to which service he belonged, I could pretty well predict what his evidence would be. I perceive, from the papers before the House, that the Report of the Commissioners has been submitted to the political and military Committee of the Indian Council, and that they were unanimous in condemning the Report of the majority of the Commission. But that is no wonder, if you look to the composition of that Committee. Of the five Members of it three had given the strongest possible evidence before the Commission in favour of the views of the minority. Still, even then, when they came to express their own individual opinions, we find there also a majority and minority totally differing from each other. And equally so among those who have held the highest stations and had the best opportunities of forming an opinion on Indian affairs. In fact, names of the highest authority and the largest experience in India, statesmen and soldiers, may be found arrayed on each side of the question, and whichever opinion a man may espouse he will be in no want of authority to back it up.

In the midst of this conflict of evidence it was the duty of Her Majesty's late Government to come to some decision, and it is notorious now that they were in favour of two-fifths of the European army being

local. I, of course, concurred in that view, and it may therefore be asked why I have since changed my opinion, and am now decidedly in favour of an amalgamation of the armies. The events that have since taken place, and the all but mutiny that has occurred in the local European army, are quite a sufficient justification for the change of opinion which has been effected in my opinions and in those of Sir William Mansfield and many other officers. I do not wish to lay too much stress on that mutiny; no doubt at first the Government was to some extent in the wrong; but it is impossible to get over the fact that a correspondence was carried on, that mutinous meetings were held in the barracks, and that even to the last moment none of the non-commissioned officers or old soldiers came forward to inform their officers of what was going on. There are also many other reasons besides the fact of this mutiny which contribute to alter my opinion. So far from the proposal of the Earl of Derby's Government, to have two-fifths of the European army local, meeting the views of those who supported a local army, one of the ablest opponents of the amalgamation, Colonel Durand stated distinctly in one of his latest despatches, that the Indian army would prefer amalgamation rather than that proposal. There is also another circumstance which has greatly tended to alter my views as to a local force. It is quite evident from the large number of the men of the Indian army who accepted their discharge when the opportunity offered, that after ten years' service a great many men will always prefer to accept their discharge. It has not been sufficiently observed that the Limited Enlistment Act puts an end at once to the idea of a local force. It has been suggested by my noble Friend that if you have a local force you can allow men to exchange from one service to another. The men of that force are, I believe, able to do so even now, and at the expiration of ten years it is natural that a man should be anxious to come home again to see his friends, and if at the end of six months he re-enlists he can count his ten years' previous service. Therefore, unless the number of exchanges from one service to the other be equal or almost equal, either the Indian Government or the English Government will be paying pensions for twenty-one years' service of which it has only received ten, or if you divided the pensions between the two Governments according to the length of service you would be giving a man a pension for ten years' service, because he served the other Government afterwards; whereas he would not be entitled to any pension if he left your service at the end of ten years. There are other difficulties of the same kind, which can only be got rid of by having one united army. Of course, in carrying out an amalgamation, you must take care to continue to the officers and men belonging to the present European force all their present advantages of promotion and pensions, and all the advantages which they possess from having subscribed to funds which do not exist in the Queen's service. The right hon. Gentleman has not told us how he proposes to get over these difficulties, and it is the want of these details that constitutes, in my opinion, the weak part of his case.

Subject to being able to get over this, I think the other objections may be easily met. The advocates for a local army oppose the amalgamation on the following grounds. First, they state that the army in India has hitherto supplied officers, not only to perform all military duties, but civil and Staff appointments, and that it cannot be expected that if the army is to consist entirely of regiments whose service in India is to be of comparatively a short date, that officers will be found qualified to fill these appointments, or to look forward to lives spent, and a career in India. Now, in passing, I must beg leave to congratulate the army on this acknowledgment, that notwithstanding all the accusations that have been brought against it of want of education and ability on the part of officers, that they fill these situations much better than any other class of men, and that the security of India depends upon being furnished with a supply of them. Now, I think that there need be no fear on this head. I quite agree with Sir Charles Trevelyan on this point, that if you throw these appointments open to officers of the general army that you will have a great rush of candidates for commissions in regiments in India, and who will qualify themselves to obtain them, and that so far from shutting out men who look to an Indian career, you will afford them far greater facilities for obtaining it than they now possess. A commission is much easier to obtain now than a cadetship, and if the views of His Royal Highness, the Commander-in-Chief,

as stated before the Organization Committee, be carried into effect, they will be open to everybody, without any other test than that of respectability and passing the necessary examinations. Instead of service in India in civil and Staff appointments being confined to the friends and relatives of members of the Council, they will be open to the whole world. Why, even by Lord Canning it is proposed that every cadet should be appointed to, and do service with, a line regiment, and why not better belong to it. I maintain you would have a much larger field to select from, and every candidate for civil and Staff employments in India must have selected that life by his own free will, for I would make any examination for them perfectly voluntary, and unless others sought them they would be still confined to the same old Indian names and families who now possess them. The men selecting this life would, if approved of, and after a certain service with their regiment, be placed upon the Staff list, and their places supplied in their regiment, thus getting rid of the old fatal system of denuding a regiment of all its good officers and leaving only the refuse to do the duties of it. I beg to say that this term "refuse," is not one of my selecting, but that of a distinguished Indian officer, and I think it is only to be justified as a term of comparison between those who have been selected for peculiar merit, and those who, failing in those qualities, have not succeeded in obtaining that which was equally the object of all. Now, this would never apply to the regular army, because there would be a larger portion of the officers who never sought these appointments, and looked to their professional position in preference to any other that might be offered to them.

It has also been said that a local army always secures to India a certain amount of permanent force in India not removable at the desire or caprice of the Home Government. I do not attach the slightest weight to that objection to the proposal before us. The Home Government must always feel the same interest in the welfare of India as they do in that of any other part of the empire. India is represented in the Cabinet by a Secretary of State, and therefore I cannot suppose that we need dread such an interference as would affect the security of that country. But it is a mistake to imagine that the local European force cannot now be removed from India. The fact is, I believe, that it is as liable to be removed as any other portion of the European force now in India. The opinion of the Law Officers of the Crown was taken upon that point and laid before the Royal Commission. It was to the effect that the Native troops could not be removed, but that the local European troops were quite as liable to serve in Persia, for instance, as any other portion of the Royal army. No British Government, as I have said, would ever endanger India by removing a larger number of troops than the Governor General would sanction. Indeed so far from India having any ground of complaint as to the withdrawal of the Queen's troops in times of pressure, India was saved by the exertions made to send Queen's troops in the time of her need. Our colonies and some of our garrisons were even placed in jeopardy by the number of troops withdrawn from them for the purpose of being sent to India. India can be looked upon only as a part of the Empire—a most important one I admit—but still she must be prepared to give as well as receive assistance when the exigencies of the State require it.

Another objection has reference to the consideration of expense. It is properly contended that the amount of force in India should always be regulated by the amount of the Indian revenue; and it was the opinion of a minority of the Royal Commission that the authority of the Secretary of State and the Indian Government with respect to the application of the Indian revenue would be interfered with by having the whole of the force a Royal army. Recollect, however, that the amount of force in India, whether local or regular, must always depend upon the Governor General and the Indian Government. The Home Government has no authority to send a single regiment to India without it being applied for by the Indian Government; but at the same time the latter has the power of decreasing the force there at any time it may think proper by sending regiments home; and that power has sometimes been exercised, to the great disarrangement of the financial Estimates of the Secretary for War. You have an example of it this very year, in the necessity he was under of withdrawing his original Estimates, and substituting revised ones on account of the unexpected arrival of troops from India. I think the Secretary of State has shown that there is not such a difference in point of expense between a local and a regular force as ought to influence the decision of

the House upon this subject. I agree with him that the most efficient force is the cheapest. Why should there be any difference of expense? I am satisfied that sufficient allowance has not been made, in calculating the expense of a local army, for the effect of the limited Enlistment Act. Moreover, if the whole of the army in India were a regular army, I do not see why the scale of allowances made to troops serving in India should not be subject to revision, and placed more on a footing with the allowances granted to troops serving in the Colonies. Of course, the Staff and those who remained there permanently would receive higher allowances, which would be an additional inducement for officers to seek these appointments; but, if regiments are to be relieved oftener than they have hitherto been, I do not see why there should be that great difference in point of expense between troops serving in India and troops serving in the Colonies which now exists. I think, too, that some reduction might be made in the cost of the transport of troops to India, and I hope we may have recommendations from the Committee now sitting which will enable the Indian Government to cut down the expenses under that head. There would also be a saving of the expense of a double Staff; and, upon the whole, I see no reason why, if the proposed change were to be made, you should not have quite as cheap and a more efficient army than you have at present, and that all objection on the score of expense would fall to the ground.

Another objection which, though not prominently brought forward, has, I am afraid, affected the opinions of many in a greater degree—even of those who are not directly interested in it—than any of the objections I have already enumerated, has reference to the transfer of patronage from those who now hold it to the Commander-in-Chief, or, as it is called, the Horse-Guards. Any fear on that score is groundless. I have shown that original appointments would be open to the whole world. The Commander-in-Chief has expressed his willingness to give up all patronage as to original appointments, and the only thing left to him would be the common regimental promotions, in which there is no patronage whatever; they are almost matters of course, and are the subject of fixed regulations. The selection of officers to fill civil or staff appointments in India will, I take it for granted, be left entirely to the Governor General and the Indian authorities. All appointments to commands in India ought to rest with the Governor General, with the exception, perhaps, of those immediately connected with the discipline of an army—such as the posts of Adjutant General and Quartermaster-General. I believe, indeed, that, so far from the patronage or power of the Governor General being at all affected by the proposed change, that great functionary will be placed in a much higher position than that which he now occupies. The only difference will be that you will deprive the Indian Council and the Commander-in-Chief of the patronage of original appointments. But there has arisen a question between the Indian and the British Governments. We have raised, solely on account of India, twenty-six regiments of the line, two regiments of cavalry, and have made great additions to our Artillery and Engineers. We have now an army quite sufficient, in time of peace, to supply India with all the troops she requires; they have been raised entirely for the service; and if the Indian Government does not employ them, I am quite certain you will not consent to the annual addition of at least another million and a-half to the Army Estimates, and that a large portion of these troops will have to be disbanded at great expense to this country. That will be done—for what?—to enable the Indian Government to raise new regiments, and to continue that fatal system which has already so signally failed. A greater act of madness than to disband old regiments for the purpose of raising new ones, cannot be conceived. You now have plenty of men. I will undertake to supply India with all the force she requires without adding a single man to the British army, and at the same time I could maintain a much larger force in this country than we have ever yet had without adding one shilling to the army Estimates. For these reasons I shall not only vote for leave being given to introduce the Bill, but shall give the measure my cordial support in all its stages.

COLONEL SYKES said, he took a much more comprehensive view of this question than was comprised in the mere consideration of class interests, Line or local. What they had to look to was, would this proposal conduce to the good government of India and the satisfaction of the people of that country. His right hon. Friend (Sir Charles Wood) last August brought in

a Bill which empowered him to increase the local force in India from 20,000 to 30,000 men, but the same Minister now came before them with a Bill to abolish that local force. What was the cause of his vacillation? It was that he had now no confidence in the local European troops. But the right hon. Gentleman had formed that new opinion because the local force in India had endeavoured to maintain what they considered to be their rights. For the purpose of placing the matter before the House in its true light, and explaining the cause of the dissatisfaction shown by our troops, he would explain the manner in which soldiers were enlisted for service in India. Every recruit before joining the local force in India had to take two oaths before a magistrate in this country, and he had given to him an attestation paper. The first oath was to serve the Sovereign of this country, the second was to serve the East India Company and the generals placed over them. The recruit was not furnished with a copy of the first oath, but he was furnished with a copy of the second, and he (Colonel Sykes) held in his hand one of these papers. Let the House imagine then the effect of ignorant and uninstructed persons carrying about with them a paper wherein they read that they were bound only to serve the East India Company. That was the general feeling among them, and not only that, but they considered that if the engagements they had entered into were broken they were entitled to enter into new conditions and to have a bounty, or to be sent home. Curiously enough, a question almost identical in its features was raised in 1795. Lord Cornwallis at that time advocated the amalgamation of the local force in India with the troops of the Line, and he wrote this Minute:—

"The condition on which the European non-commissioned officers and soldiers at present in the Company's service have enlisted cannot be altered, and therefore those men who do not choose, upon receiving a new bounty, to re-enlist voluntarily on the usual terms in the King's service, can only be required to perform the engagements in India which they have contracted to perform to the Company, subject to the articles of war, which are in no essential point different from those in the King's service; and after the expiration of those engagements they are to be furnished with passages in the Company's ships to England."

Now the present question having been raised, and the matter having been referred to the law officer of the Government, the Advocate General, it did seem somewhat strange that he and the military Judge Advocate should not have been aware of this Minute, which would have at once set at rest the question of the rights of the men. The men were quite aware of the opinion of Lord Clyde; they also had in their recollection the declaration of the noble Viscount (Viscount Palmerston), "If the troops do not like to be transferred, let them take their discharge." Under these circumstances, when the men found that their application for a bounty was resisted on the part of the Government, it could not be truly said that the men were in a state of mutiny because they asserted what they considered to be their rights. What was the history of the case? The soldiers had presented memorials upon the subject, complaining of what they deemed an injury. Committees sat at the different stations to hear the men's statements, and they were desired to be patient while the matter was under reference to the Government. Several weeks, nay months elapsed before any reply was given, and during that period they behaved with the greatest propriety. The reply came, founded upon the dry technicalities of the law, upon the wording of the first oath, a copy of which had not been given to them, and it told them they had taken an oath of allegiance to the Crown, and were servants of the Crown, and not entitled therefore to any bounty at all, or new conditions of service. Up to that period they had been perfectly obedient, but then they began to say, "We require justice, not law; combination is necessary; there can be no mistake about our rights, and we must have them." That conduct of course constituted mutiny, if it were mutiny for troops to demand what they conceived to be their rights. But was it true that they had all quitted India? Only 10,000 out of some 21,000 returned to this country, and of these great numbers re-enlisted and went out again. His right hon. Friend said that in consequence of the conduct of the men they had shown themselves unworthy of trust for the future, and that they ought to be abolished as local troops, and yet with singular inconsistency, notwithstanding their untrustworthiness, he would make them regiments of the Royal army. Now let the House apply that argument to the troops of the Line. During a former war a Highland regiment, which had since highly distinguished itself, was raised on the express condition that it should not be sent abroad. In course of time, however, troops were

required in the West Indies, and this regiment was ordered to be marched down to Leith for embarkation. But when the men discovered their intended destination they marched through Leith and Edinburgh with their drums beating and colours flying, and took up a position under Arthur's Seat and set the Government at defiance. The Government, in that case, was forced to give way, but it was never contended that on that account the Regiment was to be distrusted for the future, or that the Government were bound to disband the whole of the Highland corps. By parity of reasoning, however, his right hon. Friend (Sir Charles Wood) ought to say, as he did of the soldiers in India, that because those Highlanders had contended for and obtained their rights not only they ought to be disbanded, but all the other Highland Regiments for their loyalty was not to be trusted. Take another instance. The 22nd Royal Regiment, than which none could be more brave or loyal, when stationed at Muttra, complained that they were unable to obtain the arrears of pay due to them, from the defalcations and death of the Paymaster of the Regiment. One fine day the Sergeant Major fell in the Regiment on parade, and the men demanded a settlement of their pay. Major-General Dickson, who commanded the station, was obliged to call out the cavalry and Horse Artillery, and on his requisition the regiment grounded their arms and retired to barracks; but the result was that the men obtained what was due to them, were re-armed, and were finally sent on active service. No man would venture to say that this regiment—since distinguished as Sir Charles Napier's—was not to be trusted on account of this occurrence. The readers of Irish history were aware that the 5th Dragoons in the rebellion of 1799 refused to charge the rebels. [An hon. MEMBER: No! never.] The regiment had been disbanded and was now restored; but was any slur to be cast on the loyalty or gallantry of the present regiment? He could give twenty other instances of a similar kind, but these were quite sufficient to bring his right hon. Friend's argument to what the schoolmen termed the *absurdum*.

The next argument was, that in consequence of the indiscipline of the European troops in India, they were not so efficient as troops of the Line. Lord Clyde, Sir Hugh Rose, and Sir William Mansfield it was found in the blue-books had expressed themselves to this effect. But the local Artillery had long been acknowledged to be equal to any in the world and the colours of the European Regiments were emblazoned with the names of many victories in which the regiments had participated; and with respect to the Native army, Lord Clyde, on taking leave of the 9th Bombay Infantry said, addressing Major Evans, who was in command, he had long desired to have an opportunity of thanking his fine regiment for its soldier-like appearance, with which he could scarcely find words to express his satisfaction. Lord Clyde also expressed his warm acknowledgment to the whole Native army of Bombay for its strict discipline, which he said he had first beheld at Peshawur ten years before, and which had kept steadfast in its allegiance and loyal to the Government when the whole Bengal army, as if seized by a sudden fit of insanity, had withdrawn from their duty. Sir Hugh Rose, in taking leave of the Bombay army, stated that he appreciated fully the position of being in command of a force which occupied so high a military position, while General Mansfield, in assuming the command, said that he was well acquainted with the character and discipline of the Bombay army, as illustrated in many brilliant actions. With those facts before him, he must contend that the conduct of the local European troops and the circumstance of a mutiny having broken out among the Native troops in Bengal furnished no sufficient ground for the proposed extinction of the local troops in India.

Another argument of the right hon. Gentleman was, that it would be impossible to recruit for the local army. No doubt there might be some truth in that objection if the local force were intended to be entirely European, and to consist of 80,000 men. But the European force in India had always hitherto consisted of Line and local regiments, and for the prospective arrangements it was never contemplated that this system should be altered, or that the whole European force should be local. But why should 80,000 men be deemed necessary? In 1857 our European troops in all India consisted of 25,771 men belonging to the Line, and 15,227 belonging to the local army, in other words, of 40,998 men; there were also a few veteran and invalid companies. With that force the authorities contrived to break the neck of the mutiny

and to take Delhi, under the most unexampled circumstances recorded in the annals of military sieges—they managed also to take Lucknow, and to hold their own till reinforcements arrived from England. If they were enabled to do that with 40,000 men, why, in the name of common sense, should 80,000 be thought necessary now when there was not left a Native Prince that could stand against a single English brigade, when there was no longer a fortress before which they could sit down, and when they had disarmed a considerable portion of the Native population? With respect to a local European force there could be no doubt about the completion of the local force of 30,000 men authorized to be raised by the Act of last year, for its strength at that moment was 13,884, besides 3,492, who were on their passage and 1,600 recruits at the depôt. Drafts from the Line would be quite uncalled for.

The right hon. Gentleman stated that while all the officers above the rank of captain objected to the amalgamation, all those who were below that rank were in its favour. He (the gallant Colonel) was at a loss to conceive where the right hon. Gentleman had obtained that information. Since the year 1840 he had given commissions to at least 200 officers of the Indian army, and he had at that moment two sons in that force, subalterns, who had been with their regiments twelve years, and had never sought a staff employment; and he had a tolerably extensive acquaintance with Indian officers, but in the whole course of his experience (with the exception probably of a few lads occasionally who wanted to get back to Europe), he had never heard of the wish stated by his right hon. Friend. The right hon. Gentleman had used the names of Malcolm, of Metcalfe, and of Grant, in support of his view; but he seemed to forget that the opinion which those distinguished men had expressed was given before 1855, before, in fact, Lord Lyveden had obtained for Indian officers equal rank in all parts of the world with those in the Queen's service. Since that time there had been no jealousy between the two services as regarded the question of rank; and the opinions the right hon. Gentleman had quoted were no longer applicable to present circumstances.

There were many other objections to the plan of the Government. In the first place if the amalgamation took place the applications for exchanges would be incessant, and the Indian Government would be put to a large and unnecessary expense in the shape of passage money to officers on their way to India or coming home, which passages were not paid for local officers. Again, the noble Lord (Lord Stanley) had spoken in very strong terms of the disregard of authorities by the right hon. Gentleman (Sir Charles Wood). There were fifteen Councillors of India who had been expressly appointed for their knowledge of that country, and their acquaintance with the habits and manners of the people; but his right hon. Friend, having privately ascertained, one by one, that their opinions were absolutely adverse to his proposition, refused them an opportunity of expressing their opinions in council and collectively in regard to it. There was no document on the table of the House to show what the opinion of the Council really was. If the opinion of such men as Sir John Lawrence, General Vivian, and Sir Frederick Currie, who had passed so many years in India, was not to outweigh that of three or four Royal officers who had been only three or four years in India, he feared the reputation for knowledge and experience of any set of men could be of little value in the estimation of his right hon. Friend. The local force possessed the great advantage of having become acclimatized. A lengthened residence in India generally softened down those asperities and that dislike of a black face or a black skin which new-comers too often felt. They could only hope to hold India by producing a good feeling between the European and the Native soldier, a feeling of which there were happily abundant examples. Thus, on one occasion, when the gallant Sale was shut up in Jellelabad in Affghanistan and provisions ran short, the 35th Native Regiment begged that their share of meat might be given to the 13th Royal Regiment and the artillery with whom they had been brigaded; they said they could do without meat, but Europeans could not; and the 78th Highlanders, when in Persia, used to call the 26th Bombay regiment the Black Cameronians, and treated them as comrades. It generally, however, took Europeans four or five or even six years to become used to the habits of the Natives, and get upon such friendly terms with them. It would be perfectly easy to keep up a local force of 30,000, because a Royal regiment never came home with

out 150 or 200 men volunteering into some other force, because they preferred remaining in the country. He did not touch on the financial part of the question, as some papers were about to be presented to the House bearing upon it; but he believed that the amalgamation would involve an increase of expense amounting to a million sterling. The patronage question had been pooh-poohed by the right hon. Gentleman; but it would require to be well weighed at a later stage of the Bill. Even under the *quasi* independence of the company he had known a commander-in-chief appointed who could not find his way out of the court-room in which he was sworn on account of his defective sight. He had known another who had never mounted a horse after his arrival in India; and a general officer appointed to the Staff who was a valetudinarian, and had the misfortune to lose an army. If such things had happened before, when objections could be raised by a Court of Directors, there was no reason why they should not happen again when there would be no objectors; and it could not be denied that 4,980 new commissions to fill up in the Indian army would be a very pleasant addition to the patronage of the Horse Guards. He would conclude by saying that, giving his right hon. Friend credit for good common sense, he could not help expressing the belief that his convictions were not quite in accordance with his arguments, and if he wished to promote the welfare of our Indian Government and the contentment of the people, he earnestly recommended him not to persevere with his Bill.

Mr. PEACOCKE said, he thought the *primâ facie* evidence in favour of one united army under one head, and guided by one impulse, so manifest that he would not detail the numerous arguments for amalgamation, but would rather endeavour to answer the objections which had been urged by the noble Lord who spoke first in the debate to-night. The noble Lord maintained that additional expense would be entailed on the country by amalgamation. The proposal of the Government was to maintain 80,000 European troops in India. According to Mr. Hammack, whether that army was composed of local troops or Queen's troops, it would only make a difference of £170,000. Against that larger outlay of the Queen's troops was to be put the larger cost of the non-effective portion of the army — a double set of staff officers, and a double college, which would have the effect of impeding business and fostering jealousy, and when the noble Lord said that there were no practical advantages to be gained by the change, he would remind him that Lord Elphinstone declared that the double expenditure upon these objects was the least of the evils they entailed. The noble Lord (Lord Stanley) went on to urge the superior acclimatization which a local force enjoyed, and the hon. and gallant Member who spoke last had also employed a similar argument. He was excessively surprised to hear that argument, for the whole weight of medical authority was the other way. Dr. Martin, the highest medical authority on the subject of Indian climate, stated that there was no such thing as acclimatization, and added "Length of residence in India, so far from conferring any advantage in the way of acclimatization, surely and gradually leads to physical degradation." That was borne out by the statements of Sir Alexander Tulloch. Another argument was that a local Indian force acted as a wholesome check upon the withdrawal of an excessive number of European troops for service at home. He had no fear that the Government of this country, responsible as it was to the Queen and to Parliament, would ever withdraw troops from India except under an emergency, so perilous and imperious that the best interests of India itself would be promoted by it. Our supremacy in India might be as dangerously assailed in the Mediterranean or on the shores of the Solent as on the banks of the Hooghly or in the Carnatic; and if the security of Portsmouth or Malta were menaced, it would be but a poor consolation to know that Calcutta and Madras were safe. He was for these reasons a partisan of the thorough amalgamation of the two armies. The noble Lord had pointed out how India might be made the training school for our troops; and it was indeed desirable that the military experience acquired on the soil of India should be made available for the battle-fields of Europe, and that the experience gained in Europe should likewise be made available in India. They were always pointing to the superior organization of the French army, and, saying with truth, that it was owing in a great measure to the practical training of French soldiers on the plains of Africa, where they received their *baptême de feu.*

Colonel Sykes

India might be made our Algeria, but we declined to avail ourselves of it. The French thought it right, under the pressure of a recent emergency, to transport their Turcos and their Zouaves to the plains of Italy, and he did not see why we should not similarly avail ourselves of the resources of our Empire. India should be our Algeria, but unfortunately we had thought proper to adopt the very opposite system, and with what consequences? Why, when war broke out in Europe, we searched almost in vain for generals who had seen a shot fired in earnest, and for staff officers who had the smallest practical knowledge of their duties. Again, it was undisputed that a superior *esprit de corps* existed in the Queen's army to that which existed in the local force, and this fact, indeed, was acknowledged by the Earl of Ellenborough and Earl Canning. The Earl of Ellenborough acknowledged that the Queen's army had never mutinied; whereas, the Indian army had frequently mutinied, and once to an alarming extent in the year 1806, when some of the officers were believed to have been mixed up in the movement. The mutiny of 1859 was also shared in by the non-commissioned officers. Every hon. Gentleman present was, no doubt, aware of the last mutiny in Bengal, but very few were, probably, aware as to the extent of its organization. Lord Clyde showed that for weeks previously to the breaking out of that mutiny the best mode of effecting a rising was openly discussed in all the cantonments of the local European force. Yet not a voice was raised by the non-commissioned officers to warn the officers of the impending danger. He might be told that the balance of authority of old Indian officers was against the amalgamation. But the House would do well to regard their evidence with suspicion, because Sir Hugh Rose truly affirmed, that a great portion of their opposition arose from self-interest. He said that those officers who had given their opinion in favour of a local corps did not hesitate to admit in private that the present system had led to disorganization; but they added that amalgamation would ruin them, for the Staff appointments would be distributed by the Horse Guards. Hitherto no great inducement had been held out to officers of the Queen's army to acquire the acqusition of the Indian languages; but Lord Elphinstone said that where an inducement had been held out of the most meagre kind, an active competition amongst the officers in the acquirment of these languages had taken place. Great stress had been laid to-night, and naturally, on the despatch of Earl Canning; but he thought that it would be seen that the admissions made in that document very much outweighed the arguments it contained in favour of a local corps. Earl Canning admitted that the European troops in the Company's service were much below those of the Line, and that there was great difficulty in completely training a local European force. He acknowledged that the opinion of high authorities in India was, that it would be difficult to maintain two distinct English armies in India; and that many of the young officers in the Native army in 1859-60 forgot their duty, and committed acts of gross insubordination. Against these admissions, the noble Earl used only this argument—that the officer of the regiments of the Line in India were unwilling to make India the scene of their professional life for any length of time. That argument had been, however, fully answered by Lord Elphinstone, who had shown that no appointments had been open to the Queen's troops; and that they were as willing as officers of the local corps to make India the scene of their labours, when adequate encouragement was held out to them. Whatever was the opinion on the subject of that despatch, he hoped that the doubts and hesitation of Earl Canning would not be allowed to weigh for one moment against the united testimony of the highest military authorities in India; and he trusted that it would be recollected that Lord Clyde, Sir Hugh Rose, and Sir William Mansfield, had emphatically declared that the maintenance of a local European corps in India was not compatible with the existence of our empire in India.

SIR DE LACY EVANS said, he would preface the few remarks he wished to make to the House by observing that this was only the first reading of the Bill, and that if any active opposition were entertained to the measure, the proper course would be to take the debate on this subject on the second reading. He also wished to bear testimony to the very able speech he had listened to from the noble Lord opposite. Had he (Sir De Lacy Evans) consulted his own feeling in the matter, he should not have said a single word on this occasion; but he thought that the subject of India was very little understood in this

country, and that its affairs, though studied with assiduity by a small portion of the community, did not generally meet with the attention which they deserved. He had, therefore, ventured to say a few words, as being a person who could not be supposed to have any personal interest in the decision. He was sorry to see the benches of the House so very empty, and he regretted that even the right hon. and gallant Gentleman (General Peel), who made so gallant a speech just before on this subject, and who was particularly interested in it, not only as having held the office of Secretary at War, but also as Chairman of the great Royal Commission which had considered this question, was no longer in the House. He was sorry that the hon. and gallant Officer had not waited to watch the current of this discussion. But now, one word as to what was called the mutiny of the local European army, which had arisen out of faults on both sides. He called attention to this, because it was alleged to be the cause of the present Bill, which was a very remarkable Bill, and a very unjustifiable one in his opinion, inasmuch as from its peculiar form and nature it prevented the House from fairly considering on a future occasion the whole of the large question which it raised. The measure consisted, indeed, of only one small clause, but it deprived the House of an opportunity of examining the arrangements of the Government, and left them no alternative but to vote for the abolition of a local European force. The records of Parliament furnished no precedent for such a proceeding. It appeared that the five officers of Her Majesty's service who sat upon the Commission all gave their Votes for a Royal army in India; while the four Company's officers and the only Indian civilian who composed the rest of the Commissioners, unanimously gave their Votes in the contrary direction. If that were so, what value attached to the Report of such a Commission? The Commission was not fairly constituted. He had pointed out on a former occasion in what a false position the advisers of the Commander-in-Chief would place his Royal Highness if they induced him to act as one of the Commissioners. His remonstrance had not, however, been attended to, and he now repeated that under a Royal Commission so composed there could not be a fair and impartial investigation of this question. The noble Lord (Lord Stanley) was the only civilian upon the Commission, and he was strongly in favour of a local army. The late Secretary for War was upon the Commission also, and it was hard to place officers in the position of voting against the Minister of War and the Commander-in-Chief.

An easy answer to the speech of the Secretary of State for India was supplied by the statements which that right hon. Gentleman made to the House only last Session, and which were directly the reverse of what he had said on the present occasion. True, the right hon. Gentleman announced in a light and tripping tone that, having given further consideration to the matter, he had come to a different opinion. But when grave and responsible Cabinet Ministers changed their minds so completely on a cardinal question of policy in a few short months, what reliance was to be placed upon their decisions? On the 10th of August last the right hon. Gentleman came down to the House and proposed an augmentation of the local European army to 30,000 men, including the force at home. In 1853 he had proposed a similar augmentation. The right hon. Gentleman's Bill was, therefore, at direct issue with his own conduct and speeches in 1853 and 1859. Last year the right hon. Gentleman wholly denied that what had just happened in the local European army could be fairly described as a "mutiny," and he asserted that the men were under a strong impression that they had justice on their side. And so no doubt they had. For who had produced the so-called mutiny? Why, the noble Viscount at the head of the Government in the first instance, because, speaking with all the authority of a Prime Minister—an authority equal to, if not greater, than that of the Sovereign herself, although, perhaps, that opinion should be uttered with bated breath—the noble Viscount in introducing his Bill for the better government of India in 1858, distinctly declared that if the local European force objected to be transferred to the Crown they would, as a matter of course, have a right to their discharge. That statement reached the ears of the men, and naturally produced a strong impression upon them, and they were further confirmed in their persuasion of the justice of their claim by a report then current in the camps of India, that Lord Clyde and Sir William Mansfield both concurred in the declaration made by the English Premier. The troops were, however, abruptly told that they were to be transferred to the

Crown. They expected either to receive their discharge or a bounty on re-enlistment; but the Indian Government told them they were entitled to neither the one nor the other. When they saw that their comrades in the Queen's army were obtaining bounty upon the transfer of their services to other regiments, the men of the local force thought it most extraordinary that the same trifling advantage should be refused to them. The Indian Government, finding matters growing serious, reported home that the soldiers insisted on having the bounty or their discharge; whereupon the Ministry further complicated affairs, by absurdly referring the question to the law officers of the Crown, and those wise Gentlemen declared that the men had no right to claim either. Still it would appear that the Indian Government again represented the great difficulty in which they were placed, and begged for further orders from home. It would, therefore, seem that, after all, the Indian Government were not so much to blame, they having referred to this country for fresh instructions. It was stated that the Home Government again answered that the men had no right to the bounty, but that the Governor General might deal with their claims as he pleased. If that statement was true, it showed that the real originators of this affair, which was called a mutiny, sat on the Treasury Bench. The Government in India were asked to give these men either a bounty or their discharge, and after having refused both the one and the other they published an order declaring that the men might have their discharge if they pleased; and by the manner in which a portion of these men were sent home, it almost seemed as if the local authorities at Calcutta had some resentment towards them; for the deplorable state in which a large body of them reached Liverpool was well known to the public. These men came home, having been declared unworthy of trust; and, strange to say, yet orders were given to recruiting officers to go on board ship before they had time to land, and, if possible, to re-engage them for the service. Could anything be more completely convincing than this of the inconsistency and impropriety of the Government in reference to this matter?

But, it was said, those great authorities in the army, Lord Clyde, Sir William Mansfield, and Sir Hugh Rose, were in favour of the change now proposed. They were all hon. and gallant officers, no doubt; but he did not think them such supreme and overwhelming authorities on this question as they were represented to be; because he found that they had held their present opinions but for a very short time. They were not long ago of a different opinion, though they had now seen reason to alter their views. When the opinion of Lord Clyde was asked in the first instance, he said it was not the function of the military commander to give an opinion on these matters; that to settle such questions lay with the Government; and that it was his business to execute the orders he received. But he now declared that there was no safety for India, unless the local corps were abolished; and Sir William Mansfield said that the events of the last six months had convinced him that the existence of a local force in India was dangerous to the empire. Now, he maintained that the career and services of these local troops were a sufficient answer to all that could be urged against their conduct during these six months. Putting aside all their former services that stand recorded in history, he would say that their conduct during the extreme emergency of the great mutiny of 1857, proved that they were highly disciplined and most efficient soldiers. It was astonishing that officers in the high position of those to whom he had just referred, should endeavour to cast a stigma on troops that had distinguished themselves on so many fields, from that of Plassy down to the present time. They all remembered the distinguished services performed by a regiment of the local army from Madras, which accompanied General Neil in his expedition against the mutineers. When that regiment went to Calcutta, after performing those services, how were they received by the Governor General and the whole people of Calcutta? Why, there never was a regiment belonging either to the Crown, or to the East India Company, that received so magnificent an ovation; and yet they were now taunted as men unworthy of trust. One would suppose, from what was said by the eminent men to whom he had referred, that the local officers of India had disgraced themselves on almost every occasion in which their services had been required. Who was it, he asked, that founded our Empire in India? A local officer, Lord Clive, who began his career as a writer in the civil service, and afterwards distinguished himself so highly as a soldier. And if he were to single out any

man who more than another saved India during the late mutiny of 1857, he would say it was a local civilian officer, Sir John Lawrence. Again, to refer to one of the best appointments the Government ever made, who was it that in a dire extremity was expressly selected to be the Provisional Government of India, in the event of any accident taking off Earl Canning? It was Sir Henry Lawrence, also a local officer.

But they were told that the local regiments were not so well disciplined as the regiments of the Queen. He had no doubt they did not look quite so smart on parade; but who ever presumed to say that those troops were inferior to those of the Queen on the field of battle? On the contrary, they were in some respects more efficient for Indian warfare; for they had learned on high authority that it was one of the drawbacks to the efficiency of the Queen's regiments that, until they had been a year or so in India, they were seldom able to muster in their full strength; and even when they did, they could not act with the same advantage as the local troops, who had been long accustomed to the climate. He had listened to the charges brought against what he had hitherto considered a distinguished portion of our army with great regret; and he did not think it became some of the officers who had passed those comments, to make them. He was told that the local officers were not fit for high command; but the noble Lord (Lord Stanley) had referred to some very remarkable cases in recent history, which disproved this, and which could not be gainsayed. During the calamitous outbreak that had recently taken place, the local officers, somehow or other, had taken a most prominent position. He feared that if the patronage was to be placed altogether at the disposal of the Horse Guards, they would only have a repetition of those misplaced appointments which had hitherto been so much complained of. He understood that questions had been put before the Commission as to whether or not officers had on critical occasions been selected for high command in India, who were physically unfit for those commands; but that those questions were rejected and treated with disdain by some great authorities on that Commission. It was notorious, however, that officers had been appointed to chief commands in India who, though gallant officers, were physically incapable of discharging their duties; and what were they to expect, if the patronage of the Indian army was altogether placed with the Horse Guards, but an extension of this evil? One general officer said that he was complained of, because he was bad in his legs; but his predecessor was bad in his head. Another, it was notorious, was both deaf and blind. These were the appointments made by that perfection of military administration, the Horse Guards. To the last appointment, which was made by the noble Viscount, he alluded with reluctance, because the officer appointed was a man whom every body liked, who had good natural abilities, and who, if he had had experience, and had devoted his time to military affairs, would have been, he did not doubt, as good an officer as any other. Unfortunately, he doubted whether he had ever commanded a company; certainly he had never done so before an enemy, and yet the noble Lord appointed him to a most important command—that of 320,000 men. How were the interests of the Empire consulted when such appointments as that were made? The right hon. and gallant General (General Peel) had said that it was quite a delusion to doubt the excellence of the mode in which patronage was dispensed by the Horse Guards, and assured the House that that department exercised the most perfect justice and the most perfect wisdom in that respect. If that was the case, undoubtedly they could not do better than increase the patronage of the Horse Guards. Unfortunately, however, the conduct both of the right hon. and gallant General himself and of the present Secretary of State for War was at variance with that statement. They both thought that there was so much confusion and disorder in the proceedings of the Horse Guards and of the War Department that they had successively moved the appointment of a Committee to inquire into the irregularities. If the exercise of patronage by the Horse Guards was so perfect, what necessity was there for the appointment of that Committee? The hon. and gallant General said that the appointments to the cadetships for the whole Indian army would be beautifully managed by the Horse Guards; but before that Committee some most alarming and appalling statements had been made with regard to the exercise of the patronage of that department. It was not Parliamentary to allude to the proceedings of a Committee before its Report was presented to the House; but the right hon. Gentleman

Sir De Lacy Evans

had observed that it would be mere affectation to pretend not to know what had taken place in the Committee; and, therefore, he should follow his example and refer to it.

MR. SPEAKER: The rule of the House is just as the hon. and gallant General himself has stated it. It is not competent to an hon. Member to refer to anything that has taken place before a Committee till its Report has been placed on the table of the House.

SIR DE LACY EVANS said, he would, of course, bow to the decision of the right hon. Gentleman. But before the Bill was read a second time he believed the Report of this Committee would be laid upon the table, and he should then be able to refer to the evidence. He should confine himself to stating that he believed several very remarkable circumstances had been disclosed before the Commission. The patronage of the Horse Guards was immense, and he hoped that the House would consider that for constitutional reasons it ought not to be increased. It was generally thought that some higher influence had been brought to bear to induce the Government to depart from the opinions which they had previously expressed upon this subject; and when he remembered that they only last year introduced a Bill to provide for the augmentation of the Indian forces, and were now asking the House to adopt an entirely opposite course, he could not but be afraid that such had been the case. The arguments of the noble Lord the Member for Lynn had been most satisfactory and most conclusive against the policy Her Majesty's Government seemed determined to adopt; and he would reserve any further remarks which he had to make upon this subject until the House was asked to read the Bill a second time.

CAPTAIN JERVIS complained that the hon. and gallant General the Member for Westminster (Sir De Lacy Evans) had departed from the real question before the House, which was, whether there should be a local army in India, or an amalgamated British army, in order to make an attack upon the Horse Guards. He seemed to think that the measure before them was a result of a job on the part of the Horse Guards, backed up by the Crown, to place in the hands of the former a little more patronage than it at present possessed. Since the right hon. Baronet the Secretary of State for India addressed to the House his clear and able speech upon this subject there had been distributed a despatch of the Earl Canning, dated May 6, 1860, in which that noble Lord stated that rapidly to raise any European army in India and officer it efficiently from the present body of officers, was impossible. The question, then, was, whether we were to create a fresh local army or to raise the British army in India from 66,000 to 80,000 men. There was now no local army in India. In the Bengal local army there was one officer to six European men; in that of Madras one officer to ten Europeans, and in that of Bombay one officer to every twelve Europeans. There were between 4,000 and 5,000 men at present belonging to the local army in India, and in the course of the year 300 men would be sent out to replace thousands who had been disbanded and sent home. It was a fact recognized by every man in India, from the Commander-in-Chief downwards, that that army could not be re-established. If there was one other authority whose opinion ought to command respect in that House more than another, it was Sir Charles Trevelyan, who in one of his Minutes stated that, on the balance of advantages and disadvantages, he preferred the plan of having a Royal army in India to that of re-organizing the local force. The Horse Guards, against which the hon. and gallant General had made so unwarrantable an attack, was nothing more nor less than a number of officers, who were appointed by the Crown to enforce the discipline of the army, and to see that promotion in the service was carried out in an efficient and correct manner. There was great misapprehension in the public mind as to the extent to which the powers of the Commander-in-Chief would be increased by transferring the local European troops to the regular army. A Commission which sat in 1837, upon which were some of the most distinguished Members of the House, had shown that the Commander-in-Chief was responsible for the efficiency of the army, but the Secretary of State was responsible to the Crown and the country for the expenditure. It was shown that if the Commander-in-Chief wanted to remove a corporal's guard from one place to another the order must have the sanction of the Secretary of State. He (Captain Jervis) did not believe that there was any jealousy between the local force and Her Majesty's army, and he could not understand how the amalgamation of a few thousand men

could injure the Government of the country.

Leave given.

Question put, and *agreed to.*

Bill *ordered* to be brought in by Sir CHARLES WOOD, Mr. Secretary HERBERT, and Mr. BARING.

Bill *presented*, and read 1°.

INLAND BONDING BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 5 inclusive *agreed to.*

Clause 6 (Manchester Rates to be paid in lieu of existing charges).

SIR HENRY WILLOUGHBY complained of the absence of precise information as to the meaning of this clause. He wanted to know what was the nature of the power given by this clause to the Town Council of Manchester over the rates. He only received a copy of the Bill that day, and had not, therefore, time to consider its provisions.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member must have been particulary unfortunate in not receiving a copy of the Bill before the time he stated, since it was distributed the day previous. He quite agreed that unless the circumstances were urgent, or there was an universal assent on the part of the House, nothing could be more improper than to read a Bill a second time before it was printed. The nature of the arrangement to which the clause referred was this. The City of Manchester at present enjoyed powers of inland bonding under a Local Act passed twelve or fifteen years ago. Under the arrangement made by the House in the Customs Tariff Act, a certain additional fee was chargeable on goods in warehouses when they had been delivered to places not now enjoying the privilege of inland bonding. Manchester would, therefore, only have to pay this additional fee; and that fee formed a much smaller burden than the whole expense of the customs establishment, which the City had hitherto borne. In fact the object of the clause was to give to Manchester an opportunity of getting rid of the obligation to pay the whole expense of the Customs establishment, by placing itself on the same footing as other towns. But parties representing the sentiments of Manchester had said that as that City entirely agreed with the ob ject in view, it would be better to enact at once that Manchester should be liable to this additional fee, and relieved from the charges of its own establishment.

MR. HENLEY said, he fully concurred in the principle of placing Manchester upon the equality alluded to, but it was important to ascertain the nature of the Local Act of Manchester in order that they might know whether that City obtained any peculiar advantages uuder it.

THE CHANCELLOR OF THE EXCHEQUER said, it was true the Local Act contained various other provisions; but they were rather complex than necessary, and were intended merely to adjust the system under which the rates should be collected in the Customs establishment. The effect of the clause would be to leave Manchester, as regarded the public, precisely on the same footing as the other inland places which had bonding.

MR. HENLEY said, that much depended on what meaning was placed on the word "public" by the right hon. Gentleman. He should like to know whether it would make any difference as between Manchester and the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER said, he believed Manchester would not obtain any such advantage.

MR. BAZLEY remarked that the Local Act had affected Manchester rather disadvantageously than otherwise, but under the present Bill Manchester, Leeds, Sheffield, and other places, would be placed upon precisely the same footing.

Clause *agreed to.*

Remaining clauses *agreed to.*

House resumed.

Bill *reported:* as amended, to be considered *To-morrow.*

CALEDONIAN AND CRINAN CANALS BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. FINLAY suggested that the third reading should be deferred for a few days in order that an opportunity might be afforded for the introduction of a clause which would prevent the letting of the canals to parties who were not prepared to use them for the accommodation of the public.

MR. W. WILLIAMS moved that it be read a third time that day three months. Nearly £1,400,000 had already been spent

on the canal without any adequate return. Some time ago a Committee sat on the subject, and the majority consisting chiefly of Members, having an interest in that part of the country and the canal, recommended that it should be transferred to any one who would take the management of it, but nobody could be found bold enough. In no one year had it ever produced as much as had been expended on it; in the last year, for which a return had been made, the tolls and dues amounted to £5,080, while £6,951 had been spent on it in the same time. Yet this Bill proposed to raise £20,000 more from the Loan Commission. It was a perfect waste of public money. Some years ago, after it had cost £1,300,000, it had been offered as a gift to any one who would take it, and no person was found to avail himself of that offer. It had been made the subject of not less than 17 Acts of Parliament, and he regarded the whole proceedings connected with its construction or its repair as the grossest job that had in his time been perpetrated. If the Commissioners granted this money they might as well throw it away.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words "upon this day three months."

THE CHANCELLOR OF THE EXCHEQUER said, this was the first time that an effort was made to relieve the public from the drain of money to which it had been subject from year to year, in respect of those canals; and it was extraordinary that, under such circumstances, they should receive such a blow from the hon. Member. No one could doubt that this Bill was conceived in the interest of the public, it being the opinion of the Commissioners that the public should be relieved from a regular standing demand on account of those canals, and yet when an effort was made to give the public relief, his hon. Friend was the man of all others to stand up to intercept the Bill. The hon. Member spoke of this measure as if it were a grant of public money, but though, undoubtedly, power to lend a certain sum on adequate security was given to the Exchequer Loan Commissioners, it could not be in any way considered as a grant. It was the duty of the Commissioners to satisfy themselves as to the solvency of the undertaking to which the advance was made, and he knew no body of men in whom the House of Commons could more safely repose confidence than in the Exchequer Loan Commissioners. He was not aware of a single important instance in which they were chargeable with an error in discretion, and the Committee might rest assured that they would not make any advance without ample security to the public both for principal and interest.

COLONEL FRENCH said, the working of the Crinan canal from the time it had passed from the hands of the Campbell family into those of the Exchequer had entailed a considerable loss. It was unquestionably the duty of the Commissioners not to make loans upon any but valuable security, but it must be equally the duty of the Government, and peculiarly of the Chancellor of the Exchequer, not to grant power to make loans to concerns which had never paid their working expenses.

LORD JOHN MANNERS said, he did not intend to enter at large into the merits of the Bill, but after the statement of the Chancellor of the Exchequer that there probably was not a single instance in which the Exchequer loan Commission had advanced money to an undertaking of doubtful utility, he (Lord J. Manners) should like to know whether the Chancellor of the Exchequer thought the advances to the Thames Tunnel Company justified such a statement. He (Lord J. Manners) doubted whether that undertaking afforded any great security, and therefore he could not place implicit reliance in the statement of the right hon. Gentleman, that the Exchequer Loan Commissioners never made advances to any undertakings that had not a reasonable prospect of success.

MR. LAING said, there was a wide difference between cases in which advances had been made in compliance with the direct orders of Parliament, in furtherance of acts of public policy, and those in which the Commissioners, acting on their discretion, were satisfied that the security for the loan was ample. This was not a compulsory, but a discretionary clause, and he would appeal to the hon. Member for Lambeth (Mr. Williams) in the name of that virtue of economy of which he was so stanch an admirer, not to oppose the Bill. The result of his Amendment, if carried, would either be to cause this work to crumble to pieces the monument of a national mistake, or else it would be necessary to apply to the Treasury year after year for grants to meet the current expenses. It was estimated that the in-

creased tolls would not only pay the working charges but leave a sufficient margin.

SIR HENRY WILLOUGHBY said, that the Caledonian canal was made at a time when it was believed that it would be an advantage in periods of war, but from the moment of its construction up to the present it had been a tax upon the country. If the Bill were thrown out an annual expenditure would be required, but as it afforded them a fair prospect of getting rid of that constantly recurring expense, he hoped that it would be allowed to pass.

MR. STEUART said, he thought the passing of the measure would save the country expense, and hoped the hon. Gentleman would not insist upon a division.

MR. CAIRD denied that the Scotch Members had any interest in the canal, and said that unless it could be shown that its maintenance was a national object, no penny of the public money should be voted in its support. The tolls which were already charged were considered too high, and if the effect of the Bill would be to make them higher it would be better if it were withdrawn.

MR. LONGFIELD said, that if the hon. Member pressed this question to a division he should conscientiously vote with him. The security offered was not of the kind that any prudent man would advance money upon.

MR. DEEDES was inclined to give his support to the third reading of the Bill.

MR. HENLEY said, that the canal was continually swallowing money, and he never heard that it had been of use to any one. It was now proposed to increase the tolls, although the result of modern experience showed that by reducing them more money was got. The nimble ninepence was better than the slow shilling. Still if the Chancellor of the Exchequer could assure the House that he believed the outlay of the money to be borrowed to promote the undertaking would be so usefully expended that the increased traffic would repay the expenditure he should have no objection to vote for the Bill.

MR. BUCHANAN supported the Bill, and urged that the maintenance of the canal was of national interest and importance.

VISCOUNT PALMERSTON said, he hoped the House would assent to the Bill, as the best mode avoiding those demands on the public resources which had hitherto arisen in connection with the canal in question. That canal might not be so useful as it was supposed it would be when it was constructed, but it would be, he thought bad policy to refuse to pass a measure which, by levying toll on those who used the canal, would afford some prospect of maintaining the necessary communication, without at the same time applying to Parliament for grants of public money for the purpose. Those who professed to be the guardians of the public purse ought not to object to a Bill the object of which was to protect that purse.

MR. SPOONER said, he wished to have an answer to the question put by his right hon. Friend, the Member for Oxfordshire (Mr. Henley), because both his vote and the vote of his right Friend depended upon that answer. He wished to know whether it was absolutely necessary to keep these canals. Could they not be given up?

THE CHANCELLOR OF THE EXCHEQUER stated that he believed an increased toll would, judiciously applied, afford the sole chance of materially improving the revenue of the canal, so as to relieve the public from an annual charge on its account. The contemplated expenditure would, in his opinion, prove to be of a remunerative character, and tend to improve the general resources of the canal.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 98; Noes 47: Majority 51.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

ROMAN CATHOLIC CHARITIES BILL.—CONSIDERATION.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question (18th June), "That the Bill be now taken into consideration."

Question again proposed.

Debate *resumed*.

MR. NEWDEGATE said, he wished to ask the right hon. Gentleman, the Secretary of State for the Home Department, if he had any information as to the fulfilment of an understanding made the other night that the Bill should not be proceeded with, until there was a fair opportunity for a full discussion, and until the Attorney General was present to give explanations as to the various Amendments introduced into the Bill. It was hardly possible to proceed with a subject of such magnitude at that hour; but he should wish to know from the Attorney General when the opportunity would be afforded?

THE ATTORNEY GENERAL said, he was happy to have an opportunity of stating to the House the nature of the measure before them, and the Amendments which we had thought right to make in it. In order to render the subject intelligible he might remind the House that when the general Charity Bill was passed in 1853, giving the Commissioners a summary power, of making inquiry into the administration of charitable estates, it was thought wise to exempt the Roman Catholic charities from the operation of that statute. The reason was that anterior to the passing of the statute of William IV., Roman Catholic charities were, from the then state of the law, generally invalid, and it was accordingly requisite for the Roman Catholics, in order to give effect to any charity connected with their religion, to make secret and clandestine arrangements for that purpose, and to rely upon the honour of individuals, to whom they committed the trust, in order not to infringe the Statute of Mortmain. Therefore, it was not thought just that these charities should be subjected to the inquisition of the Commissioners. It was, however, thought requisite that some measure should be introduced for the purpose of giving an opportunity to Roman Catholics of placing their charities on the same footing with those of Protestant Dissenters, and so to arrange them as to admit of their being brought within the operation of the general law. A Bill was accordingly introduced for that purpose by the hon. and learned Member for Dundalk (Mr. Bowyer). Upon examining that Bill it appeared to him (the Attorney General) necessary that some alterations and additions should be made, and he proposed now to explain the effect and operation of the various provisions of the Bill in its present form. The first clause was one which required the careful attention of the House. The enactment of the first section was that a good charitable use should not be tainted and rendered invalid by its being connected with a superstitious use. He considered that those uses which were pronounced by the statute of Edward VI. to be superstitious still retained that character, and were consequently illegal and void. The present state of the law was, that if there was a gift to a good charity, but so mixed up with a superstitious use that what was given to the one could not be distinguished from that which was given to the other—if the superstitious were inseparably connected with the valid use, the result was that the superstitious use voided the good charity, and the whole of the property became forfeited to the Crown. But that seemed to be unreasonable and unjust. Therefore the object of the first clause in the Bill was to alter that state of the law, and to render the good use valid and free from objection, notwithstanding its connection with the superstitious use. But no validity was given to the superstitious use, which remained bad as before. It should be carefully observed that the first section saved only gifts for charities relating to the Roman Catholic religion, and that word "charity" was carefully explained by the interpretation clause to mean such charities only as would be perfectly good and valid under the General Charitable Act of 1853. The first section, therefore, might be read thus —"That no gift for any good and valid charity should be made void and invalid, simply by reason of there being some direction touching prayers for the dead, or observances of Roman Catholic ceremonies usual in the ordinary mode of performing Divine worship in the Roman Catholic Church." There was then no foundation for the apprehension which some hon. Members seemed to entertain that the effect of the measure would be to encourage and render valid superstitious uses. He was perfectly sure in his own mind that such an apprehension was totally without foundation. The second section had the effect of preserving Roman Catholic charities, with regard to their administration, prior to the 2nd and 3rd William IV., from any investigation in a court of justice, save only so far as there might have been any fraudulent misappropriation of property. The reason was that almost every Roman Catholic charity having been originally constituted by reason of the former state of the law, so as to produce a reprehensible state of things, it was not thought just to leave those charities exposed to legal proceedings when their condition had been produced solely by previous legislation. The third section imposed on all existing Roman Catholic charities which were constituted by deed the obligation of enrolling those deeds within a twelvemonth after the passing of the Act. By the Statute of Mortmain persons creating a charity by deed, which conveyed any real estate for the purposes of the charity, were com-

pelled to enrol that deed, and, if not enrolled, it became null and void. Accordingly, the same provision was henceforth to be made applicable to Roman Catholic charities which were constituted by existing deeds, the object being to give them the power of publishing the nature of the charity, and an opportunity for investigation by the Commissioners, and in this way to make them generally amenable to the law. But the section had an additional provision. Many Roman Catholic charities not having been constituted, for reasons already stated, by deed, this section threw upon the trustees of the charity the obligation to verify by a statement in writing the mode of the administration of the charity during the last twenty years, and to enrol that declaration in lieu of the deed. The great object of this provision was to give notoriety to the constitution and present establishment, condition, and administration of all Roman Catholic charities. The 4th section merely threw upon the charity the expense of complying with the obligations of the measure. The 5th section was the interpretation clause. The 6th section introduced, with regard to Roman Catholic charities, a rule of law which had already been established by the case commonly known as Lady Hewley's case. In many religious charities there had been in the absence of a written settlement a great fluctuation in their administration, in consequence of the variance from time to time of religious tenets, and it was determined that where there had been a settled custom for a period of twenty years, that uniform administration for such a period should be accepted as the final manifestation and proof of the nature of the trust affecting the charity property. Accordingly, such a rule being more immediately required in the case of Roman Catholic charities for the reason already stated—that they were depending rather on the honour of the trustees than on any legal obligation, and were therefore necessarily subject to fluctuations in their administration — this enactment was introduced. The remaining section prevented the Act from having a retrospective operation. This was the sum total of the enactments contained in the Bill. The only alteration of law which might be considered as a relief extended to Roman Catholics was the taking away of that very unjust, and, as he thought, very severe enactment, which made the presence of any superstitious use sufficient to invalidate the gift with which it was connected, remembering always, that under that word superstitious use was included by the law things which were of daily occurrence in the ordinary exercise of Roman Catholic worship, such as the saying of prayers for the dead, and not only the performance of mass, but the ordinary burning of lights, candles, and so forth, all of which were still regarded as superstitious uses. To that extent the first section gave relief. The rest of the Bill was directed to the laudable purpose of bringing forth to light all existing Roman Catholic Charities, under the penalty of being made void if not duly brought to light and registered. They were all now to be brought under the ordinary jurisdiction of the Charity Commissioners, and were to be placed in that respect on the same footing and made subject to the same obligation, and if not brought under the Act, to incur the same penalties as at present affected other charities. That was the total of the Bill. It seemed to him to be a measure which it was desirable should be passed, on the ground that it was just to put these charities on a footing that would render them amenable to the general law, and that that should no longer continue in the anomalous position in which they at present stood. The principle was fully recognized by the House when they passed the Act of 1853; and he trusted the House would be of opinion that the object had been attained by the provisions of the Bill before them.

MR. NEWDEGATE said, he rose to move an Amendment, when

MR. SPEAKER said, the hon. Member had already spoken.

MR. NEWDEGATE: I rose on a question of order.

MR. SPEAKER: The hon. Member cannot again be heard. It was after I had put the question that the speech of the hon. Member was made.

MR. HENLEY said, he would make the Motion which his hon. Friend had lost the opportunity of making. The statement of the Attorney General with regard to the operation of the first clause was so important that the Bill required serious consideration from the House, and he would, therefore, move that it be recommitted.

Amendment proposed, "To leave out the words 'now taken into consideration,' in order to add the word 'recommitted,'—instead thereof.

The Attorney General

MR. BOWYER said, he had no objection to the recommittal of the Bill, and would therefore second the Motion.

MR. NEWDEGATE said, he wished to observe that a great number of hon. Members who took an interest in the matter had gone away upon the understanding that another day would be especially appointed for the recommittal of the Bill. at an hour when it was reasonable to expect a full attendance. Almost all the proceedings on the Bill had been taken behind the back of the House, and he trusted it would not be proceeded with in the absence of many hon. Members who desired to discuss the question.

SIR GEORGE LEWIS said, he hoped that no obstruction would be offered to the House going into Committee. He did not know to whom the hon. Member alluded as being absent, but he (Mr. Newdegate) was present, and all would admit that on that question he was a host in himself.

Question, "That the words proposed to be left out stand part of the Question?"

Put, and *negatived.*

Word *added.*

Main Question, as amended, put, and *agreed to.*

Bill *re-committed.*

(In the Committee.)

Clause 1, (Roman Catholic Charities not to be avoided on account of certain trusts.)

MR. HENLEY said, he wished to ask the Attorney General whether the words of the clause did not go somewhat further than he had stated. He understood the hon. and learned Gentleman to say that it only went to this—that any bequest which was for the purpose of procuring prayers for the souls of those who had departed, or any other religious ceremony, was not to be held to be superstitious. The words were "Any trust condition or request in conformity with the doctrine, discipline, canons, laws, or usages of the Roman Catholic Church." It seemed to him that that was setting up, by law, all the canons, all the discipline, and usage of the Romish Church wholesale.

THE ATTORNEY GENERAL said, the true meaning of the clause was, that no gift for any valid or legal charitable purpose should be or deemed to be invalid or void, by reason of its having any trust, condition, or request for procuring prayers for the soul of the donor, or any trust, condition, or request in conformity with the doctrine, discipline, and so forth of the Roman Catholic Church attached thereto. No gift for any charitable purpose would fail of taking effect by reason of there being attached to it some direction connected with the Roman Catholic Church, which direction the law held to be superstitious. In Shelford's work on *Mortmain,* in the chapter on Superstitious Uses, there was a passage pointing out the state of the law, which he thought unjust, and which was intended to be remedied by this enactment. The state of the law seemed to be this: where a charitable use was intermixed with a superstitious use so that they could be distinguished, the King was entitled to so much only as was given for the superstitious use; but where the gifts to the good use and to the superstitious use were so mixed up together that nothing separate was limited to the good use, and nothing separate or distinct was limited to the superstitious use—in such cases the intermixture of the bad use with the good use infected the whole. The case in which that doctrine was applied was the case of a gift for a charity school, the bequest containing a provision that the priest who presided over it should sing masses for the soul of the founder, and perform some other Roman Catholic religious duties which the law held to be superstitious. It was held that it was impossible to determine how much money was given to the school and how much for the superstitious uses, and the whole was, therefore, bad. Surely that was not just, and that was the only state of things which this particular enactment was intended to remedy and redress. The clause enacted that no gift should be deemed invalid by reason of there being attached to it some direction which the law deemed superstitious. But the gift to the superstitious use would still remain invalid and void, and be forfeited to the Crown.

MR. ADDERLEY said, if the clause did no more than the Attorney General said it did there could be no reasonable objection to it; but he suspected it went a great deal further. He wished to ask, Whether, if property were left for a good use in one part of the country, and a bad use in a distant place, both would not be legalized?

THE ATTORNEY GENERAL said, the enactment would leave the superstitious use in a distant place still amenable to the law and absolutely void. The present state of the law, by reason of the identity of trust, made the whole thing bad. If one entire thing was given to a bad pur-

pose and a good purpose, and no room was left to discriminate how much was intended to the bad, and how much to the good, the bad infected the whole, and the whole gift would be invalid. Surely that was wrong; and that was what the present Bill was intended to redress. Supposing a gift for the education of Roman Catholic children in Warwickshire, coupled with a gift for masses to be said, or an image of the Virgin to be erected in a chapel in Northumberland, the superstitious use itself would still continue to be wholly invalid, and would be amenable to the existing law. He admitted, with regard to a former Bill, that he had desired that whatever was given to a superstitious use should be applied in augmentation of the legal use. He should have desired to do that now, but he found it was not acceptable to the Roman Catholic Members. If they were content with the law relating to superstitious uses, and only desired to modify it, he (the Attorney General) had no right to force a general repeal upon them, permitting them to apply to a good charitable use what had been given to a bad.

Mr. WALPOLE remarked that if the Attorney General himself had drawn the clause under consideration, there would have been no discussion about it, for he might say that they all assented entirely to the proposition which his hon. and learned Friend had laid down. The difficulty arose, not from what he had said, but because the clause did not say what he had said. If his hon. and learned Friend would apply his mind to the subject, and so amend the clause as to carry into effect that laudable object which he had in view, he (Mr. Walpole) would undertake that there would be no further difficulty. The clause as it stood placed the Roman Catholic charities in a different position from other charities.

Mr. NEWDEGATE said, that he held in his hand an opinion from a legal authority for whom he had great respect; and this opinion confirmed what he himself thought, and this was, that the clause under discussion would give effect to endowments of Roman Catholic institutions of all kinds, provided that they were in conformity with the laws, canons, and usages of the Church of Rome. The Committee and the House would, therefore, if they passed the clause declare valid certain institutions which by the Act of 1829 were prohibited; and they would incorporate with the law of England the whole canon law of the Church of Rome. These were serious things to be done by a single clause. And who was to interpret the canon law of the Church of Rome; for they would be told, as the Courts of this country had been told, in several well-known cases, that they were incompetent to interpret the canon law of the Church of Rome; the Court of Chancery would thus be driven to accept as indisputable all such authoritative *dicta* as the Pope might think fit to enunciate, or which might be declared consistent with the canon law of Rome by those whom the Court of Rome might think fit to appoint, and according to those *dicta* to validate institutions that by law were illegal, for the exception as to superstitious uses would scarcely touch many of these Institutions, which were on other grounds illegal. He thought, therefore, that the Bill, by inference rather than by direct enactment, would contravene the great compact under which Roman Catholics were admitted to sit in that House. He warned the Committee not to adopt legislation directly in favour of the Jesuits and of other regular orders connected with the Church of Rome, who throughout Europe were the great originators of oppression, recognized and treated as such, and who had been deemed deserving of being expelled from every country in Europe. [An hon. Member: Hear, hear!] He supposed that the hon. Member rejoiced at that circumstance. The existence of the orders to which he had referred was inconsistent with true freedom, and had been found inconsistent with the preservation of peace and social order in countries where there were Protestants as well as Roman Catholics. He objected, therefore to this clause, as being in contravention of the Act of 1829, and as tending directly to legally establish in this free country those orders which, especially the Jesuits, had been expelled from time to time by every nation of Europe, whether Roman Catholic or Protestant, and this has taken place among countries which value or are seeking constitutional freedom, the instances reach to the present day.

Mr. AYRTON said, he thought the best plan would be to report progress, as no one seemed to understand the clause. The Courts of Chancery sometimes complained that Acts of Parliament were passed in terms of great obscurity, and therefore in such a matter he thought the greatest care

should be taken to express the intention of the Legislature clearly and unmistakeably. The more he looked at the clause the less he understood it; and he therefore hoped the Attorney General would undertake to amend it, and let it be considered again on a future occasion.

MR. MONSELL said, that the result of postponing the measure from night to night, would be that the Government would be compelled at the end of the Session, as they had done before, to pass a Continuance Bill for exemption from penalties. The measure was a very moderate one indeed. It did not cure superstitious uses, but merely provided that money left for a good use should not be confiscated when mixed up with a superstitious use. That was very scant justice, when it was remembered that the objects of these superstitious uses were intimately connected with a religion which was tolerated in this country, and professed by so many of our Roman Catholic fellow-subjects. He trusted the Committee would proceed with the clause.

MR. E. P. BOUVERIE said, the clause undoubtedly was open to different interpretations, and he, therefore, thought that it should say simply what the Attorney General said it ought to say. To render it clear it seemed to require some such proviso as the following, "that no such last-mentioned trust, condition, or bequest, shall be hereby rendered valid or legal." He hoped that they would be able to avoid the necessity of a continuance Bill.

MR. PULLER said, he should propose in Clause 1, line 15, to insert the words "or have been" with a view of giving the clause a retrospective operation, to a certain extent.

MR. NEWDEGATE said, it was evident that hon. Members were not prepared to deal with the Question. He, therefore, would move that the Chairman should report progress.

MR. BOWYER said, it must be clear to the Committee that the object of the hon. Member for North Warwickshire (Mr. Newdegate) was delay and nothing but delay. On the 4th of the next month the Act suspending the operations of the Charity Commissioners as regarded Roman Catholic Charities would expire, and there was therefore no time to lose. The Bill was one to amend the law relating to Charities; and it legalised nothing except what were charities within the Charitable Trusts Act of 1853; it left the question of superstitious uses entirely untouched. The clause had been framed by Mr. Stonor with great care, and he did not think it could be improved.

LORD JOHN MANNERS said, that there appeared to be no great difference of opinion with regard to the object to be accomplished; but, as the phraseology of the clause was unsatisfactory to many hon. Members, he would suggest that the consideration of it should be postponed, and that the Attorney General should bring up upon the Report another clause carrying out the views on which all were agreed.

MR. WHALLEY said, he differed from the hon. and learned Member for Dundalk as to the meaning of the clause, and he did not think it prudent to raise in that House a discussion respecting (to use the language of the clause) "the doctrine, discipline, canons, laws, and usages of the Roman Catholic Church." He saw no reason why there should be a special exemption of Roman Catholic Charities from the general law respecting charities.

MR. SPOONER denied that his hon. Colleague (Mr. Newdegate) was anxious to delay the Bill beyond the time which might be necessary for the Attorney General to render the clause clearly expressive of the views of the Committee. Last year a Bill was brought in by the Government which entirely expressed those views, and he wished that it could be now proceeded with. That Bill provided that when charities were left for illegal and superstitious purposes the intention of the founders should be carried out by the Ecclesiastical Commission, as far as might be, divested of the illegalities.

THE ATTORNEY GENERAL said, he would endeavour to shape the clause into a simpler form of words.

MR. BUTT suggested that the clause should be passed, subject to such modification which could be made on the Report. He thought the clause did not go far enough. He—Protestant as he was, and he called himself a strong Protestant—was prepared to sweep away all the restrictions connected with superstitious uses, and even to say that a gentleman might leave his property even for masses for the repose of his soul.

SIR GEORGE LEWIS suggested that, as the Attorney General had proposed to modify the clause on the Report, it should be postponed, in order that the remainder of the clauses might be now passed through Committee.

MR. NEWDEGATE denied that he wished to delay the Bill. He had repeatedly urged that the Bill should be proceeded with. All that he had insisted on was that it should not be passed behind the back of the House. He begged to withdraw his Amendment.

MR. WHALLEY said, the law of the land had interfered to prevent Roman Catholics tying up in mortmain their property which might be devoted to useful purposes; but he again objected to the exception to the general law sought to be introduced by the Bill with regard to the doctrines, discipline, canons, laws, and usages of the Roman Catholic religion.

Motion for reporting Progress and the Amendment, by leave, *withdrawn*.

Clause *negatived*.

Clause 2 (no proceedings to be instituted as to dealings with Roman Catholic Charities prior to 2 & 3 *Will.* IV., c. 115).

MR. NEWDEGATE said, he wished to ask whether this clause would not prevent all question or inquiry into the application of a charity to any purpose anterior to the Toleration Act, unless fraud could be proved. If so, it might be held to sanction the endowment of religious orders.

THE ATTORNEY GENERAL, in reply, explained that the clause would exempt from investigation every application of property given to a Roman Catholic charity, even though it was given to one charity and applied to another, save and except the application was to a private use, or, in other words, a fraudulent application, which would render it liable to the full operation of the law.

MR. HENLEY asked why a fraud should be protected when committed for a public purpose any more than for a private purpose?

THE ATTORNEY GENERAL said, that when all Roman Catholic charities were illegal they were sometimes applied to a charitable purpose, though not that originally intended. The object of the clause was that they should not pry too closely into such application, provided only it was for a charitable purpose.

SIR FRANCIS GOLDSMID said, he wished to insert, after the word "religion," the words "which took place."

Amendment proposed, in page 2, line 3, after the word "religion," to insert the words "which took place.'

Question proposed, "That those words be there inserted."

MR NEWDEGATE said, he would move that the Chairman be ordered to report progress.

SIR GEORGE LEWIS said, he thought that after the first clause had been postponed there could be no objection to passing the second clause before reporting progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 14; Noes 66: Majority 52.

Original Question put, and *agreed to*.

MR. STEUART said, it was impossible to ascertain the exact meaning of the Amendments proposed, and it would, therefore, be better to report progress at once.

MR. ADDERLEY opposed the Motion.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 16; Noes 50; Majority 34.

MR. ADDERLEY said, the effect of the clause would be to exempt Roman Catholic charities from any proceedings whatever. He thought that any fraudulent misapplication of a charity to any private purpose, whether to or by a trustee, ought to be subject to proceedings, and he should propose to insert the words "to any private use or purpose."

THE ATTORNEY GENERAL suggested that the right hon. Gentleman should alter his Amendment so as to read "to any private use or purposes not being charitable."

MR. ADDERLEY accepted the suggestion of the hon. and learned Gentleman.

Amendment proposed,

"In page 2, lines 8, to leave out the words 'to the private use or purposes of any trustee,' in order to insert the words 'any private use or purpose not being charitable.'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. WHALLEY proposed that, as so little advance was being made, the Chairman should be ordered to report progress.

LORD JOHN MANNERS hoped the discussion on this clause would be continued.

Whereupon Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 9; Noes 47: Majority 38.

Motion made, and Question proposed,

"That the Clause, as amended, stand part of the Bill."

MR. NEWDEGATE said, a settlement of this question might be very desirable, but the House ought not to be forced to accept such a crude settlement as was offered by this Bill. The Attorney General had declared that it was the result of a compromise, and that it was not such a measure as he himself would have sanctioned.

LORD LOVAINE opposed the Motion for reporting progress.

MR. WHALLEY said, it was rather inconsistent for Roman Catholic Members to object to the House considering the doctrines and usages of the Church of Rome when legislating for Roman Catholic charities. The hon. Member for North Warwickshire had informed the House that the doctrines and usages of the Church of Rome had proved the scourge of many of the countries of Europe.

MR. BOWYER said, he rose to order. The hon. Member was not justified in using language offensive to Members of that House.

MR. NEWDEGATE explained, that the hon. Member had attributed to him language he had not used. What he had said was, that there were religious orders of the Roman Catholic Church which had occasioned many of the civil and political convulsions of Europe.

MR. WHALLEY (who spoke amid frequent interruptions) said, he would call on Roman Catholics to state the grounds on which they wished for an exceptional law. Before legislating on the subject the House ought to be satisfied that these charities did not come within the ancient law of mortmain.

MR. LESLIE regretted that an attempt to alter the old laws of the country, by a measure of a very intricate character, should be persisted in at such an advanced hour (five minutes to two o'clock), and that the House should be almost forced to proceed by a clamour which he must say was marked by extreme indecency. As one clause had been already postponed it was but fair that the second should be likewise deferred.

SIR GEORGE LEWIS said, as the House was to meet again at twelve o'clock it would, perhaps, be wise to agree to the Adjournment.

MR. MONSELL said, it was evident that a settlement could be only effected in a conciliatory spirit. With this object he put it to his Friends at the other side whether it would not be well to defer the consideration of this clause.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee *divided*:—Ayes 9; Noes 47: Majority 38.

Question again proposed, "That the Clause, as amended, stand part of the Bill."

MR. STEUART moved that the Chairman report progress.

MR. NEWDEGATE said, he thought the Minority had done enough to expose the character of the Bill; to exhibit that the majority, then present, could not be held in their present reduced numbers to represent the majority of the House, and therefore suggested that his hon. Friend should not persevere in his Amendment.

MR. WHALLEY said, that on the other hand he was fighting out the question.

MR. STEUART said, he would yield so far as to allow his Motion to be negatived if the Committee thought fit, but he would not withdraw it.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 7; Noes 46: Majority 39.

Clause as amended, ordered to stand part of the Bill.

The House resumed.

Committee report Progress; to sit again on *Monday* next.

House adjourned at a quarter before Four o'clock, in the morning.

HOUSE OF LORDS,

Friday, June 22, 1860.

MINUTES.] PUBLIC BILLS.—1ª Local Boards of Health, &c.; Local Government Supplemental. 3ª Fisheries (Scotland).

LAW AND EQUITY BILL.

SELECT COMMITTEE MOVED.

THE LORD CHANCELLOR, in rising, pursuant to notice, to move that this Bill be referred to a Select Committee, said their Lordships had now to determine what course to take upon this very important Bill, which they had read a second time without a division. He ought, perhaps, to apologize for the delay which had oc-

curred in again bringing the Bill under their Lordships' notice; the delay had arisen from a communication he had received from the Lord Chief Justice of England and two of his learned brethren, who acted as Commissioners to inquire into the practice and procedure of the Courts of common law. The equity Judges had presented a memorial, which at the request of the noble and learned Lord who sat near him (Lord St. Leonards), he had laid before their Lordships, in which they expressed their disapproval of the Bill. He hoped he need not assure their Lordships that he had a sincere and profound respect for the equity Judges—a respect which, if possible, had been increased since he had the honour of being associated with them. They were most learned, honourable, and devoted public functionaries, and he rejoiced that he had always been able to act with them with the most perfect harmony. But their opinions being hostile to the opinions of the common law Judges, headed by the Lord Chief Justice, it was impossible that he could act upon the recommendations of the Commissioners, without giving every possible opportunity for the full consideration of the provisions of the measure. The objections of the equity Judges would be found in the memorial which he most earnestly implored their Lordships to read, since it was written with great ability, and deserved their deepest attention. The question was whether any further equity jurisdiction should be given to the Courts of common law? He trusted that their Lordships would have no objection to the course he proposed, which was to refer the Bill to a Select Committee, consisting of all the law Lords and as many lay Lords as would do them the honour of assisting at their deliberations. He regretted to have received from his noble and learned Friend (Lord St. Leonards) notice that he intended to oppose his Motion—on what grounds he could not easily conjecture. A monstrous misapprehension existed on this subject. People supposed that the Bill was meant to destroy the Court of Chancery, that it established a new and dangerous innovation, and would lead to fatal consequences. This was as far as possible from the fact. The principle was laid down by the Equity Commissioners, that equity jurisdiction should be given to the Courts of common law, so as to enable them to bring to a conclusion the causes that legitimately originated in those Courts. The principle briefly might be expressed in the words "one Court for one cause." If an equitable defence arose in a Court of common law the Bill proposed to give that Court the power of deciding the question, so that the parties might not be put to the expense of going before another tribunal, of engaging another staff of counsel, and of being subjected to the expense and vexation of a double litigation. From an early time a portion of equitable jurisdiction had been conferred upon the Courts of common law, which had always been exercised beneficially. So long ago as the reigns of William III. and Queen Anne, an equity jurisdiction was given to the Courts of common law with respect to actions on bonds with a penality for the performance of contracts. In the reign of George II. this equitable jurisdiction was further extended; and whereas there used to be no mode of obtaining a discovery from either party in an action at law, save by filing a Bill in equity, the parties by recent legislation were mutually examined, and an inspection of all material writings was granted, so that the necessity of appealing to a Court of equity for those purposes had been entirely obviated. It was the aim of the present measure to give a further equitable jurisdiction to the Courts of common law. The Bill extended to Courts of law the jurisdiction enjoyed by Courts of equity in cases of forfeiture from non-payment of rent. By the Act of George II., the Courts of common law had a right to grant relief before trial: After trial, however, they had no right to interfere, the forfeiture took place, the lease had been broken, and the tenant might be ejected. The Court of equity had jurisdiction in similar cases for six months after the trial. Why, he asked, should it be necessary to appeal to the Court of equity when the action had been brought in the Court of law, and when that Court was as well able to form a judgment on the case as the Court of equity? There was another ground for extending the jurisdiction of the Courts of law of the greatest importance. There was at present no protection to property during litigation, and it might be destroyed or rendered useless by one of the parties, without the Court having power to interfere. It was necessary to apply to a Court of equity in such cases. But by the Bill it was proposed to give the common law Courts power to protect the property during litigation. It was further provided that injunctions might be granted in cases where

The Lord Chancellor

a wrongful act was committed or begun; and there was also a provision by which the Court in which any action was commenced was empowered to grant conditional relief in any case where a Court of equity would grant similar relief against further proceedings in such actions. Various other changes were proposed which he hoped would meet the approbation of their Lordships. He believed that all the powers given to the common law Courts by the Bill could be safely and beneficially conferred upon them. It was objected that if this Bill were to pass all equitable rights would be brought into the Courts of common law; but that would not be so; for it was only where legal rights were sought to be recovered in a Court of common law that the provisions of the Bill would come into operation. Another objection was taken to the form of appeal; but there would always be the ultimate appeal to the House of Lords, and their Lordships would have an ample opportunity of reviewing any decision that was brought under their notice. The last objection of which he had any knowledge was, that the common law Judges were not competent to dispose of questions of equity. That was a very delicate point; but Lord Chief Justice Cockburn and two of his learned brethren had declared their belief that the suggestion of incompetency was perfectly unfounded. Those learned Judges had no interested motives; they had quite enough to do at present, but they were willing and able to administer the law in an extended shape. All these however were subjects that could be better discussed in a Select Committee than in the Whole House, and therefore he should propose that the Bill be referred to a Select Committee.

Moved, That the Bill be referred to a Select Committee.

LORD LYNDHURST: I apprehend the only question before your Lordships at present is, whether this Bill shall be referred to a Select Committee or not. I cannot understand how it is possible to put a negative upon the Motion. I object to many parts of the Bill; but what do I find is its present position? It has been read a second time. The subject-matter of it has evoked from the equity Judges opinions adverse to the Bill. We have also upon the table the opinions of common law Judges in support of the Bill, and in answer to the objections of the equity Judges. Before we can take any further steps we must discuss these different opinions, and we cannot discuss them in this House. The question is too difficult, too complicated to be dealt with here, and we must of necessity refer it to a Select Committee. Let that Committee be composed of the law Lords with whom some lay Lords may also be associated. I most strongly recommend your Lordships to accede to the Motion of my hon. and learned Friend upon the woolsack.

LORD ST. LEONARDS said, it had been his intention to divide the House upon the question of the second reading; but having been prevented from doing so, he wished to take the present opportunity of taking their Lordships' opinions upon the principle of the Bill. If their Lordships were prepared to say that the equity jurisdiction should be extended to the Courts of common law, then there could be no objection to referring the Bill to a Select Committee, in order to frame clauses that would best carry out that intention. But if the House should be of opinion that the equity jurisdiction ought not to be extended to the Courts of law, then there would be no necessity for a Select Committee. The Bill came before them in an extraordinary shape. It had been referred to the Master of the Rolls and the three Vice-Chancellors, who unanimously reported against it; and the two Lords Justices, although it had not been referred to them, had written a letter condemning the Bill in strong terms. The noble and learned Lord on the woolsack then referred to the Common Law Commissioners. The Commissioners were four in number. Three of them who at the time of their appointment were eminent counsel at the bar had since become Judges—one of them Lord Chief Justice of England. The fourth Commissioner was Mr. Walton, the senior Master of the Court of Exchequer. These four gentlemen made the Report to which his noble and learned Friend had referred; and these three of them, who were now on the bench, had made the communication referred to; Mr. Walton, the fourth Commissioner, not being a party to it. The fact was that the common law Judges had not the knowledge which was necessary to enable them to discharge these duties. Equity differed from the law in this respect. An equity lawyer must make himself partially acquainted, at all events, with a great portion of the common law, especially with that affecting property. He must do so because, according to the familiar maxim, equity followed the law,

and gave relief against and moderated the rigour of the common law. But as you must necessarily know what a thing was before you could give relief against it, so it would be found that there was no first-rate equity lawer who was not imbued with a fair knowledge of the common law. The common law Judges, however, had only to administer the common law; and, that being so, equity was to them utterly unimportant, except as a science which they might perhaps wish to know something about; they had not to found themselves upon the principles of equity; they had not to give relief against any rigour in the application of the rules of equity; and he hoped they would take no offence when he said that they were not and could not be expected to be, good equity Judges. Yet their Lordships were asked to transfer a great mass of equity business to the common law Courts. At present, if a man sold an estate, stipulating that the purchaser should be prepared with his conveyance and his money by the 10th of July, and if difficulties arose in consequence of which the purchaser was not prepared by the 10th of July, the seller could immediately bring an action in a court of law and recover damages; for time, in law, was of the essence of the contract. In equity just the reverse was the case, and unless it was expressly declared that time should be of the essence of the contract, or unless it could be shown that the purchaser had been guilty of unnecessary and wanton delay, equity would stop the action at law, decreeing specific performance of the contract between the parties. But if this Bill passed, and the vendor brought his action, a Court of common law must first decide, according to its own rule, that time was, and afterwards must decide that time was not, of the essence of the contract. It would decree a specific performance without having the slightest means of carrying it into effect, and it would inevitably break down in the attempt. The Legislature had already confided to the Courts of law, every equitable power which they were competent to administer; but with this they were not satisfied. The Common Law Commissioners, in their Second Report, asked for all the jurisdiction which it was proposed to confer by this Bill; but the Legislature hitherto had only given them that which they could fairly exercise. Parliament would now have to decide whether it would give them a jurisdiction which it had denied them before, and whether it would interfere with a jurisdiction which worked so admirably as that of the Courts of equity. In equity there was now no delay; there were six courts, and seven Judges constantly sitting to decide the cases which came before them; and would Parliament be doing well to take away the jurisdiction of these excellent Judges and give it to the common law Judges, who already complained that they had not time to perform their present duties? He was strongly induced to take their Lordships' opinion on the principle of the measure; but, as it was unusual to do so on a Motion for referring the Bill to a Select Committee, he should on this occasion refrain from pressing for a division.

LORD BROUGHAM concurred with his noble and learned Friend (Lord Lyndhurst) in thinking that, there being a division of opinion between the common law and equity Judges, the proper way was to refer the Bill to a Select Committee. The design of the Bill was to extend still further the equitable jurisdiction which the common law Courts now possessed. It was said by many that this measure would operate to the restriction of common law and the extension of equity jurisdiction; and the objection of his noble and learned Friend (Lord St. Leonards) was, that the principle giving the common law Courts an equity jurisdiction was a bad one. Now, in his opinion (and he had been a sincere friend to what was termed law amendment for many long years), there could not be a greater mistake than to suppose that a general fusion, as it was called, of law and equity was possible in this country; and any attempt to effect such general fusion would only be productive of mischief. But what the noble and learned Lord on the woolsack said, was, that in many instances a certain equitable jurisdiction had been given to the Courts of common law, particularly of late years, and that this jurisdiction might be advantageously extended. Now, the principle of the present Bill, as he understood it, declared that where there was a legal right, and where that right was sought to be obtained in a Court of common law, it was better that Court should be empowered to deal with the whole subject matter; and if in the course of the inquiry any equitable objection should arise on one side or on the other, the parties should not be put to the expense, delay, and vexation consequent on being sent to a Court of equity,

Lord St. Leonards

but that the common law Court should have the power of dealing with the equitable matter. His noble and learned Friend (Lord St. Leonards) who opposed the Bill stated three objections to the decision to which the common law Judges had come on the subject — namely, that the common law Courts were overworked, that they had not the proper machinery, and that they were not competent for the purpose. From his noble and learned Friend he appealed to those Judges themselves, who declared that in point of time and labour they had no objection to the proposition now made; that they had abundance of time, and were not overworked, but were capable of taking this small fraction of addition to their labours. He could not help referring those who entertained objections to the proposed change in the proceedings of the Courts to that Report of the common law Commissioners in which the history of amendments in the law was traced with great accuracy, and where it was shown how matters, deemed at one time wild and dangerous innovations, had gradually, by the improvement of men's knowledge on the subject, become the law of the land. As a remarkable proof of this, they mentioned the changes effected in the law of evidence, by his (Lord Brougham's) Act of 1851, which had been found to work admirably, and to contribute greatly to the efficient administration of justice.

LORD CHELMSFORD said, he hoped that the Bill would be very much altered before it was passed into law. There ought, in fact, to be two Bills, and, notwithstanding the authority of the common law Judges, his objection to many parts of the first portion of the measure was not in the slightest degree lessened. He was bound to say, at the same time, that the opinion of their Lordships upon the principle of the Bill ought to have been tested when the Motion was made for the second reading. That stage had been allowed to pass without opposition, and, inasmuch as there had been a rather sharp encounter between the equity and common law Judges, it was impossible for their Lordships to make up their minds on the subject without carefully considering the statements and opinions on both sides. Of course, that could not be done in the House itself. It would be infinitely better to refer the matter to a Select Committee, and when the Bill came out of the Committee their Lordships would be able to decide whether it should be passed into law or not.

LORD KINGSDOWN said, that having carefully read the Memorial transmitted to the noble and learned Lord on the woolsack by the Common Law Commissioners, he must say that their observations had not removed, or even in the slightest degree affected, the strong objections which he entertained to the present Bill. The Bill had two objects entirely distinct, which should properly form the subject of two different measures, but which, unfortunately, had been united in one. One portion of the Bill gave what he believed was in principle an entirely new jurisdiction to the Courts of common law. The other was confined to amending the proceedings in matters which properly came under the jurisdiction of those Courts. To the latter, if brought forward in a Bill by itself, there could be no objection; but the case was very different with respect to the former. If the Bill was referred to a Select Committee, the objections entertained by many noble Lords to its first portion, consisting of no fewer than thirty clauses, would continue to exist in precisely the same force. The only difference would be that those clauses, if the Committee should not approve them, would be expunged; or, if the Committee should approve them, they would be the subject of a hostile Motion on the third reading of the Bill. To the latter portion of the measure there could be no objection whatever, except in so far as Amendments might be thought desirable in the details. He could not help looking with considerable apprehension to the course about to be taken. If the Bill was referred to a Select Committee, it must, of necessity, occupy some time in its consideration there. It must occupy some further time in its discussion in the House after it came out of the Committee; and, supposing their Lordships should ultimately give it a third reading, at what period of the Session was it likely to go down to the other House? What might be its fate there he would not, of course, presume to say; but at present, at all events, the omens were not auspicious. The consequence would be that we should lose, for this Session at least, the whole of the Bill, the portion which was desirable as well as that to which the strongest objections were entertained.

THE LORD CHANCELLOR, in reply, said, that there had not been a single observation made to show that any one of the powers proposed by the present Bill might not be safely conferred upon the Courts of

common law. The common law Judges believed that without these additional powers they could not in a satisfactory manner administer justice in their Courts. He had no objection to add to the Motion as suggested by his noble and learned Friend (Lord Lyndhurst), the words "and that the opinions of the learned equity and common law Judges be also referred to the Select Committee." He proposed that the Committee should consist of the same Members as those who sat on the Consolidation of the Criminal Law.

Motion *agreed to.*

Bill *referred* to a Select Committee accordingly.

The Lords following were named of the Committee; the Committee to meet on *Tuesday* next, at Four o'clock, and to appoint their own Chairman; and the

"Observations on the Law and Equity Bill," presented to the House on the 23rd of March last, and also "Memorial of the Common Law Commissioners respecting the Law and Equity Bill," presented to the House on the 21st of May last, *referred* to the Committee:—

Ld. Chancellor.	L. Cranworth.
E. Carnarvon.	L. St. Leonards.
V. Hutchinson.	L. Wensleydale.
V. Eversley.	L. Belper.
L. Lyndhurst.	L. Chelmsford.
L. Brougham and Vaux.	L. Kingsdown.
L. Abinger.	L. Egerton.
L. Overstone.	

EMPLOYMENT OF ENGLISH SHIPWRIGHTS AT CHERBOURG.

VISCOUNT DUNGANNON, who had given notice to call attention to the reported employment of English shipwrights in the French dockyards, said, that since he had placed that notice on the paper, circumstances had occurred which rendered it unnecessary that he should put the question, and had placed the whole matter in a satisfactory point of view. He had put the question on a former day; and the noble Duke (the Duke of Somerset) had stated that his information was not correct as to a number of English shipwrights being employed at Cherbourg, and that the wages there were much lower than here, namely, four francs a day; and it was certainly very remarkable that on that very day three persons should have appeared at the Thames Police Court, stating that they had had an interview with the French Consul, who had told them that he would not advise them to go to Cherbourg, as they would certainly not get employment there. It was still more extraordinary that a few days subsequent to that period other workmen should have applied at the Police Court for passports for the same purpose. But since that, only three or four days ago, one individual, who had been over to France, appeared before the magistrate, and said he considered it his duty to state, for the sake of others who might be tempted to go over, that upon his arrival he found that no employment was to be had there, that he fell into great distress and want, and had only been able to reach home through the kindness of the British Consul. In consequence of this statement he did not consider it necessary to press his Question, or to trespass on their Lordships' time with any further observations, save that it was with very great satisfaction that he had heard that statement.

THE DUKE OF SOMERSET said, that he had received another letter from the British Consul, at Cherbourg, stating that no British subjects were employed in the dockyard there. Some British shipwrights had gone over to Cherbourg in consequence of the statement which had appeared in the English newspapers; but not being able to obtain work had fallen into a pitiable condition, and bitterly repented their credulity. The Consul had sent them home again, and told them to warn their countrymen of the real state of the case. The highest wages given to shipwrights at Cherbourg was three francs a day, or not quite 2*s.* 6*d.* for twelve hours' work, the workmen not being allowed to leave the dockyard to take their meals. Besides that, the Consul informed him that no additional shipwrights were required at Cherbourg, some of those in the dockyard having lately been discharged, and the only vessel which was now being constructed there was a transport. It appeared to him (the Duke of Somerset) to be desirable that that statement should be made publicly known, in order that any unfounded expectations which might have been entertained in reference to that matter might be completely dispelled.

MILITIA AND CONSTABULARY. (IRELAND.)

RETURNS MOVED FOR.

THE MARQUESS OF CLANRICARDE, in moving for certain Returns with regard to the Irish Militia and Constabulary, said it was a question deserving consideration whether a large armed force, such as the police of Ireland, ought not to be brought under the operation of the Mutiny Act,

and enlisted for a certain length of time. At present they might quit the service, he believed, at the shortest notice. He was anxious to know on what system the embodiment and disembodiment of the Militia was conducted. He defied any one to discover any uniform principle which regulated the proceedings of the War Office in this respect. It was impossible to make a regiment of Militia effective in twenty-eight days' training, and it was therefore unadvisable to leave any regiment too long in a disembodied state. If 20,000 or 25,000 men were always kept embodied in rotation, and the Staff of the other regiments were kept up, it was clear that within a certain number of years there would be a force of 100,000 upon which reliance could be placed on an emergency, and which would be kept up at a cost of only 25,000 or 30,000 men. The noble Marquess then moved for—

"Return of the Number of Men assembled for the last Training of each of the disembodied Regiments of Irish Militia, stating also the full Amount of Establishment of each Regiment; Also,

"Return of the Periods at and during which each of the Regiments of Irish Militia have been respectively embodied since the Month of October 1854: And also,

"Return of the Number of Policemen of the Irish Constabulary Force who have resigned their Employment since the Commencement of the present Year.

Motion *agreed to.*

House adjourned at a Quarter past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 22, 1860.

MINUTES.] PUBLIC BILLS.—1° Local Taxation Returns.
2° Railway Cheap Trains, &c.; Votes for Disqualified Candidates.
3° Criminal Lunatic Asylum.

MINES REGULATION AND INSPECTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 *agreed to.*

Clause 2 (Exception for Boys between *Ten* and *Twelve* who have Certificates as to Education and School Attendance).

MR. KINNAIRD said, he rose to move the insertion in line 10 after "Colliery" of the words "for any hours not exceeding ten hours," for the purpose of limiting the hours of labour for boys. As he was unable to carry what alone seemed to him to meet the necessities of the case—namely, the limitation of the hours of labour in the mines to eight hours a day for children under twelve years of age—he trusted the House would not refuse to limit their hours to ten. He needed not to recapitulate the arguments in favour of a limitation which in the factories had been found to operate so beneficially, but confined himself to stating that he was acting in this matter in accordance with the wishes of those engaged in the mines. He was convinced that those men who now absented themselves for two or three days at a time would, if the power of supplying their places by children's labour was abridged, be found willing to work more continuously; but, whether they would or not, on the ground of humanity he urged the claims of these children on the protection of the House, and he maintained that it was a principle of political economy to prevent the rising generation from becoming physically degenerate through excessive labour in infancy.

Amendment proposed, in page 2, line 10, after the word "colliery," to insert the words "for any hours not exceeding ten hours a day."

SIR GEORGE LEWIS said, that the Committee had already fully discussed and decided against the principle of a limitation of the hours of labour for children employed in mines. He thought that if his hon. Friend had proposed ten hours instead of eight, the division on the last occasion would have been identically the same. What weighed with the Committee, and he confessed with him also, was that if it were practicable, some limit should be placed on the hours of labour which boys should work in mines. The testimony, however, which had been laid before him by persons having every wish to improve the condition of labourers in mines was so strong, and almost unanimous on the subject, that he really did not know how to resist it. There were twelve inspectors of mines, part of whose duties it was to protect the children employed under-ground, and eleven out of those gentlemen had reported against the practicability of limiting the hours of labour. If his hon. Friend thought it necessary to proceed with his Amendment, and did not rest satisfied with having brought his views under the attention of the Committee, he (Sir George Lewis) should feel it his duty to vote against the Amendment.

MR. LIDDELL said, he could assure the Committee that he had no desire to see boys overworked; but the Motion of the hon. Member would, in fact, regulate the hours of labour for the men working in mines. The hours might occasionally be rather long, but the labour was very light; it consisted chiefly in driving ponies from the place where the men worked to the bottom of the shaft; so that if the limitation proposed by the hon. Member was agreed to, it would be a direct interference with all the labour in the mine.

MR. AYRTON said, that when they were told that it was impossible to limit the hours of labour which a boy should work in a mine, he should like to hear some grounds stated in support of that assertion. He had heard none, and no hon. Gentleman connected with the mining interest had ventured to stand up in his place and to state to the House any ground which could lead any intelligent person to the conviction that it was impossible to limit the hours of labour of a child between ten and twelve years of age to ten hours a day. To say it was impracticable meant nothing more nor less than that it might affect the profits of coalowners, with whom this was a mere question of money. Was Parliament to say that those children should be kept underground and deprived of that opportunity of improving their health and mental condition which should be accorded to all the children in this country? He understood it was the practice of men employed in mines not to work one day and to do overwork the next. He did not think that the children should be subjected to that overwork, simply because the men, for their own gratification, did not choose to attend to their work regularly. He thought the Legislature should interpose to put down the abominable system of overwork one day and drunkenness the next, and to substitute for it a more regular and methodical working of mines. The warnings and threats about the interference with masters and the stoppage of trade had been thrown out in similar terms when the Factories Bill was under discussion, but experience showed that the masters were none the worse, and trade had not decreased. He should certainly support the Amendment of his hon. Friend.

MR. TAYLOR said, he knew of no instance of boys having worked in mines longer than twelve hours in the day. He could assure the House that there was no disposition on the part of coalowners to inflict hardship on those under them; but, on the contrary, everything was done to promote their education and welfare. He trusted the Committee would not accede to this Amendment.

MR. PEASE said, the hon. Member for the Tower Hamlets (Mr. Ayrton), in advocating his case, had carefully overlooked all precedent and fact, and had merely propounded his own theories. He had forgotten to remind the House that eleven of the inspectors had reported that the limitation was impracticable. It was the interest of the coalowners to take care of the boys, and such a limitation as was proposed would only have the effect of imposing a tax on the constituents of the hon. Member.

MR. CLIVE said, the hon. Member for the Tower Hamlets and his friends seemed to have an idea that all mankind, besides themselves, were in combination to persecute the boys that worked in collieries. If he (Mr. Clive) entertained the same opinion, he should use every effort to secure the passing of the Amendment. Practically, however, the condition of those lads was not so bad as had been supposed, while the opinion of the inspectors of collieries was against limitation. The House had already taken a large amount of labour from the mine-owners by declaring that children under twelve should not be employed in mines. Formerly the ages of children employed in mines ranged from ten to fifteen. In consequence of recent legislation they were now from twelve to fifteen. So that Parliament had deprived the mine-owners of two-fifths of the childrens' labour, of which they formerly had the advantage. If it were hereafter found that the number of hours was excessive, the House could interfere; but it would be rather hard on the mine-owners to add a limitation of the hours of labour so soon after the limitation of age.

MR. JOHN LOCKE said, the coalowners and those who represented them altogether shirked the real question, which was, what was the proper number of hours for a child to be compelled to labour under ground. Hon. Members of the House of Commons did not want paid officials to tell them what number of hours children of tender age might be worked. Any man who had a child could feel that a poor boy of twelve years old ought not to be worked more than ten hours a day. He therefore hoped the House of Commons would not listen to the arguments of in-

terested parties against the dictates of humanity.

SIR HARRY VERNEY said, he should support the Amendment on the ground that the labour in mines was very severe for young children, and he knew that many mothers had a great objection to the long hours which their children were now compelled to work. He believed that many accidents took place in mines in consequence of the boys being overworked.

MR. CAYLEY said, he had been always in favour of limiting the hours of labour, though he had not quite made up his mind in the present instance. At the same time, he might mention a fact within his own knowledge which might have some weight. He knew a man who had been working in a mine all his life. He was now thirty-eight years of age, and in the first colliery at which he worked there were forty boys. Every one of those boys was now dead. In the next mine at which he went to work there were thirty-seven boys employed. Those boys were all dead but three. Those facts showed that some legislative restriction was required.

MR. H. A. BRUCE contended that much exaggeration had been used in stating the case of the colliery boys, and that the exceptional cases that had been at various times brought forward were of extremely rare occurrence. Indeed, if the illustration of the hon. Member were true, there would not be a collier of forty years of age alive. As to the unhealthiness of the employment, the boys were only employed in the open air ways, and they were not stunted in growth, morally and physically, like the factory children, on whose behalf Parliamentary interference had been very properly invoked.

MR. KINNAIRD asserted that there were instances in which boys were worked in mines fourteen and fifteen hours at a time.

MR. KENDALL said, he also would deny that the miners and boys employed in the mines of Cornwall were overworked, or that the occupation was of the unhealthy nature described.

MR. WEMYSS supported the Amendment, as the hours of labour for children in mines depended upon the men employed, and that he greatly objected to.

SIR MATTHEW RIDLEY denied that the children were overworked, or that their employment was of an unhealthy character.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 61; Noes 79: Majority 18.

LORD LOVAINE said, he would then move the insertion of the words, "before the 1st of July, 1861," with the object of prolonging the time for six months during which children of ten years might be employed without a certificate that they could read and write.

SIR GEORGE LEWIS said, he had no objection to the Amendment which merely amounted to the prolonging the notice to owners of mines and collieries.

The words were accordingly inserted.

MR. PAGET said, he rose to move as an Amendment, to leave out lines 11 to 19 inclusive, and insert,—

"In the second and every subsequent week during which such boy is employed in such mine or colliery the owner shall obtain a certificate, under the hand of a competent schoolmaster, that such boy has attended school for not less than five hours in each of two days (not being consecutive days, and on which he shall not have worked in a mine or colliery) during the week immediately preceding, between the hours of eight o'clock in the morning and five in the evening, exclusive of any attendance on Sundays."

He hoped the Committee would not be led away by the objections of hon. Gentlemen who had not visited the mines and examined the subject; but who would, nevertheless, assert that the plan which he proposed could not be carried out. There would be no more difficulty in carrying it out in the case of boys employed in mines than there was in carrying it out in that of boys employed in agricultural labour; and he could say, from experience in the latter case, that it was quite practicable. Parliament had already decided that factory children should have a certain number of hours for education. There was still more occasion for Parliamentary interference with respect to the education of children employed in mines. It was necessary, for the physical requirements of the children, that they should be brought into the light some other days besides Sundays. Notwithstanding what had been said by some hon. Gentlemen about the good health enjoyed by miners, there could be no doubt of the fact that their occupation was not one of the most healthy, for while the average of life in England was thirty-three years, the average life of miners was only twenty-seven. It might be thought that his proposition would allow too many hours above ground on each of the days on which the child was to receive schooling; but he believed it

was a well-ascertained fact, that, after coming up from a mine, children required some sleep before they were fit to receive mental instruction. Some little inconvenience might at first arise; but he trusted the Committee and coalowners would not on that account hesitate to adopt a system that would be beneficial to the children.

MR. EVANS seconded the Amendment.

MR. CLIVE objected that the effect of the Amendment would be to lessen the number of boys by one-third, and if there were an unlimited amount of colliery labour, it might be done; but that was not so. It was necessary, moreover, that miners should learn their occupation at an early age.

MR. ADDERLEY said, he thought it inconsistent to expend large sums of money in the promotion of education, and at the same time to admit that they could not require boys of twelve years of age, engaged in mines, to be able to read and write. He would, however, suggest that the time at school should be altered to "five hours on one day," instead of on two days, exclusive of Sundays, and that, he thought, would meet the objection raised by the hon. Gentleman the Under Secretary of State.

LORD LOVAINE said, that the Amendment would suspend the labour of the boys for certain periods, and at the same time would suspend the labour of adults. He did not believe that the labourers in the colliery districts were inferior in education to the labourers in other parts of the country. He thought they might very well be content with the restrictions in the Bill, and therefore he should oppose the Amendment.

MR. JACKSON said, the coalowners found their profit in paying attention to the education and sanitary condition of the children, and might safely be trusted to do what was necessary themselves. The true interest of the master was to be on good terms with the operatives, and unless employer and employed went hand in hand together, no success could be achieved.

MR. NEWDEGATE argued, that to exclude children from employment because they were ignorant would be, in effect, to exclude them from education altogether. The Amendment, therefore, would operate more hardly upon those who were the poorest of the mining population than upon others, as the poorest were generally the most ignorant.

MR. AYRTON said, that, according to the provisions in the Bill, twenty hours in the month were to be devoted to education; but that provision might be observed by devoting five hours on each Sunday to the purpose. The law might even be complied with by devoting ten hours on Sunday and ten hours on drunken Monday to educational purposes; but that would not be attended with useful results. He considered that the time should be so arranged that it should be distributed fairly over the month, and not confined to a few days. He hoped that the right hon. Gentleman would make an Amendment in the Bill to meet that objection.

MR. BRADY said, he trusted that the Secretary of State would accede to the suggestion of the right hon. Member for North Staffordshire (Mr. Adderley).

SIR GEORGE LEWIS said, he would make this offer, which would, perhaps, meet the views of the hon. Gentleman—namely, to omit the words from line 14 to 19 inclusive, and to add these words—

"In the second and every subsequent week during which such boy is employed in such mine or colliery the owner shall obtain a certificate—under the hand of a competent schoolmaster—that such boy has attended school for not less than five hours in one day during the week immediately preceding, exclusive of any attendance on Sundays."

In that way the attendance of the boy for five hours on one day of the week at school would be ensured, and an assurance would be thus given that the time allotted for educational purposes would be distributed evenly over the month.

MR. PAGET said, he would accept that proposition, and withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. MONSELL said, he objected to depriving children of employment if they could not satisfy an educational test for which they might not have had any opportunity of preparing themselves by previous instruction. Such a proposal was utterly subversive of every principle which had ever been acted upon, and would be injurious to the most destitute part of the community. In order to raise the question, he proposed to divide the Committee on omission of the words "the owner shall obtain a certificate under the hand of a competent schoolmaster," as that would raise the whole question.

MR. ROEBUCK remarked that the Factory Act was a precedent for an educational test.

MR. H. A. BRUCE said, the Factory Act did not insist upon an educational test

as an indispensable qualification for obtaining employment. He maintained that the effect of such a system as that proposed would be most injurious to the coal-owners, would diminish their supply of labour, and would in the end affect injuriously the persons to be employed. He was as warm an advocate of education as any one, and education was recognized by all intelligent mine-owners as an object as necessary for the outlay of capital as any of the mechanical appliances of the mine; but he thought education might be obtained in a manner less injurious to the owner. Nor was that humanity real which would turn boys out of the coal trade without a certainty that they could obtain employment elsewhere. He suggested that the amount of instruction should be five hours per week, and that it should not be in any one day, but spread over the whole week. He suggested that the clause should specify five hours per week, without the restriction to one day.

MR. HENLEY said, that the provision in the clause went much beyond that in the Factory Act; all that was provided by the Factory Act was that children should receive education, but there was not a word about a qualification. The principle that children should not earn their bread if they could not read and write, even though they might not have had the means of education, was a principle which certainly had never been adopted before. He very much doubted its wisdom. It must be remembered that to a man earning 10*s.* or 12*s.* a week, with four or five children, the wages of a lad between ten and twelve was 25 per cent of his whole wages. Again, in the case of a widow, the wages of a son of that age might make the difference between a home and being thrown on the parish.

MR. ADDERLEY said, that the objection of the right hon. Gentleman the Member for Limerick (Mr. Monsell), would perhaps be met by an alternative providing that, failing to produce the certificate of education, the child should receive education concurrently with his employment in the mine.

MR. W. J. FOX said, the system now proposed had been found to work well in other branches of labour—factories of cotton and silk—and he did not see why it should not be applied to children employed in mines. He thought the labour of children should be kept down to its *minimum*, and that their education should be raised to its *maximum*.

THE CHAIRMAN said, he must remind the Committee that there was no Question before it. They were now arrived at the word "obtain."

MR. MONSELL said, he would then propose to omit the words "obtain a certificate."

Amendment proposed, in page 2, line 12, to leave out the words "obtain a certificate."

MR. CLIVE said, that to adopt the Amendment of the right hon. Gentleman the Member for Limerick would be to undo what they had already done to provide education for these children.

MR. NEWDEGATE said, he objected to any restriction being placed on the children of the poor in order that they might be educated, especially as Parliament had not instituted a free system of national education. If the clause should be agreed to, great hardship would be inflicted on the mining population.

MR. AYRTON said, he thought the suggestion of the Home Secretary a fair compromise, and hoped the Committee would adopt it.

MR. LIDDELL said, however inconsistent it might appear, he should, on consideration, support the clause.

MR. VIVIAN said, the clause would press hardly upon outcast children, and prevent their turning to a course of industry, by which they might obtain means and educate themselves. It was tyrannical to enact that such children should not earn an honest living, and he hoped the right hon. Gentleman would divide the Committee.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 131; Noes 69: Majority 62.

MR. H. A. BRUCE suggested that the five hours should not be limited to one day in the week, but should be distributed over the week, according to the convenience of the parties.

SIR GEORGE LEWIS said, he moved the insertion of the Amendment, which he offered in lieu of the Amendment of the hon. Member for Nottingham.

MR. JACKSON suggested that the amount of instruction should be ten hours in a fortnight.

SIR GEORGE LEWIS said, that the Bill as it stood required twenty hours in a month. He proposed to substitute five hours in a week, and he did not see the

advantage of the medium of ten hours in a fortnight.

Amendment proposed,

"In line 14, to leave out from the word 'secondly' to the word 'preceding,' in line 19, in order to insert the words 'In the second and every subsequent week during which such boy is employed in such mine or colliery, the owner shall obtain a certificate under the hand of a competent schoolmaster that such boy has attended school for not less than five hours in one day during the week immediately preceding, exclusive of any attendance on Sundays"

—instead thereof.

Question, "That the words proposed to be left out stand part of the Clause,"

Put, and *negatived.*

MR. H. A. BRUCE said, as the clause then stood, it appeared that the hours of education were to be five hours in one day in each week. He should move that the words "in one day" be omitted from the proposed Amendment.

Question proposed,

"That the words 'In the second and every subsequent week during which such boy is employed in such mine or colliery, the owner shall obtain a certificate under the hand of a competent schoolmaster that such boy has attended school for not less than five hours in one day during the week immediately preceding, exclusive of any attendance on Sundays,' be there inserted."

Amendment proposed to the said proposed Amendment, to leave out the words "in one day."

Question put, "That the words proposed to be left out stand part of the said proposed Amendment."

The Committee *divided:*—Ayes 106; Noes 84: Majority 22.

Clause, as amended, *ordered* to stand part of the Bill.

Clause 3 *agreed to.*

Clause 4, (5 & 6 *Vict.*, c. 99, s. 8).

MR. RIDLEY said, he would move to leave out the word "eighteen" in order to insert the words "sixteen." As the clause now stood it would provide that no lad under the age of eighteen should have charge of the engine; but a boy who had received an education and been employed in a mine might be quite competent to take charge of it at sixteen.

SIR GEORGE LEWIS said, the age of eighteen had been determined upon by a majority of the Government inspectors of mines as the lowest age at which a boy should be left in charge of machinery.

MR. LIDDELL said, that lads were more docile at sixteen than when they were older.

MR. AYRTON said, he did not think it too much to require that the person on whose care greatly depended the lives of all the men employed in the mine should be at least eighteen years of age.

Amendment, by leave, *withdrawn.*

MR. CLIVE suggested that the insertion of the word "sole" before the word "charge" would render unnecessary the alteration in the limit of age.

Amendment proposed, in page 3, line 8, before the word "charge," to insert the word "sole."

MR. CLAY said, he objected to the Amendment, as it would have the effect of compelling owners of mines to employ two boys of sixteen years of age instead of employing one, which he infinitely preferred. After some discussion across the table,

Question put, "That the word 'sole' be there inserted."

The Committee *divided:*—Ayes 132; Noes 31; Majority 101.

House resumed.

Committee report Progress; to sit again on *Monday* next.

On Motion "That the House at rising adjourn till Monday next,"

PROCEEDINGS OF THE HOUSE OF LORDS.—QUESTION.

MR. T. S. DUNCOMBE said, he rose to ask the First Lord of the Treasury, Whether there would be any objection to the Minutes of Proceedings of the House of Lords being laid daily upon the Table of this House. As he wished to obtain the opportunity of making a few observations, he would, to put himself in order, move that the House at its rising adjourn to Monday next. The production of Minutes of the House of Lords would not only contribute to the more satisfactory despatch of business, but would prevent a repetition of the absurd farce which took place about a month ago, when the noble Lord moved the appointment of a Committee for the purpose of searching the Journals of the House of Lords to see what had been done in reference to the paper duty, when every man, woman, and child in the kingdom knew four days before what had taken place. It was formerly quite right that search should be made in the Journals of the Lords at a time when mystery surrounded the proceedings of the two Houses of Parliament. It was then a breach of privilege to publish the debates, whereas

now the press was officially recognized in that House, and reported the proceedings with an accuracy, expedition, and a fidelity which were the envy and admiration of surrounding nations. Strangers now were admitted to the galleries, and were no longer removed during divisions. Formerly hon. Members did not leave the House, but divided to right and left of the chair, and were counted by two Gentlemen, and it was a breach of privilege to publish anything in relation to the division. But now the Votes and Proceedings of the House of Commons were published to the world, and the House of Lords had a copy of those proceedings on their table, and openly referred to them, and discussed them in their debates. The House of Commons, however, if they wished to obtain an official knowledge of anything that had taken place in the other House, were obliged to appoint a Committee to search their Journals, though it was true the Minutes of the Lords' proceedings were in the library, where they were of no use whatever. He thought it would tend materially to the despatch of public business if these were officially laid on the table of the House, and if hon. Members possessed the power of referring to them.

VISCOUNT PALMERSTON: My hon. Friend will recollect that there are two sources from which documents are received on which any action by this House can take place. One of these is from the Crown when papers are presented by command or are officially laid on the table; the other source is when they are furnished in obedience to the order of this House for the production of certain documents. Now the Journals in which the proceedings of the House of Lords are entered are not in the possession of the Crown, which has no more cognizance of them than we have, and therefore cannot order any responsible Minister to lay these papers on the table of this House. I apprehend it would be contrary to all the reciprocal usages and mutual privileges of the two Houses for either to order the other to furnish its proceedings. Therefore in neither of these modes, which I imagine are the only channels by which official records reach us, can the proceedings of the House of Lords be laid on our table. But my hon. Friend is probably aware that by reciprocal courtesy the Minutes of each House are communicated to the other. About sixteen copies of the Proceedings of the House of Lords are daily transmitted to this House—one copy for the library and the others for distribution to different officers of the House, and it will be perfectly easy if it should be thought more convenient to have one copy laid upon the table, instead of in the library. It is quite true, as my hon. Friend says, that the House of Lords have founded Resolutions of their own on the records of this House, which were laid upon their table, and we might undoubtedly pursue the same course. But, generally speaking, I apprehend—and you, Mr. Speaker, will correct me if I am wrong—it is not the habit of the House of Commons to found proceedings except on documents that are officially in our possession. My hon. Friend says the proceedings of the House of Lords are well known to everybody, from being reported in the newspapers, and that no doubt can exist as to what has taken place. But that remark applies much more extensively than to the proceedings of the House of Lords. There are various matters of which all of us have personal cognizance, events of public notoriety, which are recorded in the newspapers; but with regard to these before any formal Act of this House can be taken we require to have some written document officially and responsibly put on the table, either in answer to an Address from the Crown or by the order of the House, directed to those persons who are bound to obey our directions. I therefore very much doubt—even if an arrangement could be made by which one copy of the proceedings of the House of Lords would be laid on our Table, either instead of or in addition to that already in the library—whether the House would be disposed to make it a foundation for any serious measure. I think it would be a departure from our ordinary course, and I confess I do not quite perceive the value of the difference which it would produce in the expedition of our proceedings. My hon. Friend says we ought to dispense with the formal appointment of a Committee to search the Journals of the Lords. But that course is a very easy one; there is no difficulty in the way; it is a question merely of a short period of time, and I do not see that we should gain anything in point of expedition by substituting for the authentic report of the Committee a copy of the Journals of the House of Lords. On the contrary, I think the step would lose some portion of its weight; for, although everybody would know that the printed paper was an accurate transcript of the Minutes of Proceedings in the other House,

yet, as a foundation for legislative action, I think it would be more satisfactory to have the extract taken from the Journals themselves. Having stated what the practice is, I apprehend, Mr. Speaker, there will be no difficulty, under your directions, in having a copy of the Minutes of the House of Lords placed on the table of this House, for the information of hon. Members, in addition to that which may be consulted in the library. I think the House, probably, will be disposed to leave the matter in your hands, and will feel that you will make such an arrangement as may be satisfactory to all.

TRANSFER OF LAND.

OBSERVATIONS.

MR. VINCENT SCULLY, referring to the proclamation or police notice, whichever it might be, which had been recently issued by the Government in Ireland, said he had been asked how to evade an unjust law as to which a similar proclamation was recently issued in Ireland, declaring it illegal to enter into a lottery for certain charitable purposes, and he had mentioned the name of the noble Lord at the head of the Foreign Office (Lord John Russell) as an authority that the best way to avoid an unjust law was to break it, inasmuch as he had heard the noble Lord state that he had formerly subscribed towards the prosecution of a revolutionary movement in a foreign state—Greece—a proceeding which the right hon. Gentleman the Secretary for the Home Department, after what fell from him in that House, must regard as a breach of the law. When he was lately applied to in Ireland for advice in a similar instance, he said he never advised a breach of the law; but as the noble Lord had stated that he had broken the law without being prosecuted, perhaps they would follow his example. He told the parties, however, to be sure not to quote him as their adviser. He had a question on the paper which he wished to put to the Attorney General for Ireland. Before putting it, however, he would say, with reference to the question of the hon. Member for Finsbury, that he could see no possible objection to the proceedings of the House of Lords being laid on the table daily. He wished, in the next place, to know how the Rag Committee on Paper Duties were getting on. They did not seem alive at all. They were very mute; they had now been appointed four or five weeks, and they had heard nothing of their proceedings. ["Question."] His question related to the transfer of land in Ireland. That was, perhaps, the most important matter that had been or could be discussed this Session. ["Question, question!"] While he made jokes for the amusement of the House hon. Members gave him a very attentive hearing, but the moment he began to talk rational common sense he was met with cries of "Question." He would not trouble the House further. ["Go on, go on!"] He was in the hands of the House. ["Question."] He would, then, defer discussion until the Attorney General brought forward his Bill. The notice with reference to that Bill had been on the paper twenty times at least. He did not say this in any unfriendly spirit to the Attorney General. He knew the difficulties he had to contend with, having regard to the business of the Government. ["Question."] He would not ask any question, but with an apology to the Attorney General for having given him the trouble to attend, he would now yield to these unseemly interruptions, and resume his seat.

ANNEXATION OF NICE AND SAVOY TO FRANCE.—MINISTERIAL POLICY.

QUESTION.

SIR ROBERT PEEL: Before the noble Lord the Foreign Secretary replies, I shall be very glad to have the opportunity of putting a question to him; and, before doing so, I beg to thank the noble Lord for his kind consideration in being present, so as to be able to return an answer; and I hope it is an earnest that for the future the noble Lord will endeavour to be present in this House to defend the policy which the Government are following with respect to foreign affairs. I said last night, and I now take the opportunity of reiterating in presence of the noble Lord, that in my belief there is a general opinion throughout the country that the noble Lord is endeavouring to shirk the responsibility vested in him by the office the duties of which he has undertaken to discharge. It may not be the case, but such is my impression. We so seldom receive any information from the noble Lord with respect to foreign affairs that when any is obtained the feeling of the House generally, I think, is rather one of commiseration for the noble Lord at being any longer unable to conceal the intelligence than of gratification at the tidings which he has been obliged to con-

vey. We have had some experience of the manner in which the noble Lord conducts his policy, and I am sorry to say that I conceive it to be far from satisfactory. For many months the noble Lord has had charge of the Department of Foreign Affairs, and I am bound to declare in my place in Parliament that I believe that policy to be both weak and vacillating. I recollect the noble Lord was sometimes very indignant with other Ministers when they did not pursue a straightforward policy. I remember perfectly well, when the noble Lord sat on these Benches, with what indignation, and how, with the mien of an exasperated patriot, he fulminated against my noble Friend the Prime Minister for what he called his mean and humiliating policy. I do not know whether the noble Lord recollects the expressions which he then made use of against the Prime Minister, but, if he does not, I will recall them to his memory. The House will recollect that in 1858 the noble Viscount now at the head of the Government introduced into this House a measure known as the Conspiracy Bill, which a large number of hon. Members, of whom I was one, from the first resisted most strenuously. The noble Lord the Secretary for Foreign Affairs was then sitting on the back benches, and, in a spirit of strong indignation—he was then, no doubt, anxious to replace his noble Friend—denounced the measure. The noble Lord, on the occasion to which I am alluding (the 9th of February, 1858), said—for the noble Lord at that time was very violent against the Prime Minister, although matters have since been made up between them—that the Government yielded to a demand from France; that it was not a strong Government; that it was about to introduce a Bill which he should feel it a shame and a degradation to support. "Let those who will support it," said the noble Lord, "in that humiliation I, for one, will not share." Loud cheers followed that announcement, and, of course, the noble Lord obtained credit throughout the country for being a very spirited and exasperated patriot. I must, however, say that I am afraid the noble Lord's present policy is very shameful and humiliating to the nation. The despatch which, if what I read in the newspapers be correct, has just reached the noble Lord from M. Thouvenel I look upon as an insult to us and our councils in the eyes of the nations of Europe, and as degrading to the prestige and character of England. M. Thouvenel appeals to the good faith of the policy of France, and says that, although the Court of France asks Europe to sanction the act of annexation which has just received its final consummation, yet that the Court of the Tuileries will not consent to any lessening of the Savoyard territory in favour of Switzerland. Now, I regard this, after the repeated declarations which have been made on the subject by the French Emperor, as a most serious and dangerous position of affairs. Upon three separate occasions—the 10th of February, the 1st of March, and then on the 6th of the same month—distinct assurances were given on the part of France that the Powers of Europe would be consulted before the contemplated annexation was carried into effect. Now, the expressions used were very singular, and if any faith is to be placed in the statements of public men, some importance ought to be attached to the report which on the 10th of February last was made by Earl Cowley to the noble Lord the Secretary for Foreign Affairs, when he wrote as follows:—

"I saw the Emperor yesterday, and had some conversation with him on the subject of the annexation of Savoy. The Emperor entirely disclaimed all intention of proceeding to make the annexation without consulting the great Powers. I asked His Majesty if I might repeat this assurance to your Lordship, and permission to do so was most graciously and cordially given."

Now, that word "cordially" seems to me to possess a charming piquancy, because the Emperor of the French must have known perfectly well that when he gave the assurance in question he did not mean to act upon it. There is also another despatch, No. 17 in the books, in which Earl Cowley says that M. Thouvenel had again assured him that the Emperor intended to abide by the statement which I have just mentioned. On the 6th of March the noble Lord the Secretary for Foreign Affairs wrote to Earl Cowley in the following terms:—

"I wish your Lordship to ascertain from M. Thouvenel in what manner the promise of the Emperor that the great Powers of Europe shall be consulted is to be carried into effect."

Now, I wish the House to bear in mind that from the date of that despatch—the 6th of March—to the 21st of June, no answer whatever to that question, with respect to which the noble Lord expressed a wish an explanation should be obtained

by Earl Cowley, has been returned. That is, I contend, a very lax way of conducting the foreign affairs of the country, particularly in reference to a question affecting in so important a degree a State whose neutrality England as well as the six other great Powers of Europe had guaranteed. I will not at the present moment enter into a full consideration of this question, because I believe we shall at a future time be furnished with an opportunity of having with respect to it ample discussion. I cannot, however, allow this day to pass without entering, in the name, I will not say of Switzerland, but of every man who is desirous of seeing the principles of honour observed in the conduct of public affairs, my protest against the policy which the Emperor of the French has in this matter pursued. We must recollect that the neutrality of Switzerland is absolutely at an end from the present moment. The Cantons de Vaud and the Genevois can no longer deliberate in safety. Not only was the neutrality of Switzerland guaranteed by the great Powers, but it was distinctly laid down no troops whatever should enter into the neutralized province of Savoy, whereas, under present circumstances, not only are the troops at Chambery, but the Pont de Beauvoisin, St. Jean de Maurienne, Albeville, and Moutier will forthwith receive detachments. On the other hand, troops are going to Annecy, which is situated in the neutralized provinces. The garrison of Annecy will furnish detachments to Thonon and Evian, on the Lake of Geneva, in the Chablais, at Bonneville in Faucigny, and at St. Julien, the principal military station in the Genevois ; so that you will have troops in that very district in which their maintenance is strictly opposed to treaty engagements and inconsistent with the due protection of Switzerland. There are troops on the very limits of the Lake of Geneva in direct opposition to the distinct understanding of treaties, and the distinct and reiterated protests of the Republic of Switzerland.

I would ask the House, in dealing with this question, not to lose sight of the important fact that the King of Sardinia, when the Treaty of Turin was framed,—base and iniquitous as it was on his part,—to sacrifice what I may call the *berceau* of his family, distinctly stated that, although he assented to the cession of Savoy to France, yet Sardinia reserved to Switzerland her co-operation in the steps to be taken on the subject of the neutralized provinces. Now, without entering more at length into the question, I maintain that Switzerland has not been consulted in this matter, and that if the Government of this country have been consulted, they have given an opinion with respect to it without the consent of the House of Commons. I believe I am in a position to state positively, and upon high and important authority, that in the month of February an offer was made to the Secretary for Foreign Affairs to the effect that France was prepared to cede those portions of territory adjoining the Lake of Geneva, in the hope that by means of that proposal arrangements might be quietly made for the cession of the rest. Now, the cession of Nice and Lower Savoy to France is a matter which perhaps does not materially affect us. One Power may cede to another, there being a mutual understanding on the subject, a portion of her territory without an infringement of the laws of nations, but when such a course is taken with respect to a territory whose neutrality has been guaranteed by Seven Powers of Europe in a most sacred and solemn manner, as is the case with Faucigny, Chablais, and Genevois—I say it is degrading to the councils of this country, and an insult to the character of England, to allow such a policy to be carried out without entering against it a serious and determined protest in the name of the English people. I hope the noble Lord, the Secretary for Foreign Affairs, will be able to stand up in his place to-night and to state that he has received no communication such as that to which I have alluded ; but, in order to refresh his memory on the matter, I would refer him to a despatch written by Earl Cowley on the 9th of February, in which he distinctly tells the noble Lord that the Emperor of the French is prepared to cede the territory in question, in the hope that the annexation of Savoy and Nice might be amicably arranged. The noble Lord will find that passage in a long despatch of Earl Cowley, of the date I have mentioned. I regret that I have felt it to be my duty to trouble the House with these observations; but, as hon. Members are probably aware, I have been recently in the locality of which I am speaking; and I can assure those who have not, that we in this country can scarcely realize the feeling of the inhabitants of those provinces when they see an enemy at their gates, and their rights and liberties being wrested from their grasp. These

people are brave, and love freedom. They are anxious to enjoy the popular institutions which they have; but they know perfectly well, from the teachings and experience of history, that the progress of France on that side of Geneva is fatal to their aspirations, and that if she once obtains possession of the Lake of Geneva—I do not say the independence and integrity of the Confederation will be greatly endangered, but its very existence will be absolutely and permanently annihilated. It was only last night that I saw at a meeting in the City of London the whole colony of Swiss over here, I myself, perhaps, being the only Englishman who was present on the occasion; and I can assure the House I could not help responding from my heart to the sentiments which animated those men, when they saw the standard of Switzerland floating over the chair of the president, and heard from the lips of their Minister that the greatest danger threatened their country. I addressed to them a few simple words, but I could not, I repeat, help feeling from my soul the greatest sympathy with those men—Savoyards and Swiss—whose rights are now, to my mind, permanently menaced by the cruel hypocrisy of France.

LORD JOHN RUSSELL: In answer to the question of the hon. Baronet, and to his statement that I was not here last night to answer questions, I believe I am generally in the House almost every day at a quarter past four o'clock. Perhaps the hon. Baronet himself is not here quite so frequently or so punctually as I am. Every one at all acquainted with the Foreign Office must know that at times questions arise of considerable urgency, which take up time at the very moment one is preparing to do some other business. It so happened yesterday, just as I was about to leave the Foreign Office to come down to this House, I was consulted by the Under Secretary of State on a question of great importance respecting papers to be laid before Parliament, and I remained discussing the matter with him till past the hour when questions are generally answered. The only question that was on the Notice Paper was that of the hon. Baronet the Member for Carlow (Sir John Acton) who has just spoken with respect to the Correspondence of 1856-7. That was not a very urgent matter, and I desired a notice to be sent to the hon. Baronet that he might have the papers if he would move an Address to the Crown, the form of Motion for which I also sent him. The hon. Baronet does not seem to have correctly understood that message; but he may move any day for the papers. It has taken some time to collect them, being parts of a correspondence with a former Secretary of State; but they are now in order, and the hon, Baronet can have them whenever he likes to move for them. With regard to the hon. Baronet the Member for Tamworth, I can only say, if he has any question to ask which he thinks urgent with reference to Foreign Affairs, his correct course is to do as other Members do, and to give notice of his intention to put such a question. The hon. Member might have had the courtesy to send me a note to say that he was going to ask his question, and then I should certainly have endeavoured to attend in my place to answer it.

Well, omitting all matters relating to the Conspiracy Bill, which has hardly any bearing on any subject now before us, it appears that the hon. Baronet has seen a report in the newspapers that a note has been transmitted to us from M. Thouvenel, containing, among other things, a very strong hint that France would not submit to any diminution of the territory of which she is now in possession, namely Savoy and Nice. Sir, I could not have answered the hon. Baronet on that point yesterday, because I had then no knowledge of any note from M. Thouvenel; but at half-past three o'clock to-day I saw the French Ambassador, and he placed in my hands a copy of a French note; and as to any such intimation as that stated in the newspapers, namely, that France would not consent to any diminution of that territory, there is not a word of that kind in the whole despatch. The purport of the despatch is to this effect:—It is stated in the Treaty of Turin that France will come to an understanding with the other Powers of Europe with respect to the neutralized portions of Savoy; and, according to the view of the French Government, that understanding is to be arrived at by endeavouring to reconcile the Second Article of the Treaty of Turin with the 92nd Article of the Treaty of Vienna. The French note then proceeds to say that this may be done in one of these three modes:—Either the Powers who signed the Treaty of Vienna may meet in conference with the French Foreign Minister, or identical notes may be exchanged, the French note stating that France is ready to take upon herself the whole of the obligations by which Sardinia has been

bound during the time she held Savoy. And here I may mention, in answer to the question put to me by the hon. Gentleman (Mr. B. Cochrane), that the despatch says that France is ready to make this neutral territory part of the neutral territory of Switzerland in the same manner as Sardinia did. The third mode would be by leaving it to France and Switzerland to effect such a substitution for the former engagements as France and Switzerland might mutually agree upon. The note then goes on to say that if there should be a conference, most of the Powers have already said they think that Paris would be a convenient place in which to hold it, and that it should meet on the points I have mentioned. Such, Sir, is the substance of the note we have received only to-day; and of course Her Majesty's Government have not yet answered it. It remains for them to answer it in such terms as they may think it requires.

But it appears to me the whole question rests upon this,—that the Great Powers of Europe were willing to agree on a guarantee at this portion of Savoy being left neutral and to its being held like the other parts of the country by Sardinia. Sardinia was a State with whom the Allied Powers were ready to agree upon such terms, and they might, at all events, be quite sure, when they had engaged with Sardinia upon those terms, that Switzerland was safe and that these obligations would be binding upon Sardinia. But the case is very much changed when a great Power like France comes into possession of the territory that was held by Sardinia. And it is not the same thing—although it is so represented by France, and although, indeed the words are the same, the technical engagements exactly the same—for France to say, "We will undertake to fulfil the obligations of Sardinia, and to place this neutralized territory in the same position as it stood in before." That is the answer which we have urged more than once to this proposal. Really, the hon. Baronet, who speaks frequently and with great ability on these subjects, should endeavour to be more accurate; because, be it observed, the engagement of the Treaty is not that there should be no troops at any time in the neutralized provinces. On the contrary, the specific engagement is that the Sardinian troops, in the case of war with the neighbouring Powers, shall evacuate this neutralized territory, thereby implying very clearly that during peace the Sardinian troops are at liberty to occupy it. This, therefore, is the position of the question. We have an opinion—and it is a very decided opinion — as to the mode in which, supposing France to have obtained, as she has done already, the cession of Savoy, a substitute should be provided which would, as I believe, be an efficient substitute, and one that would be satisfactory to Switzerland, for the engagements which have hitherto subsisted. But I am sorry to say that at no time, in any of our discussions, has France shown any disposition to adopt that substitute which seems to us to be the only one which would be an equivalent, in point of efficiency, to the security which the Treaty of 1815 created. It would be impossible for us, therefore, to state that we shall be satisfied with or shall accept the Treaty of Turin as affording an equivalent security to Switzerland for that which she has previously enjoyed. I do not know whether the hon. Baronet really means to say that we should not have given any opinion on the subject without obtaining the sanction of this House. ["No, no," from Sir Robert Peel.] That is certainly not the usual way of carrying on such correspondence. The Cabinet must obtain the consent of the Crown to such despatches and communications as they may feel it their duty to prepare, and on afterwards presenting the papers to this House their authors must submit to any opinion which the House may think fit to pass upon them. In this case the papers are rather voluminous; but I hope very soon to place at least a portion of them, bringing the correspondence down to this time, upon the table. For France having now, according to her own view, accomplished the annexation, and French authorities and French troops having taken possession of Savoy and Nice, as far as that point is concerned we have at length reached the stage at which it is fitting to produce to this House the correspondence which has passed on the subject.

With respect to the offer to which the hon. Baronet alludes — namely, that the French Government would give up Chablais and Faucigny if we would consent to the cession of the rest of Savoy to France, I can only say that the French Government has never made any such offer to the British Government. I do not think it would have been becoming in us to accept it, if such an offer had been made to us. But what has taken place has been accurately represented by the hon. Baronet,

that in the early part of February the Emperor of the French and his Ministers declared that they were ready to yield Chablais and Faucigny to Switzerland. But in a very short time afterwards the Emperor declared to a deputation who went to Paris that he should not consent to what he called the dismemberment of Savoy, and that Chablais and Faucigny could not be separated from the rest of the annexed provinces. Earl Cowley spoke to the French Minister for Foreign Affairs on the subject, and was told that the Emperor had been willing—if the population of these territories had consented to such an arrangement—to cede them to Switzerland; but that there had been such a strong disinclination, and repugnance even, evinced to being parted from the rest of Savoy, that the Emperor found himself obliged not to proceed with that cession. Earl Cowley likewise said he did not think that the engagement to come to an understanding with the Powers of Europe had been fulfilled. M. Thouvenel stated that he thought Earl Cowley was not very reasonable, that all the other Powers of Europe seemed to think the despatches which had been written by France were satisfactory on that point, and that the engagement had been amply fulfilled. I have now, Sir, answered the question of the hon. Baronet. The hon. Baronet, always presuming upon certain facts without ascertaining whether they are correct, goes on to make some comments. He says, that if the French Government have made a communication to us in the terms which he has seen in the newspapers, it is very insulting to the British Government, and ought to be protested against. But, as he is wrong in his facts, his inferences fall to the ground with them. The remaining question for the Government to consider, I must say, amounts to little more than this:—how we can best use our influence to maintain the neutrality of Switzerland, and whether there be any terms which Switzerland is likely to accept that can now be proposed. But if there be no such terms—if France offers nothing further than that she will undertake the same engagements towards Switzerland and towards Europe, which were undertaken by Sardinia, Her Majesty's Government can only say—and they will say so in the strongest and most formal manner—that they do not think the engagements of the 92nd Article of the Treaty of Vienna, and the 2nd Article of the Treaty of Turin, can in that way be reconciled.

THE ARMY IN THE UNITED KINGDOM.

OBSERVATIONS.

COLONEL DICKSON said, he rose, according to notice, to call the attention of the Secretary of State for War to the present state of the Army in the United Kingdom, and he thought he might do so very appropriately after the conversation that had just occurred, and especially so as they would very shortly be engaged in a discussion upon the question of fortifications. He did not intend to impute blame to any department of the State; but he thought it was right that the House and the country should be informed as to the exact number of troops at present quartered in the United Kingdom. In the course of the Session an erroneous statement, which he had taken upon himself to contradict at the time, had been made to the effect that we had only an army of 30,000 men, for which we paid £15,000,000 yearly, or at the rate of £500 for every soldier. According to a Return which had been furnished to the House during the last week, the numbers were as follows:—The regular army, including all arms, 102,080 men; embodied Militia, 15,911; disembodied Militia, 52,899; Yeomanry Cavalry, 15,002; enrolled Pensioners, 15,000; Volunteer Rifle and Artillery Corps, approximate number, 122,367; making a grand total of 323,259 men. We ought, however, only to consider as the army of the United Kingdom the 102,080 regular troops. The embodied Militia he looked upon as doomed to dispersion within a month or two, and they, the disembodied Militia, the Yeomanry Cavalry, the enrolled Pensioners, and the Volunteer Artillery and Rifle Corps could only be looked upon as a reserve whose assistance could be counted on in case of emergency. No man was more willing than he was to give credit to the Volunteers, of whom, indeed, the country ought to be proud; but he did not think that in calculating the strength of our military defences we ought to reckon 122,367 men as the available addition to the army in the shape of the Volunteer Corps. They had taken great pains and had advanced very rapidly in their training, but it was impossible that they should always drill so constantly as they had done during the last few months, without producing great inconvenience and causing a serious disturbance of business. Already he had heard complaints from tradesmen who were willing to pay any necessary amount for defence; but

who were anxious that their business should not be interfered with by their being required to close their establishments, as they were now, in order that the young men in their employment might attend to their drill. Of course if war broke out every man would stand to his regiment, and in time the Volunteers would become as efficient as any other force, but at the present moment we ought not to consider them as part and parcel of the army of the country. That left us with 102,080 men who formed the standing army at present quartered in the United Kingdom. Of these 4,080 were officers, leaving of the really working rank and file only 98,000. From that number was to be deducted 6 per cent, or 6,000 men, who were sick, leaving 92,000. The depôt battalions and depôts of regiments at home, in the Colonies, and in India included 33,302 men. Considering that they had to supply recruits for 35,000 men in the Colonies and 66,000 men in India, it was but fair to assume that one-third of their number, or 11,000 men, might be looked upon as untrained and unfit for any purpose of war. That reduced the number to 81,000. The absentees from the army on account of desertion, on leave, or from other causes generally equalled in number the sick. Assuming that they amounted to only 5,000, that would leave a really effective force of 76,000 men. An army of 76,000 men might appear a very respectable force if we were actually in a time of peace, but would it be sufficient to meet the emergency for which, from the Estimates and the talk of fortifications, there seemed to be a lingering idea that we ought to be prepared? It became, therefore, necessary to inquire how these 76,000 were disposed of, and it should be recollected they included every branch of the service. He found that there were in garrisoned towns 7,574 Artillerymen, 1,000 Engineers (there being in all 2,089 Engineers), and 1,000 Cavalry. He did not consider the depôt battalions useless; deducting their sick they would number 32,500, and they might be made to do garrison duty. It would be necessary to have 15,000 at least in Scotland and Ireland; there were at present in Ireland 20,000. Then there was the army hospital corps, 6,000 men; these could not be called fighting men. Deducting, therefore, all these latter numbers, amounting in the gross to 57,760 men, from the 76,000, left a manœuvring army of 18,240 only. Now, the Commission upon fortifications had reported that if the fortifications of which they recommended the erection were constructed 70,000 men would be required to man them. Of course, if those fortifications were not agreed to, we should require a still larger number for the defence of the country. These 70,000 men might, no doubt, include Volunteers, enrolled Pensioners, and Militia, but among these irregular troops they ought, in order to make them efficient, to have a certain number of regulars. 20,000 regular troops, backed by 100,000 Militia, would do much more than 200,000 Militia without regular troops to support them. Therefore, he thought that the House would agree with him that although we had an army which was superior to what was usually supposed, and which, in time of peace, would be sufficient for any purpose, yet, looking to the vast works which we were about to undertake, the state of affairs throughout the world, and the possibility of an outbreak upon the Continent, a large number of men was required to support the dignity and maintain the safety of the country. He thought that if they were to raise 20,000 additional men, which would give them a manœuvring army of 40,000 or 50,000 men, they would be in a condition to meet any sudden emergency that might arise, and that number of men could be raised without any very great increase of expenditure. Without adding to the number of regiments, but rather increasing the number of men in the regiments that now existed, 20,000 men might be raised at a cost of about £600,000 a year. They were about to spend a large sum of money on fortifications, but what would be the use of those fortifications if they had not men to defend them? If he had to choose between laying out money on improved arms and fortifications, or on men, he would say, "Give me the men without the arms and fortifications, rather than the arms and fortifications without the men." He would therefore urge the augmentation of the regular army by a force of 20,000 men. He saw by a return he held in his hand that the *quota* of the disembodied Militia was put down at 113,801, and that the whole number of effectives was 52,899. That corroborated a statement he had formerly made, that we could not depend on more than one-half of the disembodied Militia if they were suddenly required for active service. He also thought the Militia should be put on a different footing. They should be able to depend on 50,000 Militia,

Colonel Dickson

whom one-third should be embodied for three or six months at a time, each regiment in its turn. In this way every regiment would be embodied and thoroughly trained in due course, and they would be saved the expense of the useless training now given for a short time every year to a large body of men who never would be found when wanted. A retaining fee should be given to the men in their disembodied state, and they should be obliged periodically to present themselves at head-quarters. With 15,000 embodied and 37,000 disembodied Militia, which could always be found, they would on any sudden emergency start with a certain force of at least 50,000 or 60,000 Militia, which could be increased, within a month or six weeks, to any extent that might be required, since that time was known to be long enough to drill the working man into a soldier sufficiently for manning fortifications. He made these suggestions for the consideration of the right hon. Gentleman the Secretary of State for War. Everybody must be impressed with the necessity of making our army system more efficient, when all that was taking place around them proved that there was a lurking suspicion in men's minds that the state of peace could not last, and that this country might be suddenly called on to interfere in contests abroad, or to defend our own shores. On this subject he could not do better than quote the language of Lord Overstone, in his reply to the inquiries put to him by the Royal Commission on National Defences. He said—

"We have every inducement to make our system of national defence complete and effectual, because the calamities and misery which a successful invasion of England must produce would be far more serious than any of which the world has yet had experience. We have ample means for self-defence, in accumulated wealth and productive energies, sufficient to support all necessary expenditure, in mechanical skill and appliances, and in abundance of mineral products, which properly applied, must render us predominant in all the scientific machinery of modern warfare; in a people proud at heart of their country, attached to its free institutions, and whose courage and self-devotion have never been found to fail in the hour of trial. Negligence alone can bring about the calamity under discussion. Unless we suffer ourselves to be surprised, we cannot be invaded with success. It is useless to discuss what will occur, or what can be done, after London has fallen into the hands of an invading foe. The apathy, be it of the Government or of the people, which renders the occurrence of such a catastrophe possible, will not afterwards enable the country, enfeebled, dispirited, and disorganized by the loss of its capital, to redeem the fatal error. In short, we have a stake at issue in the property, the happiness, and the free institutions to be protected, in the plunder, the misery, and the degradation to be averted, which may well call forth all our energies. We have means of defence of every kind; national wealth, engineering skill, personal courage, amply sufficient to secure our safety. We have warning more than enough to awake our vigilance. If we prove too apathetic to take the necessary precautions, to make the requisite efforts, or too short-sighted and selfish to submit to the necessary sacrifice, we must bow to the fate which the whole world will declare that we have deserved."

In calling the attention of the Secretary for War to this subject, he wished to point out the condition of the Militia Artillery in our garrison towns. They were so many nights on guard that they had little time to attend to their drill, and did not therefore attain that efficiency which it was desirable they should have. Besides, the duty in which they were engaged had a deteriorating effect upon the constitutions of the men. There were more men in hospital in garrison towns than in other towns, chiefly in consequence of the night duties they had to perform, and, therefore, even as a matter of economy, this was a matter that called for the consideration of the Secretary for War. There was a feeling in some minds that a large standing army was inimical to our liberties. The time might have been when, with monarchs fond of despotic sway, a large standing army might be made to control the liberties of the people; but, as matters were now constituted — with a Sovereign who reigned not by her power only, but through the love and affection of her people—who so truly knew and understood her position—considering the constitution under which we lived, and the constitution of the army itself, he asked if it was possible that danger could accrue to the liberties of this country from increasing the number of the standing army? His sole object in directing their attention to this subject was that the House might be induced to make our army sufficiently strong to enable us to maintain our honour and influence abroad, and to preserve at home the inviolability of our shores.

HIGH SHERIFFS FOR CITIES AND BOROUGHS (IRELAND)—OBSERVATIONS.

MR. BLAKE said, he wished to call the attention of the Chief Secretary for Ireland to the fact that, since the appointment of High Sheriffs for Cities and Boroughs in Ireland became vested in Government in 1842, the Roman Catholics of the city of

Waterford have been excluded from that office, and to ask whether he is prepared to take the necessary steps for remedying a grievance which has hitherto been remonstrated against without success? As this appointment rested with the Government, it was their duty to inform themselves of the most competent persons to discharge the office, and to see that they were appointed. The high sheriffs were chosen from a list furnished to the Judges by the outgoing sheriff, but he had reason to believe that the high sheriffs for the city of Waterford never did return the name of a Catholic for that office a native of the city, except in one instance; and it must appear to the House a monstrous injustice that in a town where Catholics numbered four-fifths to one-fifth of Protestants, Catholics should have been systematically excluded. The right hon. Gentleman might, perhaps, say that he knew of three cases in which Roman Catholics had been appointed to that office; but that did not take from the statement which he had made, that no Roman Catholic of the city of Waterford had been appointed, because those gentlemen did not belong to the city, He might refer to his own case. He had been mayor of Waterford three years in succession, he had been president of the Chamber of Commerce, and he had been twice returned a Member of Parliament, and yet he had never been selected for the office of high sheriff. And this was the case with regard to the Roman Catholic gentry generally. He trusted that the right hon. Gentleman the Secretary for Ireland would direct the attention of the Judges of assize to this matter. He had spoken to the late Attorney General for Ireland (Mr. J. D. FitzGerald) on the subject, but there had been no change; and he now appealed to the right hon. Gentleman, who had always shown himself so ready to do justice in Irish matters. He would also direct the attention of the right hon. Gentleman to the manner in which the law was openly evaded in Ireland with regard to the appointment of sub-sheriffs. The law provided that no person should hold the office two years in succession, under a penalty of £100. The law, however, was constantly evaded in this way. As soon as the sub-sheriff was appointed a second year in succession a nephew, or clerk, immediately went to the Government and gave information, and the fine of £100 was paid, but immediately handed back to the sub-sheriff. It was a singular fact that, since the reign of James II., no Roman Catholic but one, who belonged to the city, had filled the office of high sheriff of Waterford. Since 1842 twenty high sheriffs had been appointed in Waterford, of whom seventeen were Protestants and only three Roman Catholics, and these not gentlemen of the city. He, therefore, begged to suggest to the Chief Secretary that whenever lists were returned by the outgoing sheriff of persons to fill the office, that care should be taken to see whether the names of Catholic citizens of Waterford appeared, and, if not, to inquire whether there were any such eligible for the office.

MR. SIDNEY HERBERT:—In reference to the Motion of the hon. and gallant Officer (Colonel Dickson) I have no reason to complain either of the tone of his speech or the spirit in which it was made. It did at first alarm me when I saw the notice, as the object was not very clearly stated, but I thought the intention of the gallant Officer must be just what it has proved to be. In the first place, he says that he has seen it asserted that we have but 30,000 soldiers in England, and that that is the result of the large Estimate of 15 millions that have been moved in this House. Now I do not hesitate to say that never was there a calculation more absurdly unfair than that. I do not know that it is at all proper to make a rule of three sum of the number of men voted and the amount of money granted by this House, because obviously the two things have no close connection. You may have in one year a larger number of men than another, at the same time with smaller Estimates, because the Estimates depend upon the state of your stores, your equipments, and even your navy; but even assuming that mode of comparison to be a fair one, and supposing that we set against the private soldier the cost of the whole establishment, even including the non-effective branch, I find that in 1835-6, when the Army Estimates were lowest, the cost of the soldier was then £81, while now, notwithstanding the many improvements that have been made in barracks, in clothing, and various other ways, and with an increase of pay in all ranks, the cost is only increased to £94. Still, I do not think that practically that point is of any real importance. The gallant officer spoke of the Volunteers, and does not think that movement can go on.

COLONEL DICKSON: I said that they could not be expected to continue so atten-

tive to their drill as they have been, for it would interfere with the ordinary business of life.

MR. SIDNEY HERBERT: Well, I concur with the gallant Officer. It is singular how the conduct of the Volunteers has disappointed the prophecies that were made about them. It was said that they would never attain any great proficiency, as they would never submit to the drudgery of drill, but I think they have proved their willingness to submit to drill, and to do everything in their power which is calculated to render them effective soldiers. They have fully shown that they are not mere holiday soldiers, but under great disadvantages they have applied themselves steadily to the duties which they have taken upon themselves. One of the disadvantages with which they have had to contend may seem trivial, but it was calculated greatly to influence the attendance at drill —I mean the weather. Now, the Volunteers have hardly got home with a dry skin the whole of the last spring, but still they have not been discouraged, but have mustered well at drill. I quite agree, however, with those who think that we ought not to take the Volunteers into too great account in estimating the force of the country. The first thing is to reckon the regular forces. The Militia when embodied, with the efficient colonels which they now have, become almost as good as the Line; but they ought, I think, to be in a disembodied state, acting as a reserve. The gallant Officer says, and I know it is a favourite theory of his, that the Militia ought to be kept disembodied, with the exception of a certain proportion; that they ought to be trained for three months together once every three years, and that that would be better than a month's training every year. But I doubt whether that month's training is, as he says, useless, especially as the gallant Officer also says, that in six weeks you may make a soldier fit for garrison duty. Of course, if you can get a man who has been drilled for three months, he will make a much better soldier than a man who has received only a month's training. But would the gallant Officer sooner have a man who had been drilled three months three years ago, or one who had been drilled a month a year ago?

COLONEL DICKSON: I suggested that they should be drilled for three or six months, and one-third at a time.

MR. SIDNEY HERBERT: But then comes the question,—are they disembodied Militia, and is it not likely that by such a mode of drill you will not take so much from the labour of the country as to excite dissatisfaction among employers? This is a point of no little importance. The object should be to interfere as little as possible with the labour market; but if you take men from their work for a long period you do interfere with the labour-market seriously, and are likely to draw down much opposition on the part of employers.

With regard to the number of troops, the gallant officer has stated them very accurately. At this moment the number of regular troops in this country is as near as possible 80,000 men. Of course, you must make deductions for sick and absent, though the absent at a time of emergency would be almost *nil*. The number I have given, too, includes all ranks. It is as well in these calculations to reckon the non-commissioned officers, but if we deduct the officers the total number will be reduced by 3,000 or 4,000. The House must remember that this is not a fixed number, but that, in the natural course of things, it is a growing number. Last year there were 64,500 regular troops in this country; this year we have got 80,000 making an increase of about 17,000 men. I am speaking now of purely British regiments, and am not including the depôts of Indian regiments. The number, I repeat, has increased from 64,500 to 80,000, and we have seven battalions of infantry on the seas and now coming home—one from the Mauritius and six from India, with one regiment of cavalry. Next year, I hope, will see a further accession from India, and it must be borne in mind that at this moment we have diverted from their proper position no fewer than 10,000 Queen's troops, who are now in the China seas. Then, again, I mentioned at the commencement of the Session, when I moved the Estimates, that I looked upon this as an exceptional year, when it was necessary to make enormous efforts for the purpose of adding to our stores, providing a large supply of rifled muskets, and otherwise improving our *matériel*. We are thus spending our money rather upon *matériel* than upon men; but when once we have got this *matériel* our expenditure on this head will of course be diminished, and upon the same outlay we may, if we choose, maintain a larger force at home. I am much obliged to the gallant Officer for the manner in which he has discussed this sub-

ject, pointing out, as he has done, the absurd exaggerations which have been spread abroad respecting it. The expenditure, I admit, has been large; but I have shown why it has been large. At this moment, with the number of troops now in England, we are short of barrack-room. If the men had allotted to them the space which is properly their due, we should be short of accommodation for 25,000 men. We are adding to this accommodation as cheaply as possible, and I hope next year that we shall be able to show a decided improvement, both in the number and the condition of the force at home.

MR. CARDWELL, in reply to the hon. Member for Waterford (Mr. Blake), said, the facts had been very accurately stated in the main by the hon. Gentleman. What had happened was—the Judges of Assize uniformly prepared for the consideration of the Lord Lieutenant a list of three persons, and, although they were doubtless assisted by the sheriff and the under sheriff in the preparation of the list, most distinguished Judges, including some of the Roman Catholic Church, had stated that they could not be governed by any such representations; but that, having themselves knowledge of the position and standing of gentlemen in the neighbourhood, they would not think it right to exclude any one from the panel merely because he was not placed upon it by the sheriff. Thus there was security that the panel would be impartially constituted, and no man passed over because of his religious opinions. The Lord Lieutenant almost invariably selected the first name in this panel, and in the list of sheriffs appointed during the years to which the hon. Gentleman had referred, that course had been pursued in every case, except where the gentleman thus selected himself desired to be excused. The Judges therefore, had, in point of fact, selected year by year the gentleman who had served the office of sheriff for the city of Waterford, and they would continue to make such a selection as they thought reasonable. It was true that the Lord Lieutenant was really invested with the power and the responsibility; but the system now pursued was a wholesome one, from which it would be unwise to depart. It was better that these appointments should be made by the Judges acquainted with the locality than by persons of political leanings, whose selection, if it did not lead to real abuses, would yet fail to command public confidence.

Mr. Sidney Herbert

Motion *agreed to;* House at rising to adjourn till *Monday* next.

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENTS BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,—"That Mr. Speaker do now leave the Chair."

SIR HENRY WILLOUGHBY said, he wished to ask whether it was competent to him to move, as an Amendment in Committee, that the Savings Banks Fund should be entrusted to five persons without first moving it as an "instruction" to the Committee. If so he should withdraw the Motion for the instruction of which he had given notice.

MR. SPEAKER said, it was no doubt competent for the hon. Member to move the Amendment of which he had given notice in Committee, and if it should appear that it went beyond the present title of the Bill it was possible to amend the title in conformity with the alteration.

SIR HENRY WILLOUGHBY said, that he believed that this was about the fifteenth time that the Motion had been put down for going into Committee on the Bill, and he was afraid that even then many hon. Gentlemen interested in the matter were engaged elsewhere. He thought it right, however, to call the attention of the House to the principles of the measure; and he was the more induced to do so, because he was aware that a Select Committee was two years previously appointed by that House to inquire into the whole matter of the savings banks, and the names of the gentlemen who sat on that Committee showed that it was a very able one. They sat twenty-one days and examined witnesses, and collected a most important body of evidence, and made a very important Report; but from that day to the present not the slightest notice had been taken of any of their suggestions; and certainly the Bill before the House, which had been introduced by the Chancellor of the Exchequer, and which related to only one branch of the question, was in direct opposition to the suggestions of the Committee. That was one of the main reasons which induced him to trespass on the indulgence of the House, with a view of persuading them that it would be wise and proper to follow the suggestions of that Committee. He could name several im-

portant Select Committees which had made most elaborate Reports, and yet their suggestions had been entirely passed over, and it was worthy the consideration of the House whether such recommendations should be so set aside. With regard to that Bill, the suggestions of the Committee were very clear, and were summed up in two important recommendations. One was that there should be a *bonâ fide* Commission of five Gentlemen, namely, the Chancellor of the Exchequer, the governor or deputy governor of the Bank of England, and three gentlemen to be appointed by the Crown, one of whom should be paid. The second recommendation was that the whole of the savings banks money should be treated as a trust, for the purposes of the savings banks and of the savings banks only, and that the money should not be used for state purposes ; but above all that the Finance Minister should not have power to use any of the funds for the purpose of operating in the bill and stock markets of the kingdom, unless authorized to do so for a special purpose by an Act of Parliament. On the 20th November last, the amount of money invested in the savings banks was £41,180,000, and the account of the assets, taking the stock and bills at the market price, showed that there was only £37,700,000, so that there must be a deficiency of £3,500,000, if they were called on at once to pay every depositor his money.

He wished to call attention to the view which the trustees and managers of savings banks throughout the kingdom took of this Bill. A short time ago a similar Bill was brought in by the right hon. Gentleman, on the same principle as the present, but varied rather in its proportions. There were 250 petitions presented against it : nearly every leading bank in the kingdom petitioned against it. The same course had been followed on the present occasion. Nearly 100 petitions were now on the table of the House, and he believed all, without exception, pressed very much upon the attention of the House the absolute necessity of placing the funds in a *bonâ fide* Commission, and treating them as trust funds. They did not want to take a farthing from the State in any way ; for if their funds were treated as trust funds they believed that not only the present rate of interest but all the expenses of the Commission could be paid; and they believed also that there might even be a better rate of interest. Down to 1828 a higher rate of interest than at present was paid ; and in 1828 there was no deficiency, but a surplus. In 1828 the interest was lowered from £4 11*s.* to £3 15*s.*, and the interest had now fallen to £3 5*s.*, while the amount paid to the depositors did not average more than £2 18*s.* per cent. He could not concur in the *dictum* which he believed he had heard the Chancellor of the Exchequer express, that the trustees, managers and depositors had no interest in the way in which their money was treated when it passed from the banks. It was perfectly true that the trustees and managers and depositors had an undoubted statutable right to be repaid every shilling that had been paid into the savings banks and handed to the Government; but he could not concur that therefore they had no interest in the way in which their money was treated, because, at all events, they were very much interested in the rate of interest not being lowered, and there was very considerable fear, which he hoped the right hon. Gentleman would dispel, that there was some intention of reducing the rate of interest.

The existing law pointed out distinctly what was to be done with the money belonging to savings banks. That money was to be sent up to the Banks of England and Ireland, where it was to be placed in the names of the Commissioners for the Reduction of the National Debt, who were directed to make regulations as to the investment and employment of the monies for the benefit of the Savings Banks' depositors. But there was not a single word in the Act about the use of the money for any other purpose. The parties who were really interested in the settlement of the question were the taxpayers of England ; for although the depositors might suffer, in the first instance, by any hocus-pocus in fiscal transactions, the taxpayers would ultimately be required to make good any deficit that might arise in regard to this money. The importance of the present measure could not be overestimated; for this was the first time the House had been invited to legislate with regard to the investment of the money of savings banks. Under it a power greater than he already possessed was placed in the hands of the Finance Minister, who, as an *ex-officio* Commissioner, was entrusted with the power of selling and purchasing stock to the extent of several millions. It was competent to the House to confer this power on the Chancellor of the Exchequer,

but it ought to be done directly, *eo nomine*. At present the Financial Commission consisted of men of great ability and commanding position; but their important duties elsewhere prevented them from giving attention, or even in some cases attendance, as would be evident from the fact that the most distinguished Members of the Commission were the Speaker of the House of Commons, the Chief Baron of the Exchequer, the Accountant General of Chancery, and the Master of the Rolls. Nothing could be more unwise than to repose powers of such great extent in an *ex-officio* Commission, as it necessarily followed that it must be exercised by somebody else. Sydney Smith used to say pleasantly that "Boards were often made use of only to make screens;" and, in the present instance, the Select Committee which inquired into the subject, had distinctly expressed their opinion as to the impolicy of imposing such responsible duties on an *ex-officio* Commission. It was ascertained that for many years the funds of the savings banks had been mainly, if not entirely, vested in the purchase of stock on the order of the Accountant General, an honourable and high-minded public man, Sir Alexander Spearman. The power of selling the stock was exercised on a written order by the Chancellor of the Exchequer; and it was no disrespect, either to the Accountant General, or to the Finance Minister, to say that this was a power which was not recognized by the Act of Parliament, and ought only to be admitted with the utmost caution. It rested on the evidence of Lord Monteagle and Sir A. Spearman, that the money had been used on many occasions for what was called "State purposes"—namely, in the purchase of Exchequer bills, to keep these at a fair price in the market. Were they prepared to give to the Finance Minister the power of dealing in stock, without the knowledge of the House, to the extent of £2,000,000 or £3,000,000? Would anybody contend that the Chancellor of the Exchequer, who knew precisely what was the state of the Treasury, and who was acquainted beforehand with the measures to be brought forward, ought to be allowed to operate secretly and silently in the market, thereby affecting the property of every individual who had made investments? Above all things, he thought that they ought not to place such a power in the hands of an *ex-officio* Commission. They ought rather to adopt the recommendation of the Select Committee, and place the control of the funds in a *bonâ fide* Commission, to be named by the Crown, and to be composed of the Chancellor of the Exchequer, the Governor of the Bank of England, and three other gentlemen. It was a curious fact that, for many years the silent operations of the money of the savings banks on marketable stocks, were not known. The country owed the knowledge of the fact to the late Mr. Goulburn, who, acknowleding the danger of the system, placed upon the table of the House a voluminous document containing the whole history of those transactions, from which his information was derived—transactions extending from the period of 1828 to 1844, and amounting, he thought, to about 6,000 in number. The Legislature had authorized the Government in some instances, particularly in the days of Lord Auckland, to use the savings banks' monies. Looking at the whole of those accounts, however, from 1828 to 1844, there were only three years in which the balance was against the savings banks, and then only for small amounts; but, on a close analysis of the accounts, after making allowance for all demands on draughts, and treating the subject, as he hoped the House would now be disposed to do, as that of a trust-fund, it would be found that nearly £2,000,000 ought to be added to the account. It was a bad system that the Chancellor of the Exchequer, by the use of vast sums of money not in the stock market, should be able to carry on operations which would be otherwise impossible. For some years it was denied that the funds of the savings banks were made use of for the purpose of increasing the funded debt, and the observations which he from time to time had addressed to that House had not received all the credit to which they were entitled. But it had now been established conclusively, according to the evidence of Lord Monteagle, that there had been periods in which the *bonâ fide* debt of the country was increased through the medium of the Consolidated Fund; that no less than £3,000,000 of the unfunded debt were converted to funded debt between 1828 and 1860. Did the House mean, then, to make the savings banks' money a means of increasing the public debt? If not, it ought to place the powers necessary for the control of the funds of the savings banks in the hands of responsible people, and guard their exercise with vigilance.

With respect to the Bill introduced by the Chancellor of the Exchequer, he hoped

that the House would be told the precise object of it in the course of the discussion. It was a grave operation proposed by the right hon. Gentleman. At the present moment the savings banks possessed about £36,000,000 or £37,000,000 stock, Three per Cents Reduced, and £25,000,000 Exchequer Bills. He gave great credit to the Chancellor of the Exchequer for grappling with the difficulty arising from a deficiency in the funds to satisfy the claims of the savings banks. It was proposed to place the sum of £31,000,000 to the credit of an account to be called the "State Deposit Account, No. 1," with interest at the rate of 3 per cent. This, he presumed, created a sort of book-debt to that extent, and he should like to know whether it was to be divisable and saleable, or in what manner it was to be treated. The 3 per cent interest, which the sum was to bear, was not the rate of interest at present prevailing, and he did not see why property should thus be arbitrarily dealt with. He should therefore certainly object to that portion of the Bill. It was a great question, too, whether the Legislature should lay hold of this property of the savings banks, cancel the existing securities, and by a sort of conjuring process create fresh securities. No doubt, the faith of the country would be pledged to repay the money of the savings banks, but he considered that the trustees and managers of savings banks and the depositors in them had already a right to their money by statute, provided they acted according to law. Therefore he did not see that their situation was improved in that respect. He trusted that the right hon. Gentleman would explain what would be the operation of Clause 4, for it appeared to give for the first time by statute a power to deal with stocks and securities to an extraordinary extent. In addition to the £10,000,000 remaining of the savings banks' money there would be the current balances, which would raise the amount to about £12,000,000. Now, he wished to know the various securities in which that sum of money would be placed. Those securities would be absolutely under the control of the Finance Minister of the day. It was specially provided by the Bill that such Minister might buy and sell stock or other securities, so that it would give him now, for the first time, by statute, that absolute power, as the avowed and sole organ of this Select Commission. The right hon. Gentleman, as well as the legal adviser of the Commission, appeared to have lost sight of the 25th Clause of the 3 and 4 *William* IV., c. 14. He would ask the right hon. Gentleman to produce the statute by which the Commissioners for the Reduction of the National Debt could buy and sell stock and bills, and purchase other stock and bills. The 9th *George* IV., for the purpose of savings banks, gave distinct powers for the handling of stock for the use of savings banks. But there was not the shadow of right to use what he might call the jobbing power. He hoped that the Chancellor of the Exchequer would explain to the House how the matter really stood. The fourteen Gentlemen who sat upon the Committee in 1858 had not a shadow of doubt that those funds should be treated as trust funds, and should be only invested in the best mode so as to secure the money for the savings banks' funds. There was no reason why those institutions should cost one shilling to the United Kingdom. He should impress upon the House the anxious desire of the trustees and managers of savings banks that the laws relating to these institutions should be consolidated in one Act. Through mismanagement, between the years 1820 and 1844 the savings banks' fund had been diminished to the extent of £1,820,000. In conclusion, he might state that what he wished for was a *bonâ fide* Commission; and he felt certain that if that were granted the trustees and managers and the depositors would be perfectly satisfied with the interest which their funds obtained; and that at the same time the public would have the advantage of these glorious institutions without being put to one farthing of loss. He thanked the House for the attention with which it had listened to the statement he had felt called upon to make.

MR. HANKEY rose to state the reasons which induced him to believe that the Bill before them did not provide the proper mode of dealing with the subject of savings banks. The Bill unsettled a great deal and settled nothing. It did not contain any provision for the satisfactory settlement of the question, and it introduced many very novel principles that deserved the serious consideration of the House before they consented to sanction them. It set out on the principle that there was some sort of apprehension on the part of depositors, and that it was necessary to provide a fund to secure at all times the repayment of deposits. That was a laudable object, but the depositors in savings banks were safe

beyond dispute. They had no apprehension that they would not get their money when they chose to call for it, and on the part of the depositors generally there was no necessity for the Bill. To effect his purpose, it was proposed that the Chancellor of the Exchequer should cancel a certain amount of stock, and create in its place a book debt. That was a novel mode of proceeding in their history, so far as any deposit of the kind was concerned. The proper way of treating the money was to place it out on proper security, taking care that too large an amount of interest was not paid, and that the money was always forthcoming. It was not necessary to invent the machinery proposed by the Bill to effect that object. The real thing the Chancellor of the Exchequer had to do, was to provide for the interest, and how did he do that? He provided for the payment of 3 per cent to the Government, while he gave the depositors 3¼ per cent. That was not an intelligible way of satisfying their minds that they would at all times be secure; but he repeated there was no apprehension that they would not be paid. The only advantage that could be gained was in saving the expense of management, but the Chancellor of the Exchequer would have little difficulty in arranging that point in half an hour with the Governor of the Bank of England. Another objection was that the Chancellor of the Exchequer did not create a sufficient amount of book debt to pay the whole amount. A deficiency was left unprovided for, and if the Chancellor of the Exchequer wanted to create a fund out of which the savings banks' money was to be paid, he should create a fund for payment of the whole. The right hon. Gentleman merely created a book debt, equivalent to a certain amount, the remainder being left entirely at his disposal. He (Mr. Hankey) objected to the power given to the Chancellor of the Exchequer with regard to the remainder of the money. He understood the Chancellor of Exchequer expected to effect a large amount of saving by the Bill —as much as £40,000 or £50,000 a year. The percentage now paid to the Bank would be, of course, so much money saved; but what saving was to be effected upon the remainder of the capital? He was afraid that only a small portion of it could be more profitably invested than at present. As the Bill originally stood it reserved a power to the Chancellor of the Exchequer to fund a certain amount of Exchequer bills. That clause had, happily, been withdrawn, for it did nothing more or less than empower the Chancellor of the Exchequer to create an additional amount of national debt without the knowledge or sanction of Parliament. The Chancellor of the Exchequer had a certain portion of stock at his command, and could buy and sell Exchequer bills; but he did not think it desirable the right hon. Gentleman should be in the position of one who "rigged" the market, for when the Chancellor of the Exchequer — the price of Exchequer bills being depressed— went into the market and bought, a rise was created, but not on the sound principle of supply and demand. He might add that in the Bill before the House pains seemed to have been taken to ignore the Resolutions, twenty in number, of the Committee of 1858, and he (Mr. Hankey) did not think that that was a fair way to treat the results of their labours. He (Mr. Hankey) did not agree with all the recommendations of the Committee, but there were many valuable recommendations offered by them, and their resolutions were sound and deserving of the consideration of the Chancellor of the Exchequer. They treated the funds of the depositors as a trust fund, but the Chancellor of the Exchequer thought it was a fund with which he could do what he pleased. If the change were to prove advantageous to the nation, so much the better, but who was to be the judge of that? The Chancellor of the Exchequer was entirely to decide upon it. It was a question about which the House knew nothing, and which was not brought under their notice. However, he would give the right hon. Gentleman credit for having attempted to grapple with the subject more effectively than any Chancellor of the Exchequer had done for many years past. Many savings banks Bills had been prepared, but he was not aware that any one of them had been seriously discussed while he had the honour of a seat in the House. He objected to the Bill because it ignored entirely the objects which the Committee had in view; it treated the matter in quite a different way to that in which trust property should be treated; it did not grapple with any of the difficulties which surrounded the question as far as details were concerned, and it instituted a perfectly novel principle for giving greater security to depositors, for it did not create a sufficient stock nor a sufficient charge upon the Consolidated Fund, to pay 3¼ per cent per annum, which was the rate the Government had undertaken to pay the depositors.

Mr. Hankey

MR. SOTHERON ESTCOURT said, he might very well have left the question where it was after the able statements of the hon. Members who had preceded him, but as he had been Chairman of the Committee that sat to consider the subject in 1858 he felt bound to say that they brought to its consideration an amount of pains, trouble, and careful consideration which entitled their conclusions, at least to the consideration of the House, and as he had been prevented by illness from being present at the second reading of the Bill he hoped the House would allow him to say a few words with respect to the Report of that Committee. It was very true that the Bill dealt only with the subject of investments in savings banks, and for that reason he presumed that the Chancellor of the Exchequer and the Government thought they had not treated the Committee with discourtesy. He gave the right hon. Gentleman and the Government full credit for dealing with the subject in the present Session. When he saw that they were going to bring in a Bill upon the subject of savings banks he hoped they were approaching the settlement of a long-agitated question, on which the minds of people in the country had been more exercised than on almost any other question. Four or five different Bills with respect to it had been brought in by Chancellors of the Exchequer, but one after the other had been withdrawn ; every one of those Bills threw some doubt on the security enjoyed by depositors, so that they acted, perhaps, rather to the prejudice than in support of the excellent institutions with which they dealt. He had hoped that the present measure would remedy that state of things, inasmuch as the way for legislation had been smoothed by the labours of the Committee which sat two years ago ; but when he saw the Bill he had experienced considerable disappointment. In the first place, he found that it dealt with only portion of a great subject which ought not in his opinion to be dealt with piecemeal. It had reference only to investments, and he should under these circumstances be glad to know what chance other questions connected with savings banks more immediately and vitally affecting them had of being settled within any reasonable time ? It might be said the Committee had taken no notice of these interesting points. But they dealt with them in the only way that was open to them—they had suggested the appointment of three Commissioners, in addition to the Chancellor of the Exchequer and the Governor of the Bank, to be looked upon as the guardians and trustees of the different savings banks, and the 14th and 15th Resolutions of the Committee specially provided that the Commissioners should have the power to frame Resolutions as to the mode in which the accounts should be kept and audited. These questions were most interesting to local savings banks ;—the question as to the best mode of establishing and enforcing an audit, of producing uniformity of accounts and determining how the usefulness of savings banks might be extended —how they could prevent defalcations such as those which had agitated the country from one end to another—how they should deal with the expenses of management—whether there should be a Government treasurer or leave the matter as at present — the question of the surplus of interest not paid — the question whether they should absolutely prohibit any bank being established other than a savings bank *eo nomine* under the provisions of the present law — the question of pass-books—the question as to the accounts and trusts of minors—the question of the liability of the Government, whether they should or should not transfer the deposit of any individual into the public funds when it had reached a certain point—and the most important question as to the liability of the trustees, Parliament having relieved them of all responsibility whatever—for this whole congeries of questions vitally affecting the management of local banks, and vitally affecting the character of the law and Parliament, no provision whatever was made in this Bill. The Committee of 1858 did make provision for them, and if Parliament passed them over unnoticed now he did not know that another opportunity would offer for dealing with them. He should therefore prefer that the whole subject should stand over until it could be fully dealt with. So much for points omitted in the Bill ; now for a few words on what he thought objectionable in the Bill itself. He might have left this to what had been so well said by the hon. Baronet the Member for Evesham, who had treated the subject with an ability that showed he might well aspire to the post of Financial Minister. The right hon. Gentleman the Chancellor of the Exchequer denied that the property should be regarded in the light of a trust. His (Mr. Sotheron Estcourt's) impression was that

between the Chancellor of the Exchequer and any individual savings bank, the transaction was a banking one; but as between the Government and the whole body of savings banks it was a trust. If the Government overlooked that distinction they would probably come to a defective conclusion. It was admitted on all hands that, as between the tax-payer and the Government the money was held as a trust. The main principle of the Bill went to the conversion of the security of savings banks now held in Consols into what was called a book debt, for which a fixed amount of interest was to be paid, and what was the consequence of such a conversion? At this moment there was an apparent deficiency between the sum the State was liable for, if every depositor were paid, and the amount of assets held by the Commissioners, as the result of the whole transactions since savings banks were established, of from £2,000,000 to £3,000,000. That was not an absolute sum, but depended on the price of the stocks. For the purpose of covering a deficit they were about to inscribe in their books a debt which must be paid in full to an extent much larger than he thought was absolutely required. Whenever a large demand was made upon them they would be obliged to sell at the price of the day, and according to that necessity they would either gain or lose. Further, the Bill would create a fixed and permanent interest to be paid by the Government on the debt, while the interest accruing from the investment of the deposits would be continually varying. The only saving would be in the sum paid for the management of the debt. Did the right hon. Gentleman hope to gain a sixpence more than that from any other source under his Bill? The right hon. Gentleman might say he was going to inscribe this debt in a large book, and to give an indefeasible title to it by a clause in this measure. But, on the part of the savings banks, it could be answered that they would rather keep the security they had than accept the right hon. Gentleman's clause. Nobody disputed the liability of the Government for the money it received from the savings banks, and therefore the effect of the arrangements under the Bill would be to diminish the security while retaining the old management. The mode recommended by the Committee was to adhere to the present security and alter the mangement, and of the two suggestions that of the right hon. Gentleman was the one least deserving of adoption. In money transactions where there was no dispute as to the security afforded up to the present moment it was impossible to make any change without giving the country the impression that those who made it had some other object in view than the one that was apparent. He must again advert to the way in which the right hon. Gentleman had spoken of the labours of the Committee. One could quite understand that the right hon. Gentleman should disapprove all their proceedings, and as Finance Minister should think it his duty to assert the right of the Government to control this matter; but it would have been well to treat with some consideration the Gentlemen who devoted so much of their time, and worked extremely hard at this subject. They came to their Resolution nearly, if not quite, unanimously, and from no party spirit; and their Report contained an amount of valuable materials which would be of the utmost assistance to those who came to deal with this question. He was very sorry the right hon. Gentleman had brought the question forward in this shape, as he must vote against his Bill, because, even if it were a good scheme as far as concerned investments, they ought not to legislate on the subject piecemeal. They should satisfy the public upon points on which it was entitled to satisfaction, and should deal with the question as a whole. If they allowed the present opportunity to slip they might not very soon have another. The action of these excellent institutions was now very much impeded, and their sphere of operation greatly circumscribed. There were not above 600 savings banks in the whole country, whereas they ought to ramify every parish, and even every village in the kingdom. If the House passed this measure they would throw away a golden opportunity of placing these institutions on a better and more expensive footing, as well as of setting our whole law relating to them on a satisfactory basis.

COLONEL SYKES said, he had hoped and expected that this question would have been solved by the Committee which sat to inquire into it some time ago; but in that hope he had been disappointed. Their recommendations had not been attended to, and for aught that appeared in the Bill the Committee might as well not have sat at all. Indeed, the labours of many Committees were thrown away in the same manner; those of the Committee

on Harbours of Refuge for instance—and it seemed to him that the only way in which they could make the labours of Committees fructify, would be to require that the Chairman of every Committee should bring its Resolutions before the House in a substantive form. If that had been done with respect to the Committee which sat upon the subject of savings banks, the House would not have heard such expressions of dissent with respect to the Bill, and which he was afraid would be fatal to it. He hoped and trusted that something would be done in future to give a useful result to the labour of Committees. The great principle to be adopted in legislating with regard to savings banks was that the property of depositors in them should be considered to be a trust, and a trust alone, and should not be used by the Chancellor of the Exchequer to give a factitious value to Government securities. When Exchequer Bills lost their value the Chancellor of the Exchequer sold out a great quantity of savings bank money, possibly at a loss, and went into the market to purchase those securities in order to give them a factitious value, and deceive the mercantile world. This practice should be put a stop to.

MR. MALINS said, he had for many years given his attention to the subject, and in June, 1857, he called to the notice of the House the injury which was inflicted upon public credit in consequence of the Chancellor of the Exchequer, what might be vulgarly but with strict accuracy called, rigging the market by means of the funds belonging to the savings banks. He entirely agreed with every word which had fallen from the hon. Baronet the Member for Evesham in the course of his luminous speech. These funds ought to be regarded as a trust, and the Chancellor of the Exchequer ought not to be allowed to use them for the purpose of buying Exchequer Bills at a discount, and thus giving them a fictitious appearance of value. The court in which he passed so much of his time continually held respectable men liable for trust money which they had employed in the purchase of shares in companies to which they belonged in order to raise their value in the market; and now that this Bill was before them it was the imperative duty of the House to provide that that should not be done by the Government which a Court of Justice would not permit on the part of an individual. It was also important that there should be a real body of trustees, men who would make it their duty to attend to their business, instead of such officers as the Master of the Rolls, the Chief Baron of the Exchequer, the Speaker of that House, and the Accountant General of the Court of Chancery, not one of whom had an hour to devote to the business.

The CHANCELLOR OF THE EXCHEQUER: I sincerely wish, Sir, that it was in my power, consistently with the respect which is due to the House and to the hon. Members who have taken part in the debate, to release you from the position you have occupied for so many hours during the last twenty-four. Unfortunately, it would not be respectful or just with respect to the subject that I should not, at any rate, make some remarks, in which I will endeavour to bring to a head the principal points in regard to this Bill which have been referred to by the different speakers. First, I must thank all who have taken part in the debate for the spirit in which they have approached the subject. I cannot say that it has in every case been regarded from the true point of view; but nothing could be more kind and considerate than the remarks which have been made. I will begin with what fell from my right hon. Friend the Member for Wiltshire (Mr. S. Estcourt), because the complaint which formed the burden of his speech can, I think, be easily got rid of. The main objection of the right hon. Gentleman was that the measure did not contain a set of provisions to regulate the ordinary management of savings banks, and he enumerated a multitude of points with respect to that which he thinks ought to be settled by law. Now, I admit that it is most desirable that we should have a Bill for the management of savings banks; but it is a subject of great difficulty, and has no relation to the mode in which the moneys are to be invested and used. Does the right hon. Gentleman really mean to say it is a valid objection to a Bill for dealing with the investment of savings banks' moneys that it does not deal with the totally different subject of the management of these banks and the liability of trustees—a subject upon which half a dozen Finance Ministers have in vain endeavoured to legislate, and all this at so advanced a period of the Session as the 22nd of June, when so much business of importance yet remains to be disposed of? I feel confident that the House will not refuse to proceed with the Bill on such a ground as that.

I now come to a point on which much has been said. The hon. Member for Peterborough (Mr. Hankey) complained that I had ignored the labours of the Select Committee of 1858, which, he said, at least deserved consideration at my hands. But how does he know that I have not considered the Report of that Committee? Consideration does not necessarily involve adoption. A man may consider and adopt, or consider and decline. It was my unfortunate condition, after most carefully considering the recommendations of the Committee, that I was, in a great number of instances, compelled to decline them. My hon. Friend, however, is in error when he says that no trace of the recommendations of the Committee is to be found in the Bill now before us. There are two most important recommendations of the Committee embodied in the Bill. One is the limitation, or as I may rather call it, the abolition of the power of the Commissioners for the Reduction of the National Debt to add to the funded debt of the country without the authority of Parliament. The other is the power which is conferred by the Bill of varying securities, within certain limits, in order to increase the income that would be derivable from the proceeds of these moneys when invested. I must say a word, however, as to the proceedings of this Select Committee. The instruction which it received when appointed was to inquire into the Acts relating to savings banks and the operation thereof, and I, for one, at once concluded that the management of savings banks was to be the chief subject of inquiry. I cannot, therefore, express the astonishment with which I found, when the Report of the Committee was issued, that not a tenth part of the whole inquiry related to the question of management, and that the investigation mainly turned on the financial questions connected with the investment of moneys received from savings banks. Those questions were, perhaps, within the terms of the reference; but I had not the smallest conception that they would form the subject of their labours. How did that Committee proceed? There were then in the House five Gentlemen who, during the course of twenty years, had, as Chancellors of the Exchequer, been invested with the sole responsibility of the management of these moneys. With the exception of these five Gentlemen and the hon. Member for Evesham (Sir Henry Willoughby), there was scarcely a Member in the House at the time who had paid any attention to the proceedings of the Chancellor of the Exchequer in this matter. Not one of these Gentlemen either sat as a Member of the Committee, or was examined as a witness. Under these circumstances, no one can be surprised that the investigation of the Committee proved imperfect and unsatisfactory.

MR. SOTHERON ESTCOURT: Lord Monteagle was examined before the Committee.

THE CHANCELLOR OF THE EXCHEQUER: Lord Monteagle retired from the office of Chancellor of the Exchequer twenty-four years ago, and could not, therefore, be expected to give a sufficient account of all the operations of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli); my right hon. Friend the Member for Portsmouth (Sir Francis Baring); the right hon. Gentleman the Member for Halifax (Sir Charles Wood); the right hon. Gentleman the Member for Radnor (Sir George Lewis); or myself, during the twenty years between 1839 and 1858. [A MEMBER: Sir Alexander Spearman was another witness.] Sir Alexander Spearman—yes. But who is he? A very able and excellent public servant, but not the responsible officer from whom the House should seek to know the grounds upon which the Finance Minister of this country has proceeded.

The main questions that have been raised for the consideration of the House are two: the first is the doctrine that the funds ought to be managed by what is termed an independent Commission, entirely different in composition from the present one; the other is the doctrine that the moneys ought to be dealt with in the same manner as private trust moneys. Before going into these two questions, I may state for the satisfaction of the hon. Member for Evesham, that no provision has been inserted in the Bill with the view of reducing the rate of interest allowed to depositors, and that no such intention is entertained. Indeed, I apprehend it is indubitable that the fund from which the interest is payable will be larger under the operation of this Bill than under the present law. But to return to the two questions. It is said that the Commissioners for the reduction of the national debt are not the proper persons to manage these funds, and that there ought to be an independent Commission. Now what is meant by an independent Commission? It is, of course,

very agreeable to a gentleman in my position to contemplate the creation of additional patronage, and I have to thank my hon. Friend for proposing the creation of a new paid office. Of the new and independent Commission which is proposed, the Chancellor of the Exchequer is to be one member with the Governor of the Bank of England and three others, one of whom is to be paid. The real meaning of that arrangement is that the Chancellor of the Exchequer is to have one vote among five. Now, I do not at all dispute that if we were about to constitute a trust like that recommended by the hon. and learned Member for Wallingford (Mr. Malins) it might be desirable to render it wholly independent of Parliament. On the other hand, however, if you hold that these moneys ought not to be regarded as trust moneys at all, but that the public is strictly a banker and nothing else, then it is obvious that it would be absurd to constitute an independent Commission to manage moneys which are, in fact, the moneys of the public, and which ought, therefore, to be kept under the close and immediate control of the House of Commons. If, as contended by the hon. Member for Evesham, this money is the money of the depositors, and ought to be managed by the public as trustees, you ought to look at the character of your trust, and separate it from the immediate control of Parliament. But the doctrine has always been that this money is not the money of the depositors, and on this principle it has always been held and managed. And the vital question now at issue is, are we to hold this money as trustees or as bankers? The obligation of a trustee is to act in the interest of those for whom he holds the trust, and when he has so acted to the best of his judgment, with integrity, and reasonable discretion, his liability terminates, and the persons for whom he is trustee are liable for any loss they may suffer.

MR. MALINS: If he acts within the limits of the trust.

THE CHANCELLOR OF THE EXCHEQUER: I assume as much when I suppose that he acts with integrity and to the best of his discretion.

MR. MALINS: But he might invest in other funds than the trust allowed.

THE CHANCELLOR OF THE EXCHEQUER: That would certainly not be acting to the best of his discretion.

MR. MALINS: I beg your pardon—it might be so in some cases.

THE CHANCELLOR OF THE EXCHEQUER: I have never heard it propounded before that a trustee who travels out of the limits of his trust may be held as acting with integrity and discretion. I repeat, a trustee must act with integrity, and use a reasonable discretion, and having done so, the persons interested in the trust are liable for any loss. But will the House legislate on that principle for the depositors of savings banks? If so, you must reconstitute the fund entirely, and begin *de novo*. The principle upon which all past legislation has been founded is that this money is not the property either of the depositors or of the trustees, but the property of the Commissioners for the Reduction of the National debt. Instead of that you wished to make it the property—of whom? Either of the trustees of savings banks or of the depositors. I do not think you will declare it to be the property of the trustees as they themselves are irresponsible. But if you declare it to be the property of the depositors you must hand over to them the sum you have received. You must therefore find a sum of about £3,000,000, and place it in the hands of those gentlemen. You have certain liabilities towards the trustees of savings banks on behalf of the depositors. There are certain assets to meet those liabilities, and the assets are of less value by £2,000,000 or £3,000,000 than the amount of those liabilities. It will be a breach of faith which I feel confident this House will not entertain, if, when you have the fact established beyond doubt that the assets of the Commissioners are not equal to their liability, you hand the money over to a Commission as trustees without enabling them to discharge every shilling of liability. Such a course cannot be contemplated for a moment. But I contend that the proposition is unreasonable and undesirable in the interests of the depositors themselves. The property in question is subject to fluctuations of value. It would be a bad view to hold this out to the depositors in savings banks, "instead of a regular and fixed amount of interest you are to take the chance of the funds going up and down, and four or five gentlemen are to be appointed as Commisioners, who are to do the best they can for you." These gentlemen must sell when the funds are low, and buy when they are high. The difference between the rate of interest paid and received and the necessity of selling out at a time when the funds are low have

been the main cause of the loss on this money. Now would it be for the benefit of the depositors to place them under all the fluctuations that result from the system proposed by the hon. Member for Evesham? The fact is, this doctrine of a trust is a vast legal change in the tenure of a vast amount of property. At present property is vested in the Commissioners for the Reduction of the National Debt, and their absolute proprietary right is balanced by the obligation to pay back the trustees the whole sum invested, with interest at 3 per cent. The basis of the present law is, that the Commissioners are in the position of bankers. The savings banks' money is their property, but they hold it subject to the repayment of the principal and a fixed rate of interest. The proposal of the Committee would be the breaking up of that system, and I declined to enter upon a task that I knew would be hopeless, of attempting to persuade this House to undo all the policy and retrace all the steps it had taken for the last forty or fifty years, even if that change had not been accompanied with the necessity of handing over to the Commissioners a sum of £3,000,000 of the public money.

Something has been said of the constitution of the present Commission, which is, I apprehend, analogous to many other Boards and Commissions which Parliament has thought fit to establish. I was for many years prior to 1858 a Member of the Indian Board of Control; and so also was my noble Friend at the head of the Government, and I do not know whether down to the period of its abolition my noble Friend has ever—for myself at all events I can say that I have never—attended a single meeting or took any share in its proceedings. I have also been a member of the Board of Trade, over which my right hon. Friend so efficiently presides, but I have never troubled him in the discharge of his business. The practical working of such a system is that his responsibility is full, absolute, and undivided. It may be a question whether we should keep up the *umbra* of a Board, but the responsibility which thus falls upon the adviser of the Crown and the head of the Department is unquestionable. In like manner, the responsibility of the Minister is absolute in these savings bank transactions, for there can be no doubt the Chancellor of the Exchequer, and he alone, is the person whom the House of Commons would call to account. I do not say that the machinery is perfect for securing the control of the House of Commons, but this I do say, that no effectual control can be obtained by tying the hands of the Chancellor of the Exchequer. How will the House ensure his acting well? By ensuring an effectual review by the House of Commons of his transactions. I contemplated the formation, under the highest authority, of a Select Committee of this House who should sit from year to year and carry out an entire audit of the public money. This would, of course, include a regular revision of all the proceedings of the Chancellor of the Exchequer in the management of this money.

From the speeches delivered to-night it might be supposed that some dreadful Bill had been introduced enabling the Chancellor of the Exchequer to take into his hands a number of exorbitant powers which hon. Members were endeavouring to prevent. But there is not a power given to him by the Bill which he does not already possess, except one or two minor provisions that do not enter into the substance and purpose of the Bill. On the other hand, the surrender of powers that he does possess is very large. He has at present the power of funding deficiency Bills, Ways and Means, and other Bills, which is done away with by this measure. A large portion of the Stocks under the control of the Chancellor of the Exchequer are placed beyond his control by this Bill. Above all, while I propose to limit his powers, I also propose to provide by the appointment of this Committee that the whole of the Chancellor of the Exchequer's proceedings shall be under the review of this House. We are all agreed in this, that the main question we have to settle is in what capacity these moneys are to be managed—are they to be managed by us as trustees for private persons or as bankers? It is clearly impossible we can manage them as trustees. The time for that is past. If a trust was to be constituted, it should have been constituted when the savings banks were first taken in hand; but Parliament adopted a totally different system, and I think it did so wisely. But the financial purposes to which these moneys are applied are purposes of such a magnitude that I think the mode of dealing with them is of a character far beyond being settled by the Report of any Committee, and must be reserved for the discretion of this House. Those funds have been used for purposes of great importance. At times, when it has been

The Chancellor of the Exchequer

thought right to lighten the burdens on property by reducing the interest on the public debt, these funds have afforded the means of doing so by enabling us to make the proper provision for that purpose. I doubt whether, if it had not been for the possession of these funds, Mr. Goulburn would have been able in 1844 to effect that great operation which saved this country £1,200,000 a year. And during the Crimean war could my right hon. Friend the Member for Radnorshire (Sir George Lewis) be blamed because he largely used these funds to enable him to borrow with advantage and with a saving to the country, in order to bear the expense of the war? If he had then been compelled to borrow in stock —the demands for the war being uncertain —he would have had to borrow a larger sum than was wanted, and would not only have withdrawn from the demands of commerce money that was necessary, but have entailed upon the country considerable expense.

Then as to the objects of the Bill. There is at this moment no positive title in law to the deposits in savings banks. I have been told that it is alarming to the depositors to say so; but I think that opinion has been set afloat by certain officers of savings banks—the persons, in fact, who have got up the petitions. But if it is true that alarm will be created, I ask would it be wise or right to conceal from the depositors what is the fact? The legal position of depositors is this—they have a perfect and absolute title to all assets held by the Commissioners, but none beyond that. This Bill gives them a title to all the money held by the Commissioners, a title secured on the State Deposit Account, and it insures the trustees of savings banks in the funds of the State itself. The next object of the Bill is to give a true account of the National Debt; no one has ever seen a true account of the National Debt. No such thing has ever been laid before this House; but the Bill aims at arriving at as true an account of the National Debt as we can, and of rectifying that account once every year. An hon. Gentleman has said I ought to go bowing to the Bank of England to ask more favourable terms from them in respect of these funds. The Bank of England is entitled to £300 a year for the management of every million of stock created by these funds, and I am asked, as Finance Minister, to go to them and petition to have the charge lessened; but I do not think that that is a position in which the Finance Minister of this country ought to appear. In conclusion, I have to repeat that this Bill completely establishes the legal title of depositors; limits the power of the Chancellor of the Exchequer—cutting off the means by which he exercised his power, and which, I am free to admit, has in past times been abused; increases the income derived from these funds, and makes provision for bringing all the proceedings connected with them under the cognizance and control of the House. I believe, therefore, that the Bill will receive the sanction of the House.

MR. T. BARING said, that as a Member of the Committee he could not overlook the statement of the right hon. Gentleman—that the Committee was composed of individuals not one of whom knew any thing of the question.

THE CHANCELLOR OF THE EXCHEQUER: I never said anything of the kind. I said that none of them had been conversant in the slightest degree, as responsible persons, with the question to be considered.

MR. T. BARING said, he did not apprehend that the Committee professed to know more than other Members; but when the right hon. Gentleman said the Committee contained no Chancellor of the Exchequer, he would ask under whose administration was that Committee appointed? It was formed under the sanction of the Chancellor of the Exchequer of the day, now the Secretary for the Home Department. Why did that right hon. Gentleman exclude the Chancellor of the Exchequer? He (Mr. Baring) did not know his sentiments on the subject; but it was only reasonable to suppose that, as a fair and honest Minister, he thought the inquiry ought to be conducted by a Committee wholly distinct from the existing or any previous Government. The right hon. Gentleman had the opportunity of objecting to that Committee as not being a fair Committee, but he did nothing of the kind. It was also in the power of the Chancellors of the Exchequer to whom reference had been made to ask to be examined, but no one did so; and when reference was made to Sir Alexander Spearman, a man more conversant with savings banks than perhaps any other man in the country, the right hon. Gentleman told the House that he was not an efficient, because he was not a responsible witness in such a question as this. If he were to be again a Member of that Committee he would say, "Examine Sir Alexander Spearman, who is the man

most conversant with the affairs and the conduct of savings banks." But the Chancellor of the Exchequer also said the Committee took the benefit of the letter of their Commission and overstepped the spirit of the inquiry. The spirit of the inquiry was —first, to see whether the management of the funds was conducted with security to the depositors, and next, whether the loss which was apparent arose from the savings banks' system itself, or from the system of control and management being vested in the hands of the financial Minister of the day. The result was that, as the funds were at the disposal of the financial Minister of the day they were made use of, no doubt, from most conscientious intentions and with perfectly clear views, but the operations were conducted not for the interest of the savings banks, but for the purposes of the Government and the country. The right hon. Gentleman said that himself, for he asked if the Chancellor of the Exchequer for the time being had not had the control of the savings banks' funds, how could Mr. Goulburn have effected a reduction in the rate of interest, and how could we have managed in the Crimean war? But when complaints were made of the cost of the savings banks, the House ought to know whether that was traceable to the operations of the savings banks themselves, or the employment of the funds for national purposes. He was glad to hear the right hon. Gentleman say that no depositor in any savings bank was not sure of his money.

THE CHANCELLOR OF THE EXCHEQUER: I said as far as the Government were concerned.

MR. T. BARING said, he did not want to draw any distinction, but he was glad to hear the Minister charged with that department tell the country that the depositors were perfectly safe. But the real question was whether the Government in employing the money belonging to depositors they considered the interests of the depositors or the advantage of the country. The right hon. Gentleman said that the control over those moneys must be vested in the individual at the head of the finance department, and instanced the Board of Control. But those systems were not analogous. The Board of Control in former times had the Government of a great empire, distinct from this country, and were responsible for it; but the Chancellor of the Exchequer was responsible to the country for the finances, and he had placed under his control the deposits of individuals which had not in their origin any connection with the finances of this country, except that they implied an obligation on the part of the country to repay them. But then came the question whether that control was always wisely, judiciously, and safely exercised. Undoubtedly it was so under the right hon. Gentleman. Nothing could be more safe, judicious, and wise than his management. But there would always exist a doubt whether there might not be some financial operation which the minister of the day might wish and be able to carry out with these funds which might terminate in a loss to the depositors, although beneficial to the country. The establishment of savings banks had been one of the best institutions ever conceived. It had encouraged saving habits and stimulated the industry of the poorer classes. But the late Mr. Hume used to say they were a great loss to the country; but then came the question of how that loss arose. The evidence before the Committee showed that if there was any loss it did not arise from the employment of the funds in due course, but resulted from their being used for the temporary purposes of the Minister of the day. The right hon. Gentleman said that this Bill was to make everything more secure, but he (Mr. Baring) could find nothing in it to benefit depositors. It was, in fact, a great financial measure, and should have been introduced as such. He wished to enter his protest against the measure, as he did not believe there was any necessity for it, and he would be glad to hear the right hon. Gentleman consent to withdrew it.

MR. AYRTON said, as a Member of the Committee, he rose to protest against the assertion of the right hon. Gentleman that the Committee had confined its inquiries to financial policy, and had not devoted much consideration to the conduct of savings banks. The Committee had examined Sir A. Spearman, and did not call for Chancellors of the Exchequer, therefore it was clear that the Committee had devoted their inquiries to the proper subject. They only entered into the operations of the Chancellor of the Exchequer, so far as to ascertain that those operations, however advantageous they might be to the national finances, had actually diminished the funds in the hands of Government on account of savings banks. The objections to the Bill were twofold—that it did not contain many of the recommenda-

tions of the Committee; and, next, that what it did contain was unsatisfactory. To accomplish two simple objects the right hon. Gentleman had taken a most complicated course. To cancel a portion of the National Debt and turn it into a book debt with the Treasury, was a most dangerous operation, and, he should have thought, inconsistent with national faith. But what was the use of it? Why begin a new system of National Debt? The only reason he could discover was to save the money paid to the Bank of England. There was no necessity for the Chancellor of the Exchequer going cap in hand, as he had described, to the Bank; but if he had made proper representations to the Directors of the Bank, they would no doubt have surrendered the payment for the national benefit without the necessity of this complex legislation. The right hon. Gentleman said that if he did not do this he must create some new fund, but that was what he was doing by this complicated proceeding. Every hon. Member with whom he had conversed on the subject asked, "What can be the meaning of the Chancellor of the Exchequer's Bill?" If the right hon. Gentleman, instead of trifling with the character of the National Debt, had created some £3,000,000 of new debt in the shape of Consols, people would have thanked him for a satisfactory adjustment of the deficiency which had been created by forty years of mismanagement, and which successive Chancellors of the Exchequer had shrunk from disclosing. He doubted, too, whether the right hon. Gentleman's proposal with regard to the interest was a safe one, or whether it would sustain close investigation in Committee. It would have the effect of diminishing the fund which existed as a guarantee against mismanagement or malversation in certain banks. If, instead of creating a new book debt, as he called it, he had made the original deficiency good in Consols, the interest would have been secured in the same way. But the right hon. Gentleman had destroyed his Consols; and if any claim were made by the savings banks he would be confined to the Exchequer Bill market, instead of having the advantage of the Consol market, where the field was larger and money more easily got. Any one acquainted with financial transactions must admit that a more inexpedient proceeding could not have been suggested.

MR. COLLINS observed, that no one had spoken in favour of the Bill except the right hon. Gentleman the Chancellor of the Exchequer, and that it was opposed by the great majority of savings banks. He objected to Members being brought down night after night by the Bill appearing on the paper when there was no chance of their making any progress with it, and he thought he was justified in moving that the Bill be committed that day three months.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will upon this day three months, resolve itself into the said Committee'"

—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 92; Noes 65: Majority 24.

MR. TURNER expressed a hope that the Chancellor of the Exchequer might yet be induced to withdraw this Bill. Except the right hon. Gentleman, not a single Member had said one word in favour of the Bill. The right hon. Gentleman seemed to think that the Committee who had inquired into this subject had not discharged their duties quite satisfactorily. No Committee, however, could be more determined to investigate the question in every way, and, though they had not examined Chancellors of the Exchequer, they did examine an officer whom they thought more competent to give an unbiassed opinion than even Financial Ministers. The Manchester and Salford Savings Bank, the deposits in which exceeded £1,000,000 had petitioned against the Bill, calling attention to the Report of the Committee, and the Report was, in his opinion, approved by the leading banks throughout the country.

MR. W. WILLIAMS said, he hoped the right hon. Gentleman would not withdraw the Bill, for it contained a provision of the greatest importance—namely, a clause preventing the conversion of Exchequer Bills into stock without the authority of Parliament.

Main Question put, and *agreed to*.

House in Committee.

Clause 1 (Stock to be cancelled).

SIR HENRY WILLOUGHBY said, he wished to take the opinion of the Committee with respect to the formation of the Commission, and he would therefore move that the clause be postponed.

THE CHANCELLOR OF THE EXCHEQUER observed, that such a course would be inconvenient. He could not see any

connection between the object of the hon. Baronet and the course which he proposed to take. If he wished to raise the question of the constitution of the Committee, he ought to propose a new clause.

SIR HENRY WILLOUGHBY said, he regretted that his Motion did not meet with favour in the eyes of the Chancellor of the Exchequer, who rarely gave his assent to anything; but he must contend that the object which had led him to give notice of a Motion to postpone the first three clauses was perfectly intelligible.

MR. HASSARD said, that the Bill, so far from extending, appeared to him to limit the power of the Treasury to operate with the funds of savings banks.

THE CHANCELLOR OF THE EXCHEQUER remarked that the sum of £31,000,000, at present subject to the control of the Finance Minister, would be removed from his power by this Bill.

SIR HENRY WILLOUGHBY said the sum of £10,000,000 and the current balances would still remain.

THE CHANCELLOR OF THE EXCHEQUER said, the principle of the Amendment was to overset the Bill; and that being so, therefore the propositions in the measure should be taken in the order in which they arose. The first proposition was to cancel a certain amount of stock. We did not owe the total amount which had been named, but only interest upon it, though we did owe the difference between the amount of securities and the debt.

SIR HENRY WILLOUGHBY said, he had made his Motion *bonâ fide*, and he thought that he had pursued a course which was a proper one. The governors were trustees, and Chancellor of the Exchequer had no right suddenly to get up and say, "I will change the whole nature of the transaction, and alter the kind of securities." He should persist in his Motion, because he believed that a Commission should be appointed to manage this fund, and it was necessary to an Amendment of that kind that the three first clauses should be postponed. He hoped the clause would be postponed.

SIR CHARLES WOOD said, he did not impute to the hon. Baronet any unfair attempt at postponement, but the Amendment moved would prevent their proceeding with the Bill. The only question upon the first clause was as to the stock in which the money should be invested; and the usual course would be to discuss that question only upon the clause. The mere fact of changing the security was no breach of faith at all, as seemed to be supposed, for the parties investing had the security of the nation still.

MR. SOTHERON ESTCOURT said, if it was the desire of the House to do a certain thing, the first thing they should determine was, who was to do it, and on these grounds he supported the postponement of the clause.

MR. T. BARING said, the real thing for the Committee to decide was, whether they would vest power in the Chancellor of the Exchequer, or whether they would adopt the recommendation of the Committee. He therefore thought his hon. Friend was quite right in taking the sense of the Committee as to whether the clause should be postponed, in order that they might determine whether they would adopt the recommendation of the Committee.

SIR FRANCIS GOLDSMID insisted upon being informed who the Commissioners were to be that were to manage these funds before they proceeded further.

Motion made, and Question put, "That Clausel be postponed."

The Committee *divided:* Ayes 49; Noes 73: Majority 24.

House resumed.

Committee report Progress; to sit again on *Friday* next, at Twelve of the clock.

House adjourned at a Quarter before One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 25, 1860.

MINUTES.] PUBLIC BILLS.—1ª Criminal Lunatic Asylum.
3ª Plea on Indictment.

SLAVE TRADE—MOZAMBIQUE.

MOTION FOR PAPERS.

LORD STRATHEDEN: My Lords, in rising to move your Lordships to Address the Crown in favour of appointing a Consul at Mozambique, the capital of the Portuguese dominions on the Eastern coast of Africa, I will not detain the House by a statement of the circumstances arising in the other House of Parliament, which induced me to submit the Motion. But I should wish, in passing, to observe that it has been postponed from the 4th June to the present moment, because it must have

otherwise come on in the absence of the right rev. Prelate (the Bishop of Oxford), who presided over the Committee on the Slave Trade in 1850, and that noble and learned Lord (Lord Brougham), whose zeal upon these questions has been known for more than half a century. It seemed to me that their attendance was the firmest guarantee that your Lordships would not be led to a mistaken judgment on the point which I desired to bring before you.

My Lords, in 1854 the Government of that day resolved to send a Consul to Mozambique. In December, 1856, the Consul left this country. In July, 1857, he reached his destination. In May, 1858, the Portuguese authorities, not being able to defend him against a violent conspiracy of slave dealers, in the absence of our cruisers at that time called away to India, the Consul left his station for Mauritius. In the autumn of 1858 a great controversy took place between the Governments of France, Portugal, and Britain, on an event to which his consulship gave birth. Since that time the Consul has had no successor.

My Lords, remarks may be made as to the form of the present Motion, and I shall by and bye, with your permission, touch upon it. But as the vital question is, whether the Government are bound to re-appoint a Consul at Mozambique, I shall best consult the natural impatience of the House by asking them at once to weigh the two obvious and necessary points into which that question is divided: namely, whether the appointment was originally justified, and whether, if it was, the grounds which justified it have been confirmed by subsequent events, and still retain their power.

As regards the grounds which justified the Government of 1854 in sending out a Consul—if I state them far less precisely than I wish to do, it matters little since I am speaking in the presence of the noble Lord the Foreign Secretary at that time, of the noble Lord the President of the Council, then a Member of the Cabinet, and of the noble Lord then, as now, the Under Secretary for Foreign Affairs, who can do that justice to their policy which I may fail to do. In the year 1850, after long inquiries and debates, a strong resolution was displayed in the country and in Parliament to maintain British cruisers on the coast of Africa against the slave trade, even at a cost of half a million pounds a year. It was amply proved by evidence collected at that time, that the squadron could not be effective for its purpose, unless supported by consular establishments on land to furnish information to the naval officers, and to promote the lawful commerce by which the slave trade is reduced. On the Western Coast of Africa, our squadron was supported in this manner. Besides the British settlements of Gambia, Sierra Leone, and the Gold Coast, we had consular authorities at Lagos, at Fernando Po, Monrovia, and Loanda, the capital of the Portuguese dominions of Angola. There was no equivalent upon the Eastern coast between Zanzibar and Natal, a sea-board of above twelve hundred miles. Our Commissioner of the mixed Court and our Consul at Loanda had secured the concurrence of Portugal, with the operations of our squadron on the Western Coast. It was essential by new means to obtain the same concurrence on the Eastern coast. The Governor General of Mozambique was far more in want of British countenance and shelter in resistance to the slave trade than any other viceroy. He had the strongest possible temptations to engage in the forbidden traffic on account of the wants to which an insufficient salary exposed him. The feelings, interests, and habits of the colonial circle which surrounded him—threatened with the gravest penalties the slightest effort upon his part to restrain a system of which all enjoyed the gains, and none were sensible to the dishonour. About twenty years before one of these viceroys had been driven from his government in consequence of having assumed too bold an attitude towards the slave dealers. But, since 1854, the Governor General, if he meant to do his duty, had to resist the influence of France in forms of menace or persuasion. The French free-labour system had begun, and it involved an urgent demand for slaves along the sea-board of Mozambique. Against all this adverse pressure the Viceroy could not be sustained even by his Goverment at home without a British Consul to animate his zeal, to second his exertions, and should the occasion come, to reprimand his slackness. A further ground for the appointment of the Consul was that Britain had acknowledged the sovereignty of Portugal from Cape Delgado to Delagoa Bay, conditionally on observance of the treaty to arrest the slave trade, and that the presence of our representative was called for to ascertain that so long as she maintained her

rights, Portugal fulfilled her obligations. Beyond this it was established that while twelve hundred miles of the eastern coast remained unwatched, it was idle to attempt to control the slave trade on the western coast. The stream went on, although the channel might be altered. The whole system of exertions Great Britain had been forming through the world against the slave trade since she reached her glorious position of 1815, was liable to failure, so long as this extensive chasm in her policy was open. On these grounds and others, doubtless, which escape me, the Government of 1854, appear to have been justified in making the appointment.

But did events belie the calculations which had led to it? Were the exertions of our Consul found to be superfluous or nugatory? What were his adventures? During his sojourn at the Cape, where he was long detained, Soares, the prime agent of the French slave trade in Mozambique, became informed as to his mission, travelled to the Cape, endeavoured to gain his confidence, by well-deserved invectives against the traffic he was guilty of; and almost persuaded him of his fitness for the office of Vice-Consul. So was Mr. M'Leod, by the best authority, initiated in the secrets of the region he was destined to. The frigate which took our Consul from the Cape to Mozambique was nearly all the while engaged in the exciting chase of the *Minnetonka*, a large vessel from Cuba, endeavouring to ship slaves along the eastern coast. It did not effect the capture, but a new light broke upon the Consul when it discovered a collusion between this vessel and the *Zambesi*, a Portuguese ship of war, under the control of an ex-governor. Mr. M'Leod, on his arrival at his station, found the French free-labour plan in active operation, and had the strongest proofs of its being neither more nor less than compulsory traffic in the negroes. Soon after he arrived an insurrection of the natives against Portugal broke out, from indignation at the attempts of the Portuguese authorities to meet the French demand, and to revive the evils of the slave trade. Amidst the violence which followed, the British Consul was secure; because he was alone regarded as the friend and champion of the Africans. But this very circumstance provoked the hatred of the persons who depended on the slave trade for their profits. The settlers of Mozambique conspired against him. They endeavoured to deny him any kind of habitation in the city. His supply of necessaries was impeded; all service was cut off from him; his home was violated; and his life in danger. The new Governor-General, who arrived after our Consul, with the best intentions was unable to protect him. Although these persecutions would not have occurred, had it not been for the unwonted and temporary absence of our cruisers, they afford the most decisive testimony to the value of a British Consul at that station. For what could have excited them, but the strong and well-founded conviction of the slave dealers, that between them and him no compromise could be arranged; that their gains must fall, or his authority be ruined? But it is worth while to recollect what he accomplished in a career so short, so troubled, and so full of incidents to abate his zeal, and to confound his operations. Two vessels containing British property, and engaged in lawful trade, one of which had been irregularly, the other practically seized, were given up to his remonstrances. He was not, therefore, useless to the commerce he was sent out to encourage. The *Marie Caroline*, the *Maris Stella*, and the *Charles et Georges*, by his efforts were prevented from taking slaves away upon that coast. At his instance the governor of Ibo, a minor settlement of Portugal to the north of Mozambique, was superseded for something worse than mere collusion with the slave trade. But far more, he did stimulate the new Governor-general into a course of energetic opposition to the traffic. He did induce that elevated person to face and to resist the French demand, by which, in that very year, upwards of 5,000 Africans, under the title of free labourers, had been torn away from Mozambique. It is not too much to say that the presence of the British Consul at this station for the first time engaged Portugal in that dignified and strenuous resistance to the slave trade, which for years past British statesmen had vainly urged her to pursue. It is too well known, at least, that Portugal became before the world a martyr to the principles so long impressed, and so reluctantly adopted. It is also certain that the labours of our Consul, after eliciting from the Viceroy of Mozambique conduct which reflected honour on his country and himself, were the means of drawing from the Emperor of the French a formal manifesto against the compulsory traffic which France had too long defended as legitimate. The manifesto may have led to

no improvement, but at least it gives the British Government a vantage-ground in all remonstrances with France against the system she was led in language to renounce and even stigmatize.

But what followed the departure of our Consul from the eastern coast of Africa? Did anything occur to supply the plea for leaving the post vacant? Can it be said that what he did is adequate and final, and that there is, therefore, no occasion to perpetuate the office? On this point Major Rigby is a seasonable witness. Major Rigby was the agent of the East India Company at Zanzibar, the capital of the territory which stretches to the north of Mozambique. His despatches are contained in a Parliamentary Return delivered to the House of Commons on the Motion of Mr. A. Kinnaird, March 7th, 1859. On August 15th, 1858, three months after our Consul quitted Mozambique, Major Rigby informed the Government of Bombay that to the south of Zanzibar the slave trade had acquired dimensions and a vigour previously unknown in consequence of French arrangements, He informed them that vessels were sent from France on purpose to convey negroes from the eastern coast of Africa. He informed them that a large American ship under Spanish colours, had just left Mozambique with twelve hundred slaves on board. On August the 20th he wrote that two French ships of war had entered Zanzibar, bringing a letter from the Governor of Bourbon, to exhort the Sultan to permit a negro exportation, and that the Sultan was prevailed upon by Major Rigby to refuse it. Could any circumstance illustrate more precisely the vigour of the French demand, and the efficiency of our consular authorities? On the 13th of September, 1858, he wrote that the French merchant ship *Anna* left the island of Comoro, with four hundred negroes—that in eighteen hours the negroes armed themselves with fire-wood, overpowered the crew, and permitted them to escape in boats to Zanzibar. Was this the voluntary embarkation of free labourers? The Major wrote also that the price of slaves to the south of Zanzibar had doubled, and that so great were the profits of the trade that all lawful commerce was in danger of extinction. The last volume on the slave trade issued by the Foreign Office did not go much into the year 1859, but it was full of valuable lessons. It showed that on the eastern coast nothing was accomplished. It showed that on the western coast the squadron had been met by unprecedented obstacles. The tone of the commanders was a tone of gloom, if not of despair. The impression which the volume made was that we must now aim rather at preventing the embarkation of the negroes than at seizing ships in which they were embarked. It tended to raise the value of our consular establishments. But the establishments of this character on which it threw the most brilliant light, were those in the Portuguese dominion of Angola, upon the western coast—and the inference was clear as to Mozambique upon the eastern coast. The volume abounded with proofs that the French free-labour system had revived, and was prolonging, in the interior of Africa, the disorders and the horrors against which we had been waging war for half a century. It showed distinctly that the French colony of Bourbon, or Réunion, was not less intent on negro labour than before. It suggested no conclusion upon which the vacancy at Mozambique could be defended. If it were asked what was the precise evil for which the vacancy must answer, it was as follows:—Other Powers have been arrayed against the slave trade by Great Britain. And, were it not for her voice, they would at once suspend their opposition to it. But we are silenced towards these powers so long as on the eastern coast of Africa we allow a negro traffic to continue without the greatest efforts to restrain it; above all, when we fell back from a measure we have recently adopted, and of which all nations have witnessed the results and been led to recognize the value. But if we are not silenced towards Spain, towards Brazil, or towards the United States—as far as possible to limit the position — we are silenced towards France and towards Portugal. Unless we have a Consul to watch the eastern coast of Africa, from Cape Delgado to Delagoa Bay, we have no authoritative ground on which to reply to any version France may give of the proceedings in those waters. We may be convinced, but we have not the power to refute another Government contending with us. As regards Portugal, it was evident, from Mr. M'Leod's experience, that nothing but a thorough reformation could clear Mozambique of the slave trade. Until the leading slave dealers were banished, as in Angola they were banished—until new officials had replaced them—until the Governor-General received such a salary as would make him independent of the traffic

—a system so inveterate and powerful would flourish. But this effective reformation could only be produced by British influence on Portugal. Except at British instigation, Portugal has never yet and never can advance a step against the slave trade. Until we had a consular authority to guide us, we could not urge the Government of Portugal about it. Like France, Portugal might answer that we had no authoritative evidence. But it might argue further, that, until we re-established our consular authority, our zeal was not apparent in our policy. Beyond this it might reply that, however just our views, and genuine our language it had not the power to effect a reformation at Mozambique until our Consul was replaced, because the Governor-General under no imaginable change could do his duty in the absence of a British representative. And the truth of this was incontestable. Last of all, Portugal might argue—if not in words in thoughts—that as her Government in 1857 and 1858 did adopt our counsels, did incur sacrifices, dangers, and embarrassments, by doing so—did expose her capital to menace and her courts of justice to aggression, in our cause, and at our instance—she ought not a second time to tread this arduous path while Great Britain suffered an eclipse upon the very scene on which we asked for a renewal of her hazardous exertions. What were the objections to the Consul being replaced, if the grounds of the appointment were something more than adequate, and if experience had only added to their cogency? Her Majesty's Administration would scarcely dwell upon expense as being the hindrance. They were now in possession of an unanticipated income from the vote of the House of Lords upon the Paper Duties, after strong arguments, to show that the income was superfluous. The Estimates might not have provided for a Consul at Mozambique, but further estimates were not a rare occurrence in this country. At least the disposition of our people to make pecuniary sacrifices to eradicate the slave trade could not be denied. If even £2,000 a year were necessary for this consulship it would be a prudent outlay, since it went to save from inutility a squadron which cost £500,000 a year. And when the Estimates had reached the height of £70,000,000, it was not the moment to haggle about a puny cost to us for an immeasurable benefit to Africa. The Government might far more prudently enlarge on the defencelessness of our Consul in 1857 and 1858, and on the outrages to which that defencelessness gave rise; but it must never be forgotten that that defencelessness arose from the necessary absence of our cruisers. Had four cruisers been stationed in the waters of Mozambique, as in common times they would be stationed, he would not have been defenceless, and he would not have been attacked. The Indian mutiny, by absorbing our ships, occasioned all the difficulties against which he was not able to maintain himself. To anticipate them more completely for the future, it had been thoroughly explained, that any new Consul should be provided with a vessel, and move from time to time along the sea-board between Cape Delgado and Delagoa Bay. In this manner his efficiency would be increased, because his sphere of vigilance would be extended. He would have a refuge and a home in the event of serious commotions in Mozambique. His crew would be sufficient to protect him against violence; but he would still reside enough on shore to communicate habitually with the Viceroy—to watch the sources and accomplices of negro traffic—and to gain that information which never had and never could be gained by a detachment of the squadron. Perhaps the Government might urge that, although there ought to be a Consul in those parts, delay was immaterial. A more unhappy plea could hardly be selected. The great and radical reform at Mozambique, essential to a better state of things upon the eastern coast of Africa, could only be effected—even by the union of Great Britain and of Portugal—on the advent of a new Governor General. It was only at such a moment that so complete a change of system could be imagined—much more brought about. It could only be accomplished while the Viceroy was more under the influence of his Government at Lisbon than of his colleagues at Mozambique, while his ardour to control the traffic was uncorrupted by example, while the climate had not yet begun to enervate his vigour, while he had not yet incurred the taint or sunk on the proclivity which scarcely any of his predecessors had avoided. The present Viceroy having reached his Government in the autumn of 1857, and having been appointed for three years, would naturally quit it in the present autumn. The moment, therefore, was at hand when the voice of this country towards Portugal ought to be strong and irresistible. He

Lord Stratheden

had shown that it could be neither, in the absence of a Consul at Mozambique. Unless, therefore, Government immediately appointed one, they sacrificed the point of time when this essential reformation upon the Eastern coast might be effected. There was one argument upon which the Government would be too cautious to enlarge, but which, perhaps, would weigh with some Members of the House more than any other. It cannot be denied that at the French island of Réunion a strong interest desires negro labour, or that, within France itself, that interest has powerful supporters. It could not be denied, therefore, that while we had no Consul at Mozambique, collision between France and England on questions of the slave trade was less likely to occur. And it might therefore seem, at first sight, that the alliance of the countries gained by such a vacancy. But this view was superficial. The alliance could not be maintained by any understanding of Governments and crowned heads if it was revolting to the people of this country. And it was certain to be revolting to them as soon as they had reason to suspect that our policy against the slave trade was endangered or arrested or relaxed by it. The series of events which had in some degree estranged the public mind from that alliance had not as yet been able to subvert it. In spite of all that passed in 1858—in spite of the aggression upon Portugal in the autumn of that year —in spite of the gigantic estimates which France imposed on this country — the British public so clearly understood the gain which all the world derived from the alliance, that no invectives against the despotism of the French Government at home, or its rapacity abroad, had yet detached them from it. Let it once be known, however, that it demanded an essential part of our policy against the slave trade as a sacrifice, and its day was over. Engagements, statutes, treaties, the recollection of our greatest men, the moral and religious feelings of the country, besides its honour and its pride, would then become arrayed against the union of France and Britain, in irresistible remonstrance. And if it should be so, reason would not seem to be at variance with sentiment. The alliance with France, or any other Power, could only be regarded as an instrument of policy. The deliverance of Africa from the oppression of the slave trade was among the highest ends which, as a nation, we pursued. The alliance might be replaced by other international relations, but no atonement could be offered for the breach of our engagements towards Africa and the world at large. He had pointed to the suppression of our influence upon Portugal as the worst practical result of the vacancy in question. But how much more complete was that suppression if France were thought (unjustly it might be) to keep our efforts on the eastern coast of Africa suspended? Portugal was far more entitled than this country to look on France with apprehension. Portugal had found that to oppose a negro exportation in those parts was to incur the anger of that formidable Power. Could she be exhorted to resist it when deference to France appeared in the remotest way to act upon our councils. If that consideration touches Britain with a feather, Portugal must sink under its weight. Portugal might yield to it at least without so great a sacrifice of faith, or so deplorable a treason to the lesson she had not presumed to teach, although she was conditionally learning it. But he had no desire to push the case too far. He readily admitted that, if the arguments of those who ten years ago endeavoured to recal the squadron were accepted, it would be logical and just to appoint no Consul at Mozambique. But if in the House of Lords those arguments had never been submitted to—if the spirit which prevailed in 1807, when the slave trade was abolished; in 1810, when it became felony; in 1824, when it was stigmatized as piracy, still obliges our Government to maintain the squadron upon the coast of Africa, it becomes the House to see that the ships which still remain shall not be useless in those waters. Either let our consular establishments have all the vigour we can give them, or else withdraw our cruisers into seas in which they may increase the safety of our coasts, and raise the tone of our policy. By any other course we waste the national defences of the country. By any other course we make an unrequited sacrifice of life and of revenue.

My Lords, there is nothing further to remark except as regards the terms of the present Motion. It was open to me, no doubt, to have proceeded in a different manner. A question might have been put to the Government about the reasons of the vacancy. Such a course would not have been irregular, but it did not seem to be the most considerate or friendly. It might have drawn from the Government a statement of intention before the case had been

explained, and before others had been heard upon it. The Motion is so framed as to demand a step, without inculpating the Government for not having yet adopted it. It does not even recognize the fact that an established office has been vacant. It takes no advantage of the circumstance that it is still upon our list of consulships. It uses terms which might have been employed if we had never had a Consul at Mozambique. And I am ready to admit that many circumstances go to vindicate the Government in having left the post unfilled, which will not, however, vindicate them should they any longer do so. The Motion only aims at a distinct and satisfactory assurance from the Government of their intention to despatch a Consul to Mozambique in time to meet the coming Viceroy of that settlement. Should such distinct and satisfactory assurance be withheld, the other House of Parliament will probably elicit it. And even if the other House of Parliament fails in its exertions on this point, a case so strong, and bearing on their deepest obligations, however feebly explained, will hardly be forgotten by the press or by the people of this country.

Lord WODEHOUSE said, if he was compelled, on the part of the Government, to object to the Motion of the noble Lord for an Address to the Crown for the appointment of a Consul at Mozambique, he could assure him it was not that they were insensible to the great importance of the question. It was true that the appointment of a Consul was only one small portion of the arrangements that were made for preventing an extension of the slave trade; but that appointment naturally brought the whole question of the slave trade on the east coast of Africa under the consideration of the House, and their Lordships always must take a deep interest in all matters connected with that question. The noble Lord had correctly stated the circumstances that led to the appointment of a Consul at Mozambique at the time that the noble Lord below him (the Earl of Clarendon) was Secretary of State for Foreign Affairs. The Consul proceeded to his post and remained there until 1858. He was sorry the noble Lord had thought it necessary to enter into detail relative to the conduct of Mr. M'Leod, because—although he had not the least wish to enter into the circumstances that led to his leaving his post—he did not agree with the noble Lord in thinking that the proceedings of Mr. M'Leod were so wise and discreet as he represented. He fully recognized in Mr. M'Leod an active and a zealous person, impressed with the deepest sense of the iniquity of the slave trade, and that he used his best efforts to prevent and suppress it; but he was bound, having carefully read his despatches and the book he had published, to add that he did not think his conduct on all occasions was characterized by judgment, which was quite as necessary as zeal in one whose duty it became, as Consul, to remonstrate against the slave trade in that district. He did not consider it necessary to refer to the particular circumstances that led to the vacancy, further than to say he thought the noble Earl then at the head of Foreign Affairs (the Earl of Malmesbury) was justified in not sending back Mr. M'Leod to his post. He had no wish to disparage the character of Mr. M'Leod as an agent of the Government, but he certainly did not think that gentleman's qualities rendered him peculiarly suited for the post he filled. The question naturally arose, should the Consul at Mozambique be reappointed? The noble Lord had stated that he thought it absolutely essential for the support of the representations that Her Majesty's Government had to make to the Portuguese Government, and for the support of the Portuguese Government in Mozambique, that there should be a British agent stationed at the capital of the Portuguese possessions. Those of their Lordships who had read the papers that had at various times been presented on the subject of the slave trade on the eastern coast of Africa were probably aware the circumstances attending the possessions of Portugal in that quarter were very peculiar. In point of fact the Portuguese possessed only three or four points upon the coast. The sovereignty they had on that coast had been acknowledged by treaty concluded in 1817 between this country and Portugal. Now, in order to prevent the slave trade from being carried on, it would not only be necessary that the Portuguese authorities should exert themselves, but it was also necessary that those authorities should be in a position to enable them to act with more effect; because it was a matter of fact that the Portuguese Government exercised extremely little control over the native population along the coast; and even though they had the will to prevent the slave trade—and he would not say they had not the desire, for the Government evinced a desire that the slave trade should

be stopped—even though they had the will to make strenuous exertions to suppress the slave trade, they would not be able to effect that object. Under these peculiar circumstances it had been a matter of serious consideration in what manner the slave trade, which undoubtedly did prevail to a great extent on the eastern coast of Africa, should be prevented; and he was convinced that the only manner of really suppressing it was by leading the natives who lived in the interior of the country at some distance from the coast, and by whom the slaves were brought down to the coast, to engage in lawful commerce instead of in the slave trade. In order to promote that object, it was necessary to familiarize them with those matters of trade with which we were acquainted, to make them see the advantage of turning the fertility of the soil to account, and to show them that they might drive larger profits from the pursuits of lawful commerce, than from the illicit and infamous commerce of the slave trade. All these objects were sought to be accomplished by the expedition of Dr. Livingstone. He was happy to think that Dr. Livingstone, as was known to the public from his letters and journals, had met in his enterprise with considerable success; and although he could not say so sanguinely that all his anticipations could be fulfilled, yet he thought that what he had done gave very great promise for the future. Under these circumstances the Government thought it was not possible to do better than to encourage and develop further the efforts of Dr. Livingstone, and for that purpose they had this year proposed to the House of Commons, a largely increased Vote in connection with the Livingstone expedition. From the Estimate he found the figures to be as follows:—The present annual expenditure to this year for this expedition had been £3,000. The proposed additional annual expenditure for three years was £2,500; and the extraordinary and temporary expenditure proposed for the present year was £6,000; making a total of £11,500. A portion of that extraordinary expenditure, or about £5,000, was for the construction of a suitable vessel. With this additional aid to Dr. Livingstone's efforts, combined with the attempts to lead the natives to engage in lawful commerce, there would be a fair chance of success; and he thought they should wait to see what were the results of this large expenditure, and of these promising efforts of the Livingstone expedition, before they made further arrangements for the suppression or prevention of the slave trade. He did not say at all that a Consul at Mozambique might not be a very useful assistant in putting down this detestable traffic; but at the same time, working as the Government were in another direction at the present time, and which they thought promised better fruits, he did not think, and the noble Lord at the head of the Foreign Office did not think, that it was desirable to re-appoint a Consul at Mozambique. He did not say that at some future time it might not be desirable to take such a course; but at present this country had two separate agents there, both holding consular authority, and Dr. Livingstone also holding a consulship, and the appointment might lead to confusion, and rather defeat than promote the object in view. He could not help repeating, that as on the east coast so upon the west, and wherever the slave trade flourished on the continent, the only real way of putting down the slave trade was to make the natives see how greatly it would be to their advantage to engage in ordinary commerce. Prevention by means of cruisers could never be completely successful; but let the natives, as they had already to a great extent, really feel the advantages of lawful commerce, and the foundation of the ultimate suppression of this odious traffic would be securely laid. The real root and source of the evil, however, he might be permitted to say, was to be found on the other side of the Atlantic; and so long as the Spanish Government did not act by their solemn engagements to prevent the slave trade in Cuba—engagements which if they chose they might with perfect facility perform—so long, he grieved to think, our best efforts to prevent and suppress that most iniquitous traffic must fail. He grieved to add that the most recent accounts that they had from Cuba showed that there was a great development in the traffic in slaves, and that it was carried on upon a largely organized scale. That was now the only spot in the world in which the slave trade was carried on upon a large scale, the rest of the world being practically free from it. It was a matter of deep regret and concern to all interested in the question, and who had a spark of humanity, that Spain had not acted by her engagements, or put an end to a traffic that was a disgrace to humanity, and which he believed in the long run would not further her own interests. Upon the grounds he

had stated he hoped that his noble Friend would not persevere in his Motion. The subject commanded the best attention of the Foreign Secretary, and whenever his noble Friend thought it would be desirable to re-appoint a Consul at Mozambique he was prepared to do so.

LORD BROUGHAM entirely concurred with his noble Friend in his view of the necessity of cultivating those commercial and agricultural relations with the east coast of Africa, from which, above all other things, the best hope of extinguishing the slave trade arose. But, instead of considering the Motion of his noble and learned Friend (Lord Stratheden) inconsistent with such an object, he believed that the appointment of a Consul was essential for its accomplishment. What prospect was there of inducing the natives to engage in commerce and agriculture if there was a body of Portuguese official agents of high rank and great influence, who, over the whole 1,200 miles of coast, themselves engaged almost openly in the slave trade? That was the fact. The salary of the Governor of Mozambique was paid in such a way that he had a direct interest in this trade. He received a trifling salary of £900 a year, which was greatly less than his necessary expenses, and all the rest was paid by the council, if, indeed, even that poor salary was not so paid, which he believed it was, and the council was composed of notorious slave-traders and their agents. Of the present governor he did not speak, but his predecessor certainly took an active part in the traffic. He was paid so much a head upon all the negroes shipped, and his agents up the country were paid so much a head, in proportion to the success of the slave-traders there. The native slave-traders were suffered to carry on their execrable traffic, by paying to these agents a certain per centage upon the negroes brought down to the coast; and then the agents, their salaries from the Government being insufficient eked them out by the profits of the slave trade, and were, therefore, themselves almost avowedly concerned in these guilty courses. Portugal had engaged to put down the slave trade, but the agents interested in it continued these illegal practices, and there was no vigilance exercised over one side, and no comfort or assistance given to the other. The extension of agricultural and manufacturing knowledge was undoubtedly of the greatest importance as calculated gradually to extinguish the slave trade; but in the mean time it must be recollected that the profits of selling men were far greater than the profits of selling cotton. So long, then, as men were allowed to be sold in the interior, the native chiefs, as was found on the west coast, would not only lend no encouragement to, but would prevent the development of the agriculture of the country, and of the little manufacturing knowledge already possessed by the natives, for they to a certain extent span some of the cotton which they grew. Until the Portuguese honestly and fairly performed the obligations they undertook in respect to the slave trade, so long would the development of the resources of the country be checked. However, it was not merely of the Portuguese Government that complaint had to be made, for there was still more reason to complain of the Spanish Government, against which the case was strong and irresistible. From the papers laid before their Lordships, it would be found that in 1858, according to the statement of the Commissary Judge at the Havannah, fifty slave-traders had left Cuba in two months in that year for the coast of Africa. The average of slaves on board each of these fifty vessels was 600. The number varied from 450 to 1,000, but taking the average at 600, it would appear that in the course of two months vessels were despatched to Africa for the frightful amount of 30,000 slaves. He did not mean to multiply that number by six, and to state that the result would represent the amount of slaves for whom vessels were despatched in the course of the year, for he knew that no such calculation could be made; but it appeared plain that in the course of two months 30,000 slaves were shipped from the coast of Africa. It was stated by Commodore Wise that the slave trade was taking a frightful extension on the coast of Africa; that new and formidable combinations of capitalists and joint-stock companies, called expeditions to Africa, were formed, and so openly, that on the Havannah Exchange the shares of these joint-stock slave trade companies were openly advertised, and the price was 1,000 dollars a share. Thus this infernal traffic was reduced to a system. The way in which it was carried on appeared to be this:—A vessel cleared out from the United States with a crew of naturalized Americans, who, being really foreigners, were not subject to the American law declaring the slave trade piracy. These men aped the manners of the Americans as well as spoke their language, so

Lord Wodehouse

that the commander of an American cruiser was deceived by them, and could not discover that they were foreigners; but when the same commander visited the vessel for the purpose of stopping it, then, of course, the crew suddenly became foreigners. They then proceeded to the Havannah, got a fresh set of papers there, the market price of which was £5 or £6, and after obtaining all the requisite fittings up of a slave trader, steered to the coast of Africa. The extent to which the exportation of slaves from Africa was carried was atrocious. The noble Secretary for Foreign Affairs, in making a statement on the subject, that 35,000 to 40,000 were imported into Cuba yearly, gave vent to his feelings, and his predecessor in the Foreign Office, in a despatch to the British Minister at Madrid, Mr. Buchanan, observed that if Spain honestly performed her treaty engagements, the traffic in human beings would cease, and that the flagrant violation by the Spanish authorities of the engagements contracted with this country must tend seriously to impair those friendly relations which it was so desirable should be maintained. How, it was said, could Spain put a stop to the slave trade? He would answer that question by putting another. How could Brazil put a stop to the slave trade? The Spanish Government had as much power over the authorities of Cuba as the Brazil Government had over its own authorities, and Brazil, to her infinite honour, had completely abolished the slave trade. The number of condemnations in the Vice-Admiralty Court of Sierra Leone before 1851 was sixty. Since 1851, when Brazil abolished the slave trade, the number came down to twelve, and at last to three. In short, as far as captures and condemnations on the coast were a test, the Brazil traffic had ceased. The Brazilian Government and people had showed great kindness and consideration for the negro race, and he thought their example might well be imitated in other parts, particularly in the North. In Brazil a man, be he of ever so sable a colour, provided he was emancipated, was capable of enjoying any public trust, and was in all respects, and in legal relations also, on the same footing as a white man. When he mentioned this, he wished he could read to their Lordships a letter which his right hon. Friend the Chancellor of the Exchequer had lately received from a negro gentleman in Liberia. The gentleman's name was Edward Bryden, and the Consul of Liberia informed him that his respectability was undeniable. He was engaged in the honourable office of teaching, and his quotations from Latin and Greek showed that he had, as he represented, devoted himself to the study of the ancient as well as the modern languages. It was to be hoped that his right hon. Friend would be prevailed upon to give that letter to the public, and it would then be admitted that a better composed or better reasoned letter was never written. It was addressed to his right hon. Friend as a testimony from the author of the respect which he felt for those qualities for which his right hon. Friend was so distinguished, for his eloquence, for his statesmanship, and for his great classical attainments. He concurred in every word of eulogy addressed to his esteemed Friend the Chancellor of the Exchequer, and he had no doubt that in common candour every one who read the letter would feel as he felt as to the ability of the writer, and the justice of his tribute to the Chancellor of the Exchequer's great merits. This was not the only instance. A negro gentleman, who had been educated in this country, at Cambridge, was a distinguished public speaker; and another negro gentleman who came from Cambridge, in the United States, was equally distinguished for the same quality. He had also had the pleasure of receiving a letter from a mulatto gentleman in the island of Barbadoes, which did him great credit for the composition as well as the sentiments which it contained, and that gentleman was in this country, making his way to be called to the bar. When he saw the great prejudices which prevailed in some parts of the world upon a matter of colour—he particularly alluded to the United States of America—he was put in mind of an anecdote which his Friend Lord Lyndhurst as well as himself could mention. There was a Louisianian gentleman of great ability, who was the envoy of the United States, first in the south of Europe, and afterwards at the Hague. In consequence of an acquaintance made abroad, he met Lord Lyndhurst at his (Lord Brougham's) house, and he told them that he had made a tour in Cuba, and having become acquainted with a negro country gentleman, who lived in a magnificent house, was entertained sumptuously for three days. He said to his host, "I am very much obliged to you for the hospitality which I have received, and I thank you for it." The negro Cuban gentlemen replied, "I am a person above

all prejudices. When I find a man like you—well educated, well bred, and well principled—I hold out the right hand of fellowship to him, if he be as white as that table cloth." He hoped and trusted that their friends in the United States would some day adopt the same liberal opinions as this negro country gentleman, and that they would hold out the right hand of fellowship to every well educated, well principled, and well bred man, if as black as the hats on their heads. He knew that some time would elapse before that happened, but he lived in hopes that a gradual improvement would take place. We might fear they were far from it when we read the astounding decision of the Supreme Court, in the United States, in the case of "Scott *v.* Sanford," commonly called the Dred Scott case. If he had not read the report with his own eyes he could not have believed it. It had actually been laid down as law, that what was called the Missouri compromise was unconstitutional, and not to be attended to, consequently that the province of Illinois was not to be considered a free state, notwithstanding that compromise. It was also broadly asserted that no African, having once been a slave, or his descendants, however remote, could have the privileges and rights of a native citizen. Their Lordships would hardly believe it unless he read the words of the decision, which he did, from the able work of Mr. Edge, entitled "Slavery Doomed." The Chief Justice, giving the opinion of the Court, laid it down—

"That neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were acknowledged as part of the people; that they had for centuries been regarded as beings of an inferior order, and were altogether unfit to associate with the white race, either in social or political relations; that so far inferior were they, that they had no rights which a white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for the white man's benefit."

It was on this doctrine, so execrable as to be almost incredible, that some of the States had last year come to a resolution that persons of colour should either be reduced to slavery or driven from their homes. It was in vain to expect any very active co-operation from the United States in the abolition of the slave trade, while they entertained such prejudices. Something they had done. They had made a few captures, but they were very few indeed. They had declared the slave trade to be a capital offence, and if they would really carry the law into effect, all those fraudulent representations as to naturalization, by which offenders generally escaped, would vanish. Let them only bring the captain or some of the crew on board of any of the slavers to trial, and they would very soon discover by previous investigation, that the whole system of fraud was of no avail to them, and that they were in reality American subjects. He by no means desired to see capital punishment resorted to; but one or two sentences, dealing with the prisoners according to the terms of the municipal law, and inflicting the severest punishment short of death, would at once put an end to all frauds. A correspondent had sent him some information as to the slave trade in Cuba. The thing which chiefly attracted his attention, and filled him with horror in that traffic, was the determination of the Cuban planters not to continue the race by breeding, but, for the sake of economy, to work them out. Accordingly, they brought few or no women from Africa. Another thing which struck him very much in the letters he had received, was, that vessels of great value were thrown away, as if of little consequence, after the slaves were disembarked. Owing to the immense profits of the trade, they could afford to lose a ship if they had landed the human cargo. It was calculated that the profits of this detestable traffic amounted to £1,400 per cent on the capital invested. If anything were wanting to increase their horror of such a trade, it would be such an account as he had recently seen reported. A slaver was run ashore in stormy weather to avoid our cruisers. The crew quitted the ship, and when the captain of one of our vessels went on board of it, the sight that met his eyes was, he declared, fearful and heartrending in the extreme. The slaves, escaping from the noisome abode in which they had been confined, rent the air with horrid yells, and flung themselves by hundreds into the sea, so that it was with the utmost difficulty that out of the 1,200 who formed the cargo, 340 or 350 were saved, and of these, forty died in the course of twenty-four hours from the hardships they had suffered. So that 900 miserable beings out of 1,200 were thus sacrificed to this infernal traffic. He remembered only one case worse than that which he had just cited, and that happened upon the East Coast. A vessel full of slaves was chased, and on the point of being taken. The atrocious miscreant

who was captain, and his crew got into their boats and left the vessel, after having first set fire to it, with the intention of destroying the poor wretches who were at once the witnesses and victims of their crime. It was a subject of poignant regret that the attempts which had been made to put down the slave trade among our allies, the Portuguese and the Spaniards, should have proved so entirely unsuccessful in alleviating the miseries of the slaves. Atrocities, it was to be feared, were now committed in consequence of the attempts to stop the traffic that exceeded even the horrors of the middle passage. If we had forfeited much of the influence which we might have employed for the suppression of the slave trade, there was at least one influence which it was in our power to exert in regard to the Spaniards. They were entitled by treaty to have their wines and other goods admitted to our country on the footing of the most favoured nations; but they were also bound to abolish the slave trade, and we might very properly refuse them the benefit of the treaty if they did not fulfil their engagement as to the slave trade.

THE BISHOP OF OXFORD confessed that he had heard with very great disappointment the announcement made by his noble Friend the Under Secretary for Foreign Affairs, that it was not considered fitting at present to appoint a Consul at Mozambique. The grounds which he assigned for that decision did not carry conviction to his mind. His noble Friend dwelt principally on the circumstance that at this moment Dr. Livingstone, in the neighbouring quarter of South Africa, was endeavouring by opening up a legitimate commerce to produce the same effect which the residence of a Consul at Mozambique was expected to accomplish. No man felt more than he did the great importance of Dr. Livingstone's efforts, and the singular capacity of the man for bringing them to the most successful issue. But he was convinced, from his own study of the question, that unless Dr. Livingstone's efforts in the interior and up the rivers of that part of Africa were backed by the Consular influence of England at the port of Mozambique, they would practically be almost neutralized. Until Dr. Livingstone had discovered the southern branch of the mouths of the Zambesi, the Portuguese Government had kept us in ignorance that there was a free passage that way, and had sent the whole flow of the slave trade through that channel, and the immediate result of that discovery had been the establishment of a Portuguese Custom-house, as if to impede the flow of legitimate traffic in that direction. It was as plain as possible that the representatives of the Portuguese nation in that quarter desired nothing so ardently as to prevent the rise of any legitimate commerce, knowing that free commerce and the slave trade could not co-exist. Therefore, unless there was an authorized representative of the British Government at that critical point, Mozambique, there was no doubt whatever that the Portuguese would be able to defeat our efforts for the abolition of the traffic. His noble Friend said it should be taken into account that the Portuguese Government had, comparatively speaking, little power to check the efforts of the native chiefs to carry on the slave trade, and that therefore it must not be assumed, from the extent of the trade, that the Portuguese Government were really not anxious to put it down. He feared, on the other hand, there was too much reason to believe that it was the direct influence of the emissaries of Portugal that led the native chiefs to maintain the slave trade. They had refused to do so until officers in the Portuguese uniform went up with the slave dealers. The whole settlement of Mozambique was made ancillary to the slave trade. The line of coast was provided with signals, which were said to be sometimes repeated by the fort of Mozambique itself, giving warning of the approach of the English vessels that were cruising to capture the slavers. There was no doubt the rise of a legitimate trade would be more productive than the unlawful trade, but a strong temptation presented itself to uneducated and unprincipled men of getting large and immediate profits upon the export of slaves; which temptation was further strengthened by the great facilities and encouragement given by the agents of the Portuguese Government to the traffic. It might be that the Portuguese Government at home were kept in the dark; because the only inducement that he could see for continuing the present system was that it enabled that Government to give miserable salaries to their representatives, who made it up by winking at the slave trade. If, however, a representative of the British nation were stationed at Mozambique, these enormities would be exposed in the face of Europe. The Portuguese Government would then send men of higher honour to this coast,

and the moment this was done the efforts of the slave traders would be paralysed. If this were done along with the opening of a legitimate traffic through Dr. Livingstone's efforts, the two might, by God's blessing, deliver that part of Africa from the curse of the slave trade. We were now like a man who, in putting out a fire, was content to tread out one patch of flame, which was instantly rekindled from another quarter. The Government were asked for no expensive armaments—for no alteration of policy, for nothing that would endanger our alliances; but on that coast, and for an object for which Great Britain was spending such large sums and lavishing so many lives, Her Majesty's Government were asked to place a consular representative, who might bring to bear upon Portugal these claims of humanity which Portugal had acknowledged in treaties, but which she suffered her governors to set aside. He believed that the material interests of Portugal itself were deeply at stake in this evil being remedied. What had ruined Mozambique itself? Why had there not been poured into Portugal from her African settlement riches far greater than she had obtained from Brazil? Because the slave trade wasted the resources of the country. It was, therefore, as much the interest of Portugal as of any other Power to put a stop to the present system. The English people had incurred a vast and peculiar responsibility in having mainly enabled the Portugues to keep their almost nominal hold of that coast through the assistance which this country had given them. But for that there would have been revolt against the Portuguese Government; the power now in the hands of the Imaum of Muscat would have spread down the coast; and it would have been a blessing to the natives that a Mahomedan Potentate should be their ruler rather than a Christian Prince. He trusted that the resolution of the Government, as announced by the noble Lord (Lord Wodehouse) would not be final; that it would be reconsidered; and that so great a boon to humanity and justice would not be refused in this critical day of the attempt to ameliorate the condition of the African.

The Duke of SOMERSET feared that the eloquent speeches which their Lordships had heard would unfortunately have very little effect in those quarters where only they could be of use; and if treaties and negotiations could have put an end to the slave trade it would have ceased long ago. He wished to set the House and the public right on one point that had been much dwelt upon. The right rev. Prelate had attached an exaggerated value to the appointment of a Consul at Mozambique, and had spoken as though that were the only great thing required to put an end to slavery on one side of Africa. But that was an entirely mistaken view. He had seen reports from many officers, and had conversed with others who had arrrived both from the East and West Coast of Africa. He regretted to say they agreed that the slave trade had been increasing on both the coasts of Africa. As long as our cruisers were not able to visit vessels that carried all the appurtenances of the slave trade, because they carried the flag of some Power that claimed exemption from the right of search, the vigilance of our squadron was frustrated. When the American flag was hoisted our cruisers could not touch a vessel and the captain defied them. As long as this went on was not the right rev. Prelate deceiving their Lordships and the public by saying that what was wanted was a British Consul at Mozambique? The east coast of Africa was becoming almost as bad as the west, and the slave trade was almost as rife there as it once was at Sierra Leone. Emigration and other questions of a somewhat delicate character had arisen, and if he went into them he could show the House that the slave trade was in various shapes as rife as ever. The only effectual way of stopping it was at Cuba. Until that was done French and American flags would be hoisted, and our cruisers would be set at defiance. He did not say that these vessels were French or American, but they were nominally so. In many cases they obtained the rights of American citizens in order to carry on their horrible traffic. With these facts established it was idle to attach so much importance to the establishment of a Consul at Mozambique. He did not say that hereafter a Consul might not be appointed on that coast, but the best hope he entertained was from the co-operation of the Americans. They had lately sent out steamers to this coast, and an earnest desire had been expressed on the part of the American Government to co-operate with our cruisers on the west coast, and to deal with the false American vessels that assumed the American flag. If the officers cordially carried out this desire great advantages would result.

Lord BROUGHAM wished to call at-

tention to a circumstance which had recently occurred, that the captain of a Cunard steamer—a line of mail packets that had, from first to last, received something like £500,000 of the public money—had positively refused to receive any first-class passenger who had the slightest tinge of African blood. A lady in whose face he (Lord Brougham) could detect no trace of African lineage was lately refused a first-class cabin by the captain on the ground he had stated.

EARL GRANVILLE trusted that his noble Friend (Lord Stratheden) would be induced to withdraw his Motion after the explanation that had been given by his noble Friend (Lord Wodehouse). The question was one which might be left to the discretion of the Executive Government, especially with reference to the time at which a Consul should be appointed. He was unwilling to negative in express terms the Motion of the noble Lord, as it might give an erroneous impression that there existed lukewarmness on the part of the Government with reference to the suppression of the slave trade. No one, he was sure, could doubt the sincerity of the Prime Minister or the noble Lord the Foreign Secretary in their desire to put down that traffic; and he hoped, therefore, that his noble Friend would consent to withdraw his Motion.

THE BISHOP OF OXFORD said, he hoped his noble Friend would not assent to the proposal of the noble Earl. The utmost which that House could do was to express its opinion on the question, and if they did so, the country would take it as an expression of the opinion of their Lordships that the appointment of a Consul to Mozambique was a step that should be taken at once. He did think that the evils of introducing subjects of this importance without adequate results were very much aggravated by their being withdrawn without a division. He, therefore, trusted that the noble Lord would press his Motion.

LORD STRATHEDEN said, no Member of the Government had employed language which could lead him to hope that the appointment of a Consul to Mozambique was contemplated as a step likely to be soon taken, and no attempt had been made to show that the slave trade could be checked on that coast till a Consul was appointed. He protested against the version which the noble Lord the Under Secretary had given of his (Lord Stratheden's) opinion, when he endeavoured to treat this as a question of the merit or demerit of our former Consul at Mozambique. He had never raised that question. There was not one remark of the noble Lord which did not point to the dispersion of our naval squadron, and the withdrawal of our Consular Establishment on the African coast, and he could not help expressing his astonishment at the language which had fallen from the noble Lord. He felt that he had no course left to him but to divide the House.

On Question their Lordships *divided:*—Contents 11; Not-Contents 6: Majority 5.

Resolved in the *Affirmative.*

CONTENTS.

Campbell, L. (*L. Chancellor.*)	Lincoln, Bp.
Minto, E.	Oxford, Bp.
Bangor, Bp.	Brougham and Vaux, L.
Cashel, &c., Bp.	Denman, L. [*Teller.*]
Chichester, Bp.	Dunfermline, L.
	Stratheden, L. [*Teller.*]

NOT-CONTENTS.

Somerset, D.	Foley, L. [*Teller.*]
De Grey, E. [*Teller.*]	Talbot de Malahide, L.
Granville, E.	Wodehouse, L.

House adjourned at a Quarter before Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 25, 1860.

MINUTES.] PUBLIC BILLS.—1° Poor Law Board Continuance.

2° Oxford University (No. 2); Ecclesiastical Commission, &c.; Union of Benefices; Admiralty Court Jurisdiction (No. 2.)

3° Tithe Commutation; Inland Bonding.

INSOLVENCY AND BANKRUPTCY (SALARIES, &c.)—REPORT.

MR. CLIVE having brought up the Report adopted by the Committee of the whole House on the Bankruptcy and Insolvency Bill, with respect to salaries and compensations.

SIR HENRY WILLOUGHBY remarked that in the discussion which had taken place on this measure a question arose whether any portion of the Bill affected compensations; and he understood the Attorney General to reply distinctly that there was not a word about compensation in the Bill from beginning to end. He (Sir Henry Willoughby) must say that he had read the Bill very differently. In order to fix a compensation on the Con-

solidated Fund it was necessary that they should pass a Resolution. The question now before the House was a Report on the Resolution; and he submitted to the House that it was not desirable to introduce the word "compensation" into the Resolution, which was worded very generally, because it affected any compensation in the Act passed in the present Parliament. Hon. Members would observe that a very large power of granting compensation was given by the Resolution, and the point he wished to submit to the House was this, that it was not desirable to increase the enormous amount of compensation which now rested on the Consolidated Fund—in other words, on the taxpayers of this country. The way in which compensations had increased of late years was something astounding. In one shape or another this country paid a million and a half in compensations, superannuations, and pensions; and there was nearly £300,000 under the single head of compensation and allowances. In 1856 a return was made to the House, from which it appeared that the Court of Chancery cost £171,000 a year, out of which £92,000 a year was paid in the shape of compensations. The expenses of the Court of Bankruptcy, with which they were more particularly engaged, amounted to £54,000, more than one-half of which was paid in compensation. That was a system which must be kept within some bounds. In 1846 Sir Robert Peel said, if the system was persisted in, no treasury could supply the funds, because they never could make an improvement of the law without appealing to the Consolidated Fund. He objected to compensation in bankruptcy being paid out of the Consolidated Fund. Bankruptcy compensations were ordered by statute to be paid out of a fund to be raised by fees; and what he wanted to know was what right the hon. Gentleman opposite had to transfer the charge for such fund to the Consolidated Fund. For his own part, he did not see why the original arrangement under which these salaries were made chargeable on fees should be departed from, more especially as it had been stated that when the revised scale of fees came into operation, an annual surplus of £15,000 was expected. Believing that upwards of £21,600 would be charged on the Consolidated Fund by the Bill as now framed, he begged to move the omission of the word "compensation."

First Resolution read 2°;—Amendment proposed in line 2, to leave out the words "and Compensations."

Sir Henry Willoughby

Mr. T. S. DUNCOMBE inquired whether it was the intention of Her Majesty's Government to fill up the vacant Commissionship of Insolvency while a probability or possibility existed of the Bankruptcy Bill being passed into law during the present Session.

The ATTORNEY GENERAL said, it certainly was not the intention of Her Majesty's Government to fill up the vacancy. Provision had been made for the temporary discharge of the duties of the office until the period at which he trusted the Bill would come into operation, which he hoped would soon be the case. He was not surprised at the alarm which the hon. Baronet had exhibited at the amount of compensation already given. No doubt it was exceedingly large, but the House would perceive that it was the penalty which the country had to pay for former errors. The present Bill, as he had stated, did not contain one word in relation to new compensations. Those which were referred to had been granted in 1831, when the former system for the administration of bankruptcy was put an end to, and under the terms of their appointment compensation had to be provided for seven Commissioners, besides a number of other persons discharging duties in connection with that Court. The aggregate amount of compensation then granted exactly represented the compensation referred to in the present Bill. It was, he might add, anticipated at the time that the administration of the bankruptcy law would undergo great improvement, that a considerable addition would be made to the business of the Court, and it was accordingly provided that compensations should be made from the fee fund. Unfortunately, however, the law was so little in consonance with the wishes of the community that the business of the Court underwent an annual decrease. Under those circumstances, the Commission which had been appointed in 1854, had recommended as an act of justice, that the compensations in question should not be charged on the fee fund. The practical result was that the suitors in the Bankruptcy Court were compelled for all time to come—at least till the compensation should determine—to pay this amount. But with what justice could they demand that creditors or bankrupts should contribute to the payment of a sum which the improvidence of a former Par-

liament had granted to others. It was an abuse arising out of the former administration of the law, but there was no justice in making the creditors who resorted to the Court of Bankruptcy pay for that abuse. In conformity with the recommendation of the Commission, therefore, the present Bill proposed to transfer the compensations mentioned in its 140th clause to the consolidated fund. Among the persons who received compensation he might mention Mr. Thurlow, the nephew of Lord Chancellor Thurlow, who for the loss of the office he held under the former system received a compensation of £5,700 a year. The former Commissioners of the Bankruptcy Court, and the clerk of the Hanaper Office, also received compensation. If these sums were paid out of the Consolidated Fund the Court of Bankruptcy would be relieved of a burden that was unjustly charged on it. The hon. Baronet (Sir Henry Willoughby) expressed a desire on a former occasion to have a more detailed account of the state of the finances of the Bankruptcy Court, and he might take the present opportunity of stating from the balance-sheet which he held in his hand, that there would be a surplus of very nearly £14,000 a year, to be derived from the balance of payments to be made in the administration of the law, and the sums received as fees during that administration. With respect to the balance-sheet as between the present Bill and the consolidated fund, the state of the case would be that for a short period of time—so long as the compensations and retiring annuities lasted—they would constitute a charge on the consolidated fund, but it should be borne in mind that those who were in receipt of those allowances had already passed the ordinary limit of human life, and that as they died off so would the charge on the consolidated fund be diminished. The benefit which he expected would accrue to the consolidated fund in consequence of the improvements which he hoped the Bill would effect, would be independent of other considerations that its enactment would enable the Government to carry out—that change in the fees in County Courts which had been long recommended, and which, under the operation of the Bill, might, he thought, be very easily accomplished without any imposition of any additional burden on the country. He trusted that after that explanation the hon. Baronet would withdraw his Amendment.

MR. BARROW said, that he hoped, on the contrary, that the hon. Baronet would divide the House on his Amendment. He had heard so much of compensations and retiring allowances that he was perfectly sick of the words, and he could not see on what principle the taxpayers of this country should be called on to submit to a burden which the framers of the Bill of 1831 had thrown upon the fee fund. If that fund were insolvent, of course the grant would cease, for the taxpayers were not bound to make it good. If the fund were not insolvent, if it was expected hereafter to yield the full amount, well and good; let the hon. and learned Gentleman pay the claimants with bills to be honoured when there should be funds in hand. But he saw no reason why the taxpayers should contribute to the compensation of persons whose offices, when they held them, were little better than sinecures, and he hoped that this further burden on the Consolidated Fund would be strenuously resisted.

COLONEL FRENCH said, he was of opinion that the House could scarcely be aware of the scope of the measure brought under their notice. Compensation had been given in a manner that he must characterize as most extraordinary, inasmuch as men in the prime of life had received compensation to the amount of three times their salaries. But he objected to the Bankruptcy Bill itself, and he wished to ask the House if they had read its provisions. It abolished the distinction between traders and non-traders, so that it would be in the power of a mortgagee to make his creditor a bankrupt, however large the estate might be on which the mortgage was held. It was said the Bill did not apply to Ireland, but though that was true in name it was not so in reality, for an Irish Gentleman contracting a debt in England would be subject to the operation of this law.

MR. HADFIELD said, he did not agree with the hon. and gallant Gentleman who had just spoken with regard to the Bill, which, in his opinion, was one of the best measures of law reform which had been brought into that House for a long time. However, he had no sympathy with the persons whom it was proposed to compensate. Great credit was due to the hon. Baronet (Sir Henry Willoughby) for the care he bestowed on questions of the kind; and he (Mr. Hadfield) joined him in thinking that great injustice and wrong was done to the country by those enor-

mous sinecures. There was one gentleman who had been in receipt of the large income of £7,500 a year from 1831; and how long he he had received the public money before, he did not know—probably for half a century. But the question was, whether the Consolidated Fund or the bankrupt assets should pay — in other words, whether the misfortune of these enormous sinecures should be inflicted on the country, which had connived at the wrong, or on the suffering creditors. He wished he could join with the hon. Baronet in this Amendment; but he would join with him if he were to bring in a Bill to-morrow to put an end to those sinecures.

Question put, "That the words 'and Compensation' stand part of the Resolution."

The House divided: Ayes 98; Noes 111: Majority 13.

Motion made, and Question proposed,

"That this House doth agree with the Committee in the said Resolution, so amended, 'That the Salaries, Allowances, Remunerations, and Retiring Annuities, which may become payable to certain persons appointed under or affected by any Act of the present Session for amending the Law relating to Bankruptcy and insolvency in England, shall be charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland.'"

THE ATTORNEY GENERAL: The whole of the Bill is founded on the proposition that compensation shall be taken from the Consolidated Fund, and it will be impossible, therefore, for me to go on with the Bill which stands next on the paper (the Bankruptcy and Insolvency Bill).

MR. MALINS: I much regret the division which the House has thought proper to come to, but I think the hon. and learned Gentleman has taken the right course. Under the circumstances, it would neither be consistent with his own honour, his position, nor his duty to the country, after that decision, to proceed with the Bill, the principle of which was based on honour and justice. I am quite satisfied that many hon. Members did not know for what they were voting. The question put to me since I came into the House most distinctly proved that to be so; and if hon. Gentlemen will take on themselves to decide questions vitally affecting the existence of a great measure—the introduction of which is a great honour to the Government—without taking the trouble of ascertaining what they are voting about, my hon. and learned Friend has no other course to pursue than to throw up the Bill.

MR. BRIGHT. The hon. and learned Gentleman brings a charge against hon. Members of this House, which, if true in this case, is undoubtedly true in many others. But there is a remarkable unanimity amongst one section of the House—I mean that section which is represented by the hon. and learned Gentleman. Now, I am willing to believe that the hon. and learned Attorney General has been rather sudden in the determination to which he has come. I have seen law officers before who have not been able to carry all their measures, and other distinguished Members of Government who have been in a like position, but they have not thought it necessary to say that the Bill having been founded on an intimate connection with this or that particular clause, they thought it incumbent on them to withdraw the Bill. I should, therefore, recommend the hon. and learned Gentleman to withdraw the statement which he has just made, and, at least, give himself a day's consideration before he intimates to the House that he will not go on any longer with his Bill. I believe there is a strong wish on the part of those who are most concerned—the commercial community—that this Bill, with some Amendments, should pass. At the same time there is a very strong opinion that the Bill provides for persons who are superseded compensations and pensions very much more than is necessary; and that whilst the lawyers have been attempting to do a great service to the mercantile community, they have not forgotten to do a little for themselves. I do not rise for the sake of going into a discussion of what has been passed, but merely to suggest that the hon. and learned Gentleman who I presume speaks for the Government, should not conclude the matter to-night, but should give himself at least a day's consideration before he adds to the disasters of the Session the withdrawal of this Bill, and thus inflicts a great disappointment on a large portion of the community.

MR. E. P. BOUVERIE: I venture to add my entreaties to those of the hon. Member for Birmingham, that the Attorney General will reconsider his decision in this matter. The hon. and learned Member for Wallingford (Mr. Malins) had accused hon. Members of voting for what they did not understand. I deny the accusation, so far as I am concerned; but I believe many voted in the majority who did not think

the question material to the merits of the Bill. It will be trifling with this House and the public if, because we have expressed in an unmistakeable way our opinion against placing these compensations on the Consolidated Fund—a matter which touches only the fringe of the subject of bankruptcy—a Bill of so much interest to the mercantile community is to be withdrawn. If it had been true that there was no source except the Consolidated Fund, from which these compensations could be paid, then the public might have submitted to this charge in exchange for a great improvement of the law. But what is the simple fact? Why, that there is a large fund called "The Banker's Balance," belonging to the Court of Bankruptcy; that that fund amounts to a million and a half sterling, and that the interest upon it has for many years past met, and a great deal more than met, the cost of these compensations. The hon. Member for Evesham (Sir Henry Willoughby) only asked the House to say that they should be paid out of the fund from which they have been paid for thirty-five years, and I think the House has arrived at the right decision. I entreat the Government not to throw up in a pet, an important measure, which the commercial classes anxiously desire to see passed into law, merely because they have been defeated on a comparatively unimportant point.

MR. MOWBRAY: As one of those who have been censured by the hon. and learned Attorney General and the learned Member for Wallingford, I beg leave to offer a few words to the House. I happen to be in the position of knowing perhaps more of the nature of these compensations than any other hon. Gentleman, except the hon. Baronet the Member for Stamford (Sir Stafford Northcote), and it is because I know the enormous charge inflicted on the Consolidated Fund to the extent of nearly £130,000 by the Attorney General and the learned Member for Wallingford, who, although sitting on opposite sides of the House, combined to fix a heavy charge on the public Revenue for a number of years—it is because I have seen the practical working of a system which saddles the Consolidated Fund with hundreds of thousands a year for the benefit of persons in the prime of life who are perfectly competent to discharge any duties which may be imposed upon them—it is because I have seen the difference between the returns of the persons who formerly received compensation to the income-tax, and their claims for compensation that I went into the same lobby with the majority on this occasion. I disclaim the ignorance of the subject which has been ascribed to us, and I shall repeat the vote I have given if the opinion of the House is again tested on this question.

THE ATTORNEY GENERAL: Sir, I have not imputed ignorance of the subject to the hon. Gentleman. I have not opened my mouth to impugn the decision of the House, nor have I expressed any censure. If I give any censure at all, it will be to the inaccurate statement made by the hon. Member who spoke last. In the case of the former Bills of this kind I struggled against compensation. Who forced it upon me, and supported it on every division? Why, the hon. Member for Durham.

MR. MOWBRAY: I beg to correct the hon. and learned Gentleman. I say he will not find my name among those who voted for compensation.

THE ATTORNEY GENERAL: It was through the efforts made upon the hon. Member's side of the House, and in spite of the reluctance shown on this side, that compensation was conceded. But another inaccurate statement has been made by the hon. Member for Birmingham. He tells me that this Bill creates compensation, and that there is a feeling in the country against it. Now, not a single shilling of compensation is created by this Bill. Sir, I should be most unwilling to throw away the many months' labour which this measure has cost me; but, unless the recommendation of the Commission be adopted, it will not be in my power to give to suitors in bankruptcy the remission of one farthing of the fees to which they are now subject. In the confidence that this unanimous Report would gain credit with the House, all the calculations and arrangements set forth in the measure have been made upon the footing of this recommendation; and, unless this charge be transferred, the whole Bill must be re-cast and the arrangements entirely re-considered. If the House will pardon the expression, I will give it an opportunity, by not immediately withdrawing the measure, of reviewing its decision. The question before the House is that the Resolution as amended be agreed to, and I propose, Sir, with the permission of the House, to take a division on that question. If that division be in accordance with the

last, the result will be that the next Order of the Day must be withdrawn. That course I shall take reluctantly and mournfully—not out of any feeling of spleen or vexation. I have had no other object in framing the Bill but to meet the general wish of the mercantile community, who appear, I venture to say, to be almost unanimous in their approval of this measure. That was my single object, but if these arrangements are rejected by the House, I see no other alternative but to postpone the consideration of the Bill till a future Session, when I trust it may be re-introduced under happier auspices.

MR. ELLICE (Coventry): I have heard with great regret the statement of my learned Friend, to whom the country is deeply indebted for the great labour he has bestowed on this Bill. But since I have had the honour of a seat in this House I have been particularly watchful of all encroachments on the Consolidated Fund. I have voted against the imposition of these charges on that fund in the case of the Ecclesiastical Courts Bill and other measures; and, following the same precedent, I have voted to-night with the majority, not desiring that the persons whom it is now proposed to compensate should be deprived of compensation, but thinking that the fund which has already been found ample to meet this charge should continue to be applied to that purpose. I regret to hear from my hon. and learned Friend that if we persevere in our endeavour to protect the public purse we must submit to be charged as parties to the loss of this Bill. That is a situation in which independent Members ought not to be placed. It is a matter of little importance whether the public should continue to pay £20,000 a year in the shape of fees or that the sum should be placed on the Consolidated Fund, but I am shocked to learn that if we vote independently on an incidental point of this kind the Government are to sacrifice a measure of the greatest and most serious importance to the public. Nevertheless, I shall claim the right to exercise my own independent vote, voting again as I voted before, throwing upon the Government the whole responsibility of withdrawing this Bill, upon a ground which I think is utterly untenable and unjustifiable.

SIR HENRY WILLOUGHBY: I trust the House will bear in mind what is effected by its last vote. There is a charge amounting to £21,565, of which £9,000 is charged on a fee fund by the 1 & 2 of *William IV.*, c. 127, and which always has been and will continue to be paid out of that fee fund. The other charge of £12,000 was also imposed by the 5 & 6 of *Vict.*, on the fee fund. The House has not disturbed these arrangements, but has simply refused to transfer these charges from the fee fund to the Consolidated Fund. In taking that course it has done quite right, and I trust it will stand by its decision.

MR. COLLINS: I hope the House will not be influenced by the threat to withdraw this Bill. In 1857 the hon. and learned Attorney General brought forward an important Bill relating to the probate of wills; and my hon. Friend the Member for York moved the Amendment of a clause giving a local jurisdiction limited to £1,500 by striking out the words of limitation. My hon. Friend was successful in carrying his Amendment. The Attorney General said if the Amendment were insisted upon he would be obliged to withdraw the Bill, but he would give the House one more opportunity of reconsidering its decision. The House, however, was not to be bullied into establishing a limited local jurisdiction in matters of probate; and accordingly, on dividing again, it decided by a majority of two that the jurisdiction of the local courts should be unlimited as to amount. The Attorney General then said he would not proceed with the measure, but would give the House another opportunity of rescinding its decision upon the question that the clause stand part of the Bill. The debate was adjourned till another day, when the Attorney General moved that the clause be rejected; but the noble Lord the Member for Tiverton (Viscount Palmerston) was fortunately in his place, and he said that the Bill was a valuable one, and that he did not think the particular alteration approved by the House at all inconsistent with its main principle. The Bill passed and became a most useful measure. I hope the House will act in the same spirit with regard to the present measure.

MR. HEADLAM: I can say with the most perfect confidence that the principle now struck at is one of the most essential principles of the Bill, because the one thing of all others sought by the commercial classes of this country is the diminution of the fees paid by suitors. I have no hesitation in saying that, as the principle was essential to the measure of last

The Attorney General

Session, which was introduced by the noble Lord the Member for London and myself, and which, but for certain circumstances, would have passed into law, so it is essential to that of this; and without that principle it is impossible that the Bill should be proceeded with. My right hon. Friend the Member for Coventry (Mr. Ellice) says that it is wrong of the Government to place private Members in the position that they must either accept the Resolution, or lose the Bill for the Amendment of the law of bankruptcy. It does seem so in the first instance, but it really is not so. The two principles are so totally and entirely at variance with each other that it is impossible that any Government should combine them; and, therefore, the House must take either one or the other, not from any desire upon the part of the Government to press the House, but because the two cannot possibly be united.

MR. HENLEY: I rise to protest against the charges which have been made by my hon. and learned Friend (Mr. Malins) against the Members who voted in the majority. He charged them with two things: first, he accused the whole majority of being ignorant of what they were voting upon.

MR. MALINS: Not the whole majority. I said that the matter had gone off in such a hurry that many hon. Gentlemen did not know what they were to divide about.

MR. HENLEY: My hon. and learned Friend followed it up by charging the majority with injustice. He does not intend to say that he did not use that term; indeed he employed a word which was stronger. I say he has no right to do that, because he would lead hon. Members who did not know what they divided about, if there be any such, to suppose that the majority want to take away compensation altogether. That would be an injustice, but no such matter was involved in the vote, which was merely to decide whether the sum required for its payment should continue to be provided from the source from which it is now raised, or whether the charge should be thrown upon the Consolidated Fund. The assertion that this change in the law of bankruptcy, in which it is said that the public is so much interested, is to depend, whether for good or evil, upon the question from which source a sum of £20,000 per annum is to be paid, is, to me, incredible. If the public is to derive such vast advantages from the change of system, the provision of a sum of £20,000 out of the fees raised upon this vast amount of business can hardly be fatal to the measure. I have voted as I believed to be right, and I shall vote in the same way again.

SIR GEORGE GREY: There is no doubt that the vote to which the House has just come has placed my hon. and learned Friend the Attorney General in a position of great difficulty as to the course which he should adopt with regard to the Bankruptcy Bill. Under these circumstances it is desirable that we should not be committed hastily upon a matter which requires some consideration. If the Resolution in its amended form should be absolutely negatived, that, after the vote which has been come to, would decide the salaries and charges of the Bill should be placed upon the Consolidated Fund. At the same time it is desirable that my hon. and learned Friend should, if upon consideration he feels in a position to do so, make some other proposal to the House which will enable him to remedy the serious inconvenience which has been inflicted by the vote of the House upon the future prospects of the Bankruptcy Bill. Under these circumstances I would suggest that this debate should be adjourned until Thursday, in order that my hon. and learned Friend should have time to consider the course which he will take with regard to the future progress of that measure. I move, Sir, that the debate be adjourned till Thursday.

SIR HUGH CAIRNS: After the proposal which has been made by the right hon. Baronet, to which I hope the House will agree, I should not think of taking up the time of the House with more than one observation. I do trust that upon consideration my hon. and learned Friend the Attorney General will not come to any conclusion which will lead him to abandon the measure for the Amendment of the law of bankruptcy. I think that a debt of gratitude is due to my hon. and learned Friend for the very great pains and trouble which he has taken with the measure which he has introduced into the House; and, speaking from experience, I can tell the House how much trouble and what care and anxiety is involved in dealing with the subject of bankruptcy. I speak quite sincerely when I say that, unless the House passes the present measure in some shape or other, I, for my own part, despair of ever seeing a Bankruptcy Bill become the law of the land. With regard to the

point upon which the division of the House has been taken—at which division I regret that I was not present, because I should certainly have voted with my hon. and learned Friend—I must remind the House of a circumstance which I do not think has been stated. It is not very many years since a Royal Commission was appointed to consider the whole question of the law of bankruptcy. Upon that Commission were men of the greatest eminence, both in the legal and commercial world, and one of its recommendations was, that that should be done with regard to this £20,000 which my hon. and learned Friend has proposed. And although my right hon. Friend (Mr. Henley) says that £20,000 is not a large sum of money, I must remind the House that £20,000, when taken in relation to the other costs of bankruptcy proceedings, is by no means an insignificant sum. Besides that, I do think that a case of greater injustice than this was never found in the course of the administration of the law. Observe what is done. Several years ago, a generation ago almost, you thought it right to abolish certain judicial officers in bankruptcy. Of course they were entitled to compensation, and you are now making the unfortunate persons who are obliged to have recourse to the Court of Bankruptcy, the present suitors, pay a sum to the fixing and disposal of which they have not been concurring parties. Therefore, if the vote is to be taken again, I shall support the proposal of my hon. and learned Friend, which I believe is founded upon justice, and I am extremely glad that he has been able to prevail upon the right hon. Gentleman the Chancellor of the Exchequer to consent to the transfer of this sum to the fund upon which it ought always to have been placed. I trust that, whatever course my hon. and learned Friend may take, he will not abandon the Bankruptcy Bill, which I am quite sure may now become the law of the country, and which, if it does, will redound very much to his honour and to that of the Government of which he is a Member.

Debate *adjourned* till *Thursday*.

EXCISE AND ASSESSED TAXES ACTS.
COMMITTEE.

Order for Committee read.

House in Committee.

Mr. Massey in the Chair.

Mr. LAING moved the following Resolutions:—

(In the Committee.)

"1. That, in lieu of the Duties now payable on Game Certificates in Great Britain and Ireland respectively, there shall be charged the following Duties of Excise:—

For a Licence in Great Britain, or a Certificate in Ireland, to be taken out by every person who shall use any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, or landrail, or any conies, or any deer, or shall take or kill by any means whatever, or shall assist in any manner in the taking, by any means whatever, of any game, or any woodcock, snipe, quail, or landrail, or any coney, or any deer:—

	£.	s.	d.
If such Licence or Certificate shall be taken out after the 5th day of April and before the 1st day of November,			
To expire on the 5th day of April in the following year . .	3	0	0
To expire on the 31st day of October in the same year in which the Licence or Certificate shall be taken out	2	0	0
If such Licence or Certificate shall be taken out on or after the 1st day of November,			
To expire on the 5th day of April following	2	0	0
"2. That any person having the right to kill game on any lands in England or Scotland shall be entitled to take out a Licence to authorise any servant, for whom he shall be chargeable to the Duty of Assessed Taxes, as a Gamekeeper, to kill game upon the same lands, upon payment of the Duty of .	2	0	0

"3. That it is expedient to amend the Laws relating to Game Certificates and Licences to deal in Game."

Mr. CAIRD said, he should propose that the word "coney" be omitted from the Resolution, as he was of opinion that, according to the present wording of the clause, a certificate would have to be taken out to kill rabbits. Rabbits were most destructive vermin on a farm—more so than bats or rooks—and, therefore it was desirable that farmers should be allowed to kill them on their own land without a licence.

Mr. LAING said, the only object proposed was to alter the amount of money to be paid for a licence, but not in any other way to affect the existing law. The words of the Resolution were a literal transcript of the words of the Act. None of the exceptions provided under the present Act would be interfered with.

Sir JOHN SHELLEY said, that if the words were left in it would be imperative on every person killing rabbits to take out a game certificate. Now, it was well known to agriculturists that there was no nuisance to which the farmer was subjected equal to rabbits, and in many dis-

tricts it was necessary to employ men to keep them down; but this clause would render all persons so employed liable to a tax.

MR. HENLEY said, he understood the hon. Secretary to the Treasury to say that the only change proposed by the Government was an amended scale of duties. He supposed, therefore, that the Act of Parliament to be founded on these Resolutions would contain all the exemptions and exceptions contained in the existing statute. If that were so the Resolution appeared to him to be right enough, and it was not necessary to have these words left out, so that people might go into other people's land to shoot rabbits. The exemption would enable farmers and others to shoot rabbits on their own grounds, and there was nothing in the Act to render keepers liable. If the Secretary of the Treasury would undertake to bring the Bill in in that form, he thought it safer to let the words stand as they now did.

MR. PALK said, he objected to importing words of dubious meaning into the Resolution, when by a slight alteration they could make it perfectly plain to the commonest understanding. He was also sorry to find that the Resolution was to be carried without discussing its principle, because he confessed that he saw no reason for altering the scale of certificates at all. He did not suppose it would bring in a larger revenue, and therefore he wanted to know what was the object of this Resolution. It was not very clearly drawn, because the hon. Gentleman opposite had found it necessary to explain that the words in the Resolution did not mean what they appeared to mean. The present style of legislation was not very easy to understand, and he trusted that the hon. Gentleman or some supporter of the Government would explain why this alteration was proposed, and why, if it were actually necessary, it could not be put in a plainer and more intelligible shape.

MR. LAING explained that an Act of Parliament to carry out these Resolutions would be necessary, so that the effect of passing the Resolution would not be to give validity to the alterations in the scale of licences. When the Bill was before the House it would be for hon. Gentlemen, who considered the existing exemptions did not go far enough, to move such Amendments as they might think proper. With regard to the objects of the measure, the Government had been advised by the officers of Inland Revenue that by making the proposed reduction in the charge facilities would be afforded to many persons to take out game licences, which they would be likely to avail themselves of, and that consequently a considerable increase in the revenue derived from game certificates might be expected, while the constant evasions of the duty which now took place, owing to the high rate imposed, would be to a great extent avoided.

MR. DIVETT said, he had known persons fond of sporting who ran serious risks rather than pay £4. Many such would doubtless take out certificates under the new system. In his opinion the reduction might be carried further with advantage.

MR. BLACKBURN said, he understood it was intended that it would still be competent for persons to shoot rabbits on their own farms, and therefore he would advise the withdrawal of the Amendment. It was said there was to be no alteration in the existing law, but there appeared to be some, because for the killing deer a licence was to be required for the first time.

MR. JOHN LOCKE remarked that under the existing law no game certificate was necessary for destroying rabbits by the owner or occupier, or by his servants; but it was necessary to guard against persons going upon enclosed land, and, under the pretence of shooting rabbits, beating up for game, for which purpose persons so trespassing were liable to be proceeded against under the game laws. The owner of any enclosed land could give leave to as many persons as he pleased to kill rabbits, and no game certificates would be requisite, and he did not see, therefore, that it would make any difference if the word "coney" were struck out.

MR. BARROW said, he held that it was essential owners and occupiers should have the right to kill rabbits either by themselves or their servants, on their own lands, but he was satisfied with the assurance that the exemptions in the existing law would be continued.

SIR JOHN TROLLOPE observed that he did not understand that any alteration in the existing Game Laws was proposed. The only question was, whether it was politic or not to reduce the rate of game licences. He thought it was; for there were many persons, as commercial men, clerks, and others, of unquestionable respectability, who were able, perhaps, to take only a short holiday in the year, and who would gladly take out licences to kill

game during that holiday, if they could do so at a moderate cost. He looked upon the proposal as a great boon to those classes, and should support it. If the word "coney" were omitted, it would, he feared, invite people of improper character from neighbouring towns to enter and trespass upon enclosed lands, under the pretence of shooting rabbits, knowing that they could only be proceeded against for the trespass.

MR. WALTER said, that after the declaration which had been made on both sides, that there was no intention to afford any protection to rabbits, he thought the hon. Member for Stirling (Mr. Caird) would do well not to press his Amendment; because it might lead to misconception out of doors as to the feeling which actuated hon. Gentlemen in voting upon the question. He apprehended that the same facilities would be given for the destruction of rabbits, so far as they were considered noxious to agriculture, as under the existing law; and he hoped the hon. Member for Stirling would rest satisfied with that assurance on the part of the Government. With respect to the financial part of the question, the only fault he had to find with the Resolutions was, that they did not go far enough. He believed that the Chancellor of the Exchequer would have derived a great financial advantage from reducing the certificates to one guinea, or, at all events, to two guineas. At present, a considerable number of gentlemen, who were in the habit of shooting every year, never dreamt of taking out a licence. The sum was very large, and, in the case of a gentleman with a numerous family of sons, it became a serious tax. He was satisfied, therefore, that the Chancellor of the Exchequer would gain by making a uniform charge of one guinea.

SIR JOHN SHELLEY said, after the explanations which had been given, he felt constrained to join in the advice to his hon. Friend to withdraw his Amendment.

MR. CAIRD said, he could not accede to the recommendation which had been made to him. As a practical agriculturist, he had seen so much damage done by rabbits, that he thought the Government would do well to offer a premium for their destruction.

THE CHANCELLOR OF THE EXCHEQUER said, he considered the wisest course to be to leave the law in the exact state in which it was. No change whatever was proposed. The only effect, so far as he could see, of carrying the Amendment, would be to make it necessary for parties to take out separate 4*l.* certificates to kill rabbits. It was true that rabbits were destructive; but he thought that proper persons only should be permitted to destroy them.

MR. CAIRD said, that under the third Resolution the laws relating to Game certificates might be so altered as to obviate the result stated by the Chancellor of the Exchequer. Nor could he agree in the opinion that no change was proposed, because it was "a Bill to Amend the Law," and the word "deer" was introduced.

Amendment *negatived.*

SIR WILLIAM JOLLIFFE said, he wished to call attention to the fact, that the names of all persons who took out certificates at present were advertised at a very heavy expense in the newspapers, and to ask whether they would continue to be so advertised when certificates were taken out two or three times in the season, and when it was expected that a much larger number of persons would take them out than at present.

THE CHANCELLOR OF THE EXCHEQUER said, he had mentioned, at an early period of the Session, that a remission to the amount of nearly £50,000 would take place in the price of the certificates; but by the increase in their number, it was expected that there would be a gain to the revenue of perhaps £10,000 a year. He was not able to give any answer as to the publication of the names of the holders; but he quite agreed with the hon. Baronet that it was a matter which required consideration: especially as the certificate might be for part of a season; and thus the question might arise whether the process of advertising should be repeated. There was always more or less of petty jobbing connected with the whole system of Government advertisements, and it was not easy to discover how this could best be remedied. It was obviously desirable that advertisements should not be inserted on behalf of the Government, for which there was no real necessity; but he was not able to say to what extent, under the new system, the Treasury would be able to dispense with the assistance which those publications were supposed to give. It was proposed to effect an important change with regard to Game certificates, which had hitherto belonged to the class of assessed taxes, and were under the jurisdiction, not of the magistrates, but of the

Commissioners of Taxes. By the Bill which he was about to introduce, they would be removed into the class of Excise duties, and from the much larger body of officers connected with that department, a more efficient and powerful supervision would be exercised; and he was informed that they would likewise be brought under the jurisdiction of the magistrates, and possibly in that way the system of advertising might be dispensed with. Another change which he had been led to propose, at the suggestion of a high authority, whose opinion was much respected in that House, was that, in the event of a person trespassing in pursuit of game, his certificate should become absolutely void. This would go far to counteract any injurious effects that might follow from reducing the price of certificates, which some persons urged would give increased encouragement to poaching of a certain description.

In reply to Sir BALDWIN LEIGHTON,

THE CHANCELLOR OF THE EXCHEQUER said, his impression was that the existing Game certificates did not expire till early in July. Care would be taken to have the new certificates ready before the expiration of those at present in force.

MR. M'CANN said, a person might trespass in pursuit of game unintentionally, and it would be too bad to deprive him of his certificate under such circumstances.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member is not called upon to pledge himself by this Resolution.

MR. M'CANN said, the forfeiture of the licence, in addition to the penalty to which persons were liable for trespassing, would be viewed in Ireland with much disfavour.

MR. DIVETT expressed his approval of the plan of the Chancellor of the Exchequer. The present mode of issuing certificates was inconvenient and clumsy.

SIR JOHN TROLLOPE said, he apprehended the licence would only be forfeited in cases where persons were convicted of trespassing. He wished to know whether the privilege of selling game would be extended to persons taking out licences for the limited period.

MR. W. R. O. GORE asked whether it was proposed to empower the county police in England and the constabulary in Ireland to superintend the new licences?

THE CHANCELLOR OF THE EXCHEQUER said, he had communicated with the Irish Government, who were opposed to the employment of the constabulary in that manner. He did not propose to make any alteration in the law with respect to the sale of game.

VISCOUNT GALWAY asked whether it would be requisite for a landowner to take out separate certificates for each of the manors of which he might happen to be possessed, or whether, as at present, a general certificate would suffice?

THE CHANCELLOR OF THE EXCHEQUER said, he apprehended that one certificate would be sufficient.

Resolutions *agreed to.*

House resumed.

Resolutions to be reported *To-morrow.*

ECCLESIASTICAL COMMISSION, &c., BILL.—SECOND READING.

ADJOURNED DEBATE. THIRD NIGHT.

Order read for resuming Adjourned Debate on Amendment proposed to Question [6th June.]

"'That the Bill be now read a second time;' and which Amendment was to leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. G. C. BENTINCK said, that he principally objected to the Bill because it proposed to transfer all Chapter property to the hands of the Ecclesiastical Commissioners, without making any provision for those whose claims were condemned unheard in 1840. Those claims were most just, and the Bill ought not to pass without their recognition, especially after what had taken place before the Cathedral Commission issued in 1852, under the Earl of Derby's Government, when those claims were fully considered and their equity satisfactorily established. It was in the knowledge of those who had paid attention to the question that many of the cathedrals of the country were not like those of the old foundation, but were Protestant establishments, founded by Henry VIII., and confirmed by Queen Elizabeth, for three distinct purposes. First, for religious instruction and the celebration of Divine worship; next, for educational purposes; and third, for purposes of charity, or for public works. For the first of those purposes—that of religious instruction and the celebration of Divine Service, there was a staff of dean and canons, prebendiaries, minor canons, and lay clerks. For the second purpose there were head masters

[*Third Night.*

and under masters with a certain number of boys who were to be educated free of expense. For the purposes of charity there were a certain number of old men to be maintained; and comparatively large sums were also set apart for public works. Regular stipends were allotted to the various officials, and on looking into the statutes he found that the head master, who was next in dignity to a prebendary or canon, was to receive two-thirds of a prebendal income; the under master was to receive one-half, and the lay clerks one-third. The college boys and choristers were to receive from four to six times the sum of a prebendal income to be distributed among them for their maintenance; for public works a sum was set apart ten times the prebendal income. But changes had taken place in the course of time, and though the property of the Dean and Chapter was considerably reduced, they were still in receipt of considerable incomes, while the minor canons, upon whom the duty of performing Divine worship mainly rested, scarcely received anything at all. Before the Act of 1840 the minor canons had been stripped of their emoluments to such a degree that they barely had the income of the poorest curate, while those at Westminster Abbey were reduced to live on the sums realized by showing the Church, and the painful spectacle might be seen of a clergyman standing at the door to check the numbers that went into the Abbey as if they were going to a concert. He believed that since, by a reduction of the number, the salaries of those who remained were now made up to £150 a year; but as the value of the cathedrals was at last discovered, and thousands flocked to hear Divine service performed there where only hundreds attended before, the reduced staff was inadequate for the performance of the additional duties. And yet if they were to apply to the Ecclesiastical Commission for an augmentation it was certain they would meet with a direct refusal. The next body who were entitled to consideration was the lay clerks, upon whom the solemnity in the mode of conducting public worship depended, and yet he believed there never was a class of men more ill-treated. They were entitled to one-third of a prebendal income, but they had been so plundered that they did not receive the pay of an ordinary menial servant, or a journeyman mechanic. In the cathedral church of Canterbury the lay clerks till very lately received only £40 a year. The Dean and Chapter had recently made the munificent arrangement of allowing them £25 a year certain, with half-a-crown or three shillings for every day they attended, so that if they never missed a day through the whole twelve months, their income would be increased to about £70 a year. But that pittance again was fettered with the condition that they were bound to retire whenever called upon on an allowance of £25 a year. The case of the choristers, whom it was imperative on the chaplain to maintain and educate, was equally pitiable. A collegiate church, one of the most noble foundations in England, within a short distance of that House, gave £14,000 or £15,000 annually towards the funds of the Ecclesiastical Commissioners, but all it could spare to the 15 or 16 boys who were upon its foundation was £130 a year. These lived in a distant suburb, and being obliged to attend morning and afternoon service, they had to spend the intervening time as best they could, and which certainly was not in a manner creditable to the Church. At Canterbury affairs were just in the same state, and the state of Westminster and Canterbury was that of every cathedral body throughout the kingdom. That was a scandal to the Church, and it was a scandal to the Ecclesiastical Commission. He did not blame the Dean and Chapter for it; the Ecclesiastical Commission had taken all power out of their hands. The educational purposes for which these foundations had been made were defeated in the same manner. All the cathedrals were bound to maintain and educate from forty to fifty boys, the most promising of whom were afterwards to be sent to the University. In such of the schools as still existed—for some of them had vanished altogether—those arrangements were shamefully set at nought. In Westminster School, where he was educated, as well as the noble Lord the Foreign Secretary, the head master, who ought to have two-thirds of a prebendal income, received only £39, and the under master only £15 a year. The consequence was, that the remuneration of the masters was a tax upon the forty boys, who, according to the statutes, ought to be maintained free of all expense. Westminster was the only one of the collegiate schools that had attained to any eminence, but at Canterbury there was a school for fifty boys which was founded by Henry VIII., and in which Charles I. took so

much interest that he ordained that in the election of boys for the Chapel Royal the boys from that school should have a preference. Yet the salary of the head master from the cathedral funds was only £100; the rest of his salary being a mere tax on the boys. He maintained that these schools, if preserved in vigorous operation, would be of incalculable advantage, more especially in the poorer parts of the country. The head master of the cathedral school of Carlisle, the Dean and Chapter of which, by the way, had surrendered all their property to the Ecclesiastical Commission, had made a touching appeal to that body on behalf of his school, and the advantages it might afford in the education of a poor district like that diocese, but that appeal had hitherto produced no results. He came next to the third purpose —the works of charity and public works. It was not, indeed, to be expected that the cathedrals should now pay the expense of public works. But there was also provision made for aged persons, chiefly for old soldiers; and many of these had vanished altogether, like the schools. Now in all these cases, if application was made to the Ecclesiastical Commission for augmentation, the answer was invariably that was not the proper place to apply—in fact, they would not entertain the proposition. He was told that the Ecclesiastical Commission was very liberal to those cathedrals that surrendered their property to them; but that was not always the case. One of the most remarkable instances of an edifice being suffered to languish from want of needful supplies from its own funds was that of St. Paul's Cathedral. The riches attaching to that foundation were proverbial, and one would be disposed to think the Ecclesiastical Commissioners would recognize it as an imperative duty to preserve the body of the church in repair. Mr. Penrose, however, the surveyor of St. Paul's, a gentleman much looked up to in his profession, had written him an interesting letter, in which it was stated that the total income of the cathedral for last year was £1,166, of which, after deducting the cost of fire insurance, with the salaries of clerk, organist, &c., only £827 was left to keep this vast building in repair in the trying atmosphere of London. That small sum would be wholly inadequate to arrest the progress of decay, if it were not for the most painful economy, which only permitted repairs to be undertaken at those points where they were urgently needed. At least £500 additional would be requisite for the purposes of this building. Hon. Members would remember the fee of 2*d.* which used to be paid to the vergers for admission into St. Paul's. That question, which had given rise to many warm discussions at the time, was settled by the Ecclesiastical Commissioners, who, in lieu of these fees, gave the vergers £100 a year each. He had lately heard, however, that the Commissioners were inclined to discontinue this payment, in which case either the 2*d.* admission fee must be reimposed, or the Dean and Chapter would have to supply the necessary funds from their own pockets. He thought that was a proper duty which the Ecclesiastical Commissioners might take upon themselves. Again, what was called the "cupola money"—the fee charged for showing the whispering gallery and cupola of St. Paul's—now constituted one of the principal sources of income of the lay clerks and minor canons. Surely it was very improper that any portion of the cathedral authorities should be paid by show money; and he should be glad to see a proper provision made by the Ecclesiastical Commissioners for doing away with this scandal. Go to what cathedral they would, they generally found part of the church furniture falling into decay, and the reason given was, "We can get nothing from the Ecclesiastical Commissioners." That body paid their secretaries and surveyors handsomely, but were very averse from contributing towards objects of this kind. Now, nobody at the present day could deny the utility of cathedrals. The congregations in many cases were largely increasing, and with proper care the cathedral schools throughout the country might be made of the greatest use. But the Bill contained no provision for carrying out any of these objects. He did not wish that more money should be given to the Deans and Chapters, but he did want to see the cathedrals utilized and the schools improved, and he appealed to hon. Members who were anxious for the spread of education to aid him in endeavouring, if the Bill got into Committee, to provide for the expenditure of a reasonable sum in this way. It was a principle of English law to carry out the intention of founders, and faith ought to be kept with the dead as well as with the living. Therefore, unless such provisions as he had referred to were introduced, he should feel it his duty to oppose the Bill.

[*Third Night.*

Mr. HOWES said, the argument of his hon. and learned Friend (Mr. Selwyn) on this question had been misunderstood by the right hon. Gentleman (Mr. Henley). His hon. and learned Friend urged that the duties and labours of the Ecclesiastical Commission had been so increased of late that it was not only unfair to them, but would be injurious to the public that those duties should be added to by the Bill. In support of this argument he adduced the fact that the rentals of the estates vested in the Commissioners amounted to £173,000 a year. That was not the full value of these estates, but was the sum mentioned in the Report of the Commissioners appointed in 1839. His hon. and learned Friend had also stated that the expenditure of the Commission in 1839 in law, surveying, and other matters amounted to £43,000, but he did not mean to convey, as the right hon. Gentleman had wrongly inferred, that this expenditure was in respect of estates the rental of which he quoted. With regard to the statement that there had been no audit for the last three years, the House and the public were certainly not aware of any efficient audit, as no mention of any such audit was made in the Reports for 1859 and the previous years. The right hon. Gentleman the Home Secretary had stated that the principle of the present Bill had been admitted, because a similar Bill had previously passed that House. The Bill referred to by the right hon. Gentleman was introduced in 1857-8, and failed in the House of Lords; but it should be borne in mind that in 1859 a Bill was brought forward omitting the very clauses which his hon. and learned Friend specially objected to. He wished to know on what authority that provision was embodied in the Bill which effected the involuntary transfer of the episcopal lands to the Commissioners, and that, too, within a short period. That enactment was certainly not founded on the recommendation of the Committee of 1855. He observed that there was to be a revision of the episcopal incomes on the avoidances of the several Sees, but with respect to Capitular estates he did not see that any provision for revision was made. That was an important matter, and required to be settled, if the present measure was intended to be permanent and final. He deemed it extremely objectionable that the Bill tended to confirm and perpetuate the stipendiary character of the incomes given to the Bishops and to the Deans and Chapters; and the measure was liable to censure both for faults of commission and omission.

Mr. MALINS said, that he regretted that a Bill of such importance should have been pressed on that evening which, it was intended, should be devoted to other business, and when very few Members who took an interest in the question were present. With regard to the provisions of the Bill he entirely concurred with the observations which had been expressed by the hon. and learned Member for Cambridge University (Mr. Selwyn), and he regarded the centralization contemplated by the Bill as a great evil. There was this inconsistency in the Bill, that while it enacted that all the property of Deans and Chapters should be vested in the Ecclesiastical Commissioners, there was also a provision to the effect that at a future time some portion of it should be handed back. This was a most roundabout and ridiculous process. The plan to be pursued ought to be that of separating the lands according to their value, and then to hand over the proportion set apart for the Deans and Chapters, and let the Ecclesiastical Commissioners take the remainder. In principle, what objection could there be to that plan, for were not the Ecclesiastical Commissioners appointed for the purposeof distributing all the Church property? If the great accumulation of property in the hands of the Commissioners were to proceed, it would be impossible that any of the advantageous relations which ought to exist between landlord and tenant could have place between them and their lessees. He had listened to the speech of his right hon. Friend the Member for the county of Oxford (Mr. Henley) on a former occasion with anxiety, in order to discover the great public advantage which would be derived from concentrating all that property in the hands of the Ecclesiastical Commissioners, but had failed to discover any good grounds for doing so. Already the revenue of the Commissioners was estimated by his right hon. Friend at £200,000 per annum, and he asked how it was possible that the relations of landlord and tenant could be properly maintained when the property of the former was so large that the landlord could never visit it or even know where it was situated. In the case of the Deans and Chapters the property was generally small, and there was no difficulty in the tenant communicating with them. He could

speak from experience of the Dean and Chaper of Westminster, under whom he held property in Worcester, and he assured the House that no landlord could better manage his property than did that corporation. He was one of those who held that there were great disadvantages in such large properties that the possessors could not know all about them, but was forced to leave them to the care of subordinates. He had been recently engaged in a cause where it turned out that the landlord had not visited his estate for twenty-five years. Now, there was a great disadvantage in a man not being able to visit his estate for a quarter of a century. How was the relation of landlord and tenant to stand in such cases? Why, it became a mere question of local agents—surveyors and land stewards. Should persons come to London to see the Commissioners they would be received with courtesy, and every one knew the kindness of his hon. Friend the Member for Kent (Mr. Deedes); but, as a matter of necessity, and in the nature of things, they would go to men who were entire strangers to the property with which they had to deal. What then were the advantages of that centralizing system of which his hon. and learned Friend the Member for the University of Cambridge (Mr. Selwyn) complained, and of which he (Mr. Malins) also complained? What advantages were the public to gain by this Bill? He (Mr. Malins) believed all the advantages sought by it would be attained if the Dean and Chapter were allowed to receive the whole income of their estates, some machinery being devised by which the whole of the surplus might be handed over to the Ecclesiastical Commissioners. A petition had lately been presented from Chichester, in which the petitioners set forth that great evils would arise from the system of accumulating large estates in the hands of a central and undying Board, most prejudicial to the interests of the public. He entirely agreed with the petition of the inhabitants of Chichester, that there would be great disadvantages if these lands were invested, to use their own words, in undying central bodies, with no other change than a change of men composing them. But there was another point in the Bill which, in his opinion, was open to objection; he alluded to that portion of it which provided that in the case of renewable leaseholds the interest of the lessee should come to an end in 1884. Was there any public necessity for this? It was true that the lessee had no right to enforce a renewal; but if the Dean and Chapter refused to renew they lost their fines every seven years, and therefore, practically, they never refused to do so. Bishops' lessees frequently sold their leases, and, in fact, they had become the subject of sale and settlement so much that the Court of Chancery had always compelled trustees to provide for the payment of the accruing fines. If, then, that renewable right was become the subject of property recognized by the law of the land, what public necessity existed for changing the lessees and destroying the rights of the present owners? The only pretext on which it was proposed was that this description of lease was an impediment to building and improvement, but was that a reason for depriving people who held that kind of property of their interests in it, and perhaps reducing their children to beggary? He should not object to some reasonable arrangement which would provide for the improvement of this property, but it was not because a particular tenure of property was inconvenient that it was to be confiscated. He thought that if they secured to the Dean and Chapter the amount of the reserved rent and the value of the renewable fines they would derive all the advantage they sought, and would put the lessee in the position of a permanent instead of a precarious holder. He protested against confiscation of the property. What they wanted was some system that would make it compulsory on the lessor to sell the reversion, throwing on him the compulsory obligation to sell his interest to the lessee, or to make the lessee sell his interest at a fair market value to the lessor. The objects of the Bill were to be obtained without confiscation; and unless that objection could be removed he should certainly vote against the second reading. The Ecclesiastical Commissioners only held the property for sacred and religious purposes; but if they acquired it by means which beggared families how could they apply it properly? The lessees had just as much right, after paying renewal fines, to look upon this as their own property as landed proprietors had to their own estates. If the right hon. Gentleman would give a pledge that he would provide some machinery for the transfer of the property on equitable terms he should not object, but at present they took away all the rights of the lessee and gave him in exchange a terminable lease

for twenty-four years, and the unfortunate lessee would find that property wrested from him which he expected to hand down to his family. He implored Parliament not to permit such an injustice as that. If they were determined upon vesting all this property in one great public body like the Ecclesiastical Commissioners, who would certainly fail in the performance of their duty as landlords, at all events let them do it on fair principles, and not, because it was for public convenience to change a certain description of tenure, discard the principles of public justice. On these grounds he should oppose the second reading of the Bill.

Lord JOHN RUSSELL: I did not intend to take any part in this debate, and I will not now enter into a discussion of any of the details of this measure. I think the right hon. Member for Oxfordshire (Mr. Henley), when this Bill was last under discussion a few days ago, sufficiently answered the objections stated to it by the hon. and learned Member for Cambridge University. The hon. and learned Gentleman who has just spoken, however, has put forward some principles from which I cannot forbear to express my dissent. He has put out of sight the original object of these measures. That object was out of the large incomes of the Bishops in some cases, and out of the estates of Deans and Chapters in others, to make some provision for the augmentation of the smaller livings, and for the relief of the spiritual destitution of those populous districts which the ancient distribution of Church property left either insufficiently provided for, or not provided for at all. For that purpose it was necessary to consider in what manner this property was distributed, and how its distribution might be improved. For example, it was found that the Bishop of Durham had formerly £23,000 a year. The Ecclesiastical Commission thought that sum was excessive, and that £8,000 a year would suffice. The Commissioners also felt that as the Bishop was only to receive the reduced income of £8,000, it would be an absurd arrangement that he should have the management of the whole £23,000. Then you have the proposal of the Bill as it stands, with an alternative, which is this, that the £23,000—or rather the £21,000, for £2,000 a year was previously taken—should go to the Ecclesiastical Commission; that lands to the amount of £8,000 a year should be settled on the Bishop of Durham, and that the remaining estates should be at the disposal of the Commissioners. So, likewise, with regard to the Chapter estates. The hon. and learned Gentleman takes the case of Ely, in which four-fifths are to remain with the Chapter. But in the case of the Chapter of Durham, there being twelve canons, four only were to remain; eight parts were to be devoted to the increase of smaller livings, and to the relief of spiritual destitution. It would be absurd to leave the whole twelve parts at the disposal of the Dean and Chapter, when eight out of the twelve, or two-thirds of the whole, were to be paid over to the Ecclesiastical Commission. It was, therefore, a reasonable and practical proposal that the income of the Dean and Chapter should form four parts out of the twelve, and that the eight parts should be in the hands of the Commissioners. The hon. and learned Gentleman says, "But what an immense amount that makes in the hands of a centralized body." Now, you are to consider to what purposes these funds are to be applied. You find a clergyman with £75 or £80 a year, and you add £50 to his income. In another instance you create a new benefice, with £150 or, perhaps, £200 a year attached to it. It would be absurd to divide large Church estates, so as to assign small pieces of land to each benefice, with a view of raising these small incomes. It is, therefore, necessary that there should be a general management for this purpose.

Then the hon. and learned Gentleman comes to the great question of all, namely, whether it would be just to make an alteration with respect to the tenure of Church property; and instead of leases lasting for a certain number of lives, to change them into a fixed term not exceeding, for the present, the limit of twenty-two years. The hon. and learned Gentleman—I will not say misrepresents, but misapprehends the principle on which these estates rest. He says that the representatives of the Church, that is, the Bishops, Deans and Chapters, have no other right over this property except to receive fines on the renewal of leases. Formerly the case stood thus:—It was supposed in the time of Elizabeth that a life equalled twenty-one years, and Church estates were leased by ecclesiastical bodies for three lives. The lessees could not put in a new life when a previous one expired, and therefore the absolute right was not

in the lessee but in the Church, and it depended on the merest accident whether or not a lessee had a property nearly equivalent to a freehold, or an interest of a very limited nature. For example, where an old Bishop died a Prime Minister might recommend a very young man, of twenty-five or thirty, to succeed him. The new Bishop, on succeeding to the see, finds a lease in which there are three old lives of seventy or seventy-five. He is asked to put in a new life; he refuses, preferring to take his chance of running his life against the three named in the lease. In the end, if he outlives, he has a most valuable lease, which he can give to his own family for three lives, actually enriching himself or his relatives. Or when the first two lives dropped he might set his life against the third, and refuse to renew except at an enormous fine, which he knew would not be given. This shows that the right is not in the lessee but the lessor, and the hon. and learned Gentleman must know that in several cases, by an abuse of this power, bishops in former days allowed old lives to expire, and gave a lease of three young lives to members of their own family. Having rendered Church property of very little value for the next sixty years, they next obtained an Act of Parliament by which, for a small sum, they transferred the estates from the Church to the lessee, defrauding the Church of its property. Does the hon. and learned Gentleman wish that system to be restored? He proposes that instead of the right being in the lessor, as it always has been, it should be transferred to the lessee, and instead of the lessee being entirely at the mercy of the Bishop, or of the Dean and Chapter, that he should have an absolute right secured to him, actually as good as a freehold. This is what I should call confiscation, for it would take away the right from that body in which it exists, and transfer it to another who has only a limited right which at a certain period must expire. The hon. and learned Gentleman's plan, therefore, is to confiscate the property of the Church for the benefit of the lessee. What was the case formerly with land the property of the Crown? A great many of the Crown estates were held in the same manner as those belonging to the Church. They brought little to the revenues of the Crown, because the leases were usually renewed, and the tenants favoured. In this state of things, what did Mr. Pitt do? Did he transfer the whole right in the property to the lessees? On the contrary, he claimed for the lessor the entire benefit, giving the lessee no more than his actual right. Thus by a beneficial Act the whole of the income derived from a rack-rent was received by the Crown. But in the case of the Church which, not being so powerful as the Crown, and having no such patron as Mr. Pitt who could thus deal with its property, the general arrangement has been this:—The Church offered the lessee his choice, either to sell to the Church the whole of his interest in the unexpired term, or to buy the property, and pay to the Church the value of the reversion. That was the proposal made in the Committee of the House of Lords—I need not enter into the precise terms as they have nothing to do with the Bill before us—and it was a perfectly fair one. A great deal of property was held during the whole of the last century under the disadvantage that, although a man held the property, and expected to renew the lease, he had no such security for building and planting, as if it had been freehold, and very often, besides interfering with building and planting, he was unable to dispose of it as he wished. A great portion of that property has become freehold, and is now held in fee by country gentlemen, yeomen, farmers, and other proprietors, and the property itself is improved to an extent which never would have been the case if it had been held under the old tenure. This is the general intention of the Bill, and, as I believe it to be a perfectly fair intention, I really think the House ought to read it a second time. With regard to particular clauses, into which I shall not enter now, it may be quite possible to propose improvements in Committee. I do not deny that the Bill may be susceptible of Amendment, but I believe that it is based on sound principles, and that it will effect improvements beyond those which have already taken place. For my own part, I have always thought it desirable in every way, that the Bishops and Deans and Chapters should hold landed property. I have no doubt that if the whole of their landed property were sold and the money paid into the funds the Bishops and Deans and Chapters would have a more certain income for the time, but they would not have such a thorough dependence on the landed property of the country, nor so fixed a status, and I should be very sorry to see that change. That a body managing

£200,000 of landed property may commit many mistakes is possible, and that they do not see the property very often is no doubt an inconvenience, but I believe that to be inseparable from any great scheme. The hon. and learned Gentleman (Mr. Malins) has himself said he was concerned in a case in which a private gentleman had not seen a particular portion of his property for twenty-five years, having estates, I presume, in various counties; but no one will argue that private gentlemen should not possess large estates. The hon. Gentleman said it was an inconvenience to be regretted. I say the same thing with regard to the Ecclesiastical Commissioners, that it is an inconvenience that they cannot visit each of their estates; but when a large scheme is proposed, if not for a final settlement, for a settlement of the general principles, I think the House should either assent to or dissent from the plan upon those general grounds.

MR. SOTHERON ESTCOURT said, the noble Lord who had just addressed the House had put the measure in as fair a light as possible; he had shown the House what could be said in favour of the Bill, and he had also made admissions and held out expectations which might succeed in modifying some points of objection. At the same time he was sorry that a measure of so much importance should have been accidentally, and in consequence of an unexpected alteration in the proceedings of the House for the evening, brought forward while many hon. Members who were interested in the question were absent. The importance of this Bill was great, whether they considered the amount of property involved, or the mode in which they were called on to deal with it—that was to say, contrary to the wishes of the reputed owner and occupier—or to the manner in which the estates were in future to be managed. They were not dealing with the whole of the property that belonged to the Church, and he should not raise the question with respect to that portion of property disposed of by previous arrangements. The real point for consideration was whether they should proceed in the same course as they had already proceeded in with respect to the estates of the Bishops—whether they would act in the same way with reference to the estates of the capitular bodies? It was obvious, however, that Bishops and Chapters did not stand on the same footing. The Ecclesiastical Commission comprised several

Lord John Russell

Bishops, and they had a substantive voice in all the operations of that body; they enjoyed the opportunity of speaking their sentiments; but the House was called upon to deal with the estates of gentlemen who had never been consulted in the matter, and respecting whom he thought he might venture to say that their sole object, as it was declared to him when they waited upon the Government of the day, twelve months ago, was not to ask that Government to withdraw their hands, but merely to give them an opportunity of telling their own story. All that was asked, then, was that they might be put in communication with the Ecclesiastical Commissioners. They said, "We have a story to tell, and we want an opportunity to tell it; hold the hands of Parliament till we have had that opportunity, which we promise we will not abuse." From that time, however, the opportunity, not unfairly asked, had never been afforded to them. One of the main grounds of objection he had to this Bill was that it proposed to make use of the machinery of the Ecclesiastical Commission, not merely for the sale, but actually for the future management and possession of these estates. It could not be disputed that they proposed to take powers within a certain time to sell the estates belonging to the capitular bodies, and out of those estates, or the money received from them, to re-endow at a subsequent time the Chapters with a certain portion of landed property. There was a great deal of force in what the noble Lord said as to landed property. There were good reasons why Chapters and Bishops should be in possession of landed estates. There was a greater stability in the possession of land than of money in the funds, and he did not like the idea of a Bishop or a Chapter being reduced to the position of mere salaried stipendiaries of the State. If it were proposed to deal with the property of any private individual as was now proposed in regard to the property of the capitular bodies, a cry of confiscation would at once be raised. What was the distinction between a lessee who held under a capitular body, and one who held under the corporation of a municipality or college? Yet municipal or college property had never been treated in the manner proposed in the Bill. The manner in which the estates belonging to the Church were formerly managed was far preferable to the modern system. He believed the holding of land by such a

body as the Ecclesiastical Commission to be much more objectionable than the holding of land in mortmain by Bishops or Chapters, impolitic as that mode of possession had always been regarded. Since the time of Queen Elizabeth, whenever ecclesiastical corporations had had occasion to let out their property they had done so on easy terms, and the lessee had practically fulfilled the duties attached to ownership. But if these estates were now let out at rack-rent, the total annual value would, of course, be required from the persons who held them. How was hospitality to be exercised, charity administered, and schools or other benevolent institutions maintained, unless the lessees held the estates on easy terms? His right hon. Friend (Sir George Lewis) would say, no doubt, that the Commission were not to exercise the rights of ownership permanently, but only *in transitu*, and that they would have to sell a portion of the property and re-endow either the Bishops or the capitular bodies with so much land. But that was the great defect of the Bill. It did not state definitely the manner in which the change was to be effected. The question of Bishops' property had been dealt with, but not in such a manner as to inspire great confidence for the future. There never arose a discussion with respect to the Ecclesiastical Commission without fault being found with the administration of the funds arising from the Bishops' estates. He had no doubt the Ecclesiastical Commissioners, of whom he entertained the highest opinion, would endeavour to avoid future mistakes; but Parliament was called upon to grant them, not only a prolongation of, but an addition to, their powers. That was the third time they had had the Bill under discussion. He was of opinion that the House would think that those who had something further to say upon the subject, as was his own case, should postpone further observation till they got into Committee. Perhaps his hon. and learned Friend (Mr. Selwyn) would permit him to suggest that it would be well not to press for a division at that time, but reserve his objections for a future stage in Committee, when those who objected to particular clauses would have the opportunity of calling them in question. He should reserve any further remarks till the next stage, though he could not express his approval of the second reading of the Bill.

MR. SELWYN said, the House had been taken by surprise by the Bill being proceeded with that evening, and he felt that under the circumstances it would be useless to press the Amendment. He would therefore withdraw it.

Amendment *withdrawn;* Main Question put and *agreed to;* Bill read 2° and *committed for Friday.*

MINES REGULATION AND INSPECTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 4 to 6 *agreed to.*

Clause 7 (Mines to which Part 2 of Act is to extend. Interpretation of Terms).

MR. H. A. BRUCE said, the object of the clause was to bring under inspection iron as well as coal mines. He proposed to move an Amendment, excluding all iron mines except those worked in connection with coal. There was no peculiar danger connected with the working of iron mines, and no case had been made out for their inspection. The loss of life, as compared with the number of tons of ironstone and rubbish taken out of the iron mines, was so small that he was satisfied these mines, when unconnected with the coal measures, did not require the special interference of the Government. In a mine with which he was connected there had been only one death to 498,000 tons of ore raised. There was this difference also, that accidents in coal mines occurring in consequence of want of ventilation involved the death of many persons, while accidents in mines not subject to explosion only endangered the life of the awkward or careless workman upon whom some mass of rubbish might fall. He should, therefore, move, instead of the words "or coal measures" to substitute the words "associated with coal and worked in connection therewith."

MR. CLIVE said, the hon. Gentleman was, like many other persons—he thought inspection a very good thing when it was applied to all his neighbours, so that it did not touch himself. A system of inspection was imperatively required for those iron mines which were included in the clause. It was the unanimous opinion of the inspectors of coal mines that inspection ought to be applied to all iron mines. He had, however, yielded to the representations made to him that inspection was not wanted where the iron was not connected with coal measures, and the words of the clause

had been, in fact, suggested by the owners. The workmen in iron mines took great interest in the establishment of a system of inspection, in proof of which he might refer the hon. Gentleman to the *Mining Journal*, in which the inspection was warmly advocated on behalf of the miners. The inspectors of coal mines in many districts found the coal and iron so blended together that it was almost impossible to separate them in their inspection. He believed that the great majority both of owners and men were in favour of the Bill. The deaths in Great Britain from accidents in mines were 1 in 64,000. In Durham the deaths were only 1 in 114,000; in Scotland they were 1 in 95,000, while in South Wales they were 1 in 47,000. This greater proportion of deaths in South Wales showed that the accidents were more frequent where coal and iron were mixed together. He had now, he thought, shown the Committee why the Amendment ought not to be adopted.

MR. TAYLOR said, he wished to exclude those cases only in which iron was not worked in conjunction with coal, and he thought that not an unreasonable proposition.

MR. CAYLEY said, he thought the clause was exactly framed to meet the case suggested by the hon. Member (Mr. Taylor), and that there was no necessity for the insertion of the words proposed by him.

MR. H. A. BRUCE said, it was true that the accidents in South Wales exceeded the average for the whole country, but they occurred for the most part in colleries where coal was simply worked for exportation.

Amendment *negatived.*

MR. H. A. BRUCE said, he would then move the omission of the following words from the clause descriptive of a class of works to which the Act should extend—

"And every shaft in the course of being sunk, and every level or inclined plane in the course of being driven for commencing or opening any such mine, and all the works belonging thereto respectively."

MR. CLIVE opposed the Amendment, which was *negatived* without a division.

Clause, as amended, *agreed to.*

Clause 8 (Power to Secretary of State to appoint Inspectors of Mines).

MR. AYRTON said, he would propose an Amendment to the effect that sub-inspectors should be appointed as well as inspectors, so as to provide for a more efficient inspection, which it was natural to suppose would be gained by the sub-inspectors performing the main portion of the duty under the superintendence of, and subject to the report of, the superior officer and inspector. He would move to insert the words "or sub-inspectors" after the word inspectors.

SIR GEORGE LEWIS said, he thought the scope of the clause was sufficiently extensive to enable the appointment of officers of different grades, which would compass the object the hon. Gentleman (Mr. Ayrton) had in view.

MR. INGHAM said, he thought they should have some assurance from the Government that the inspection under the Bill would be of an efficient character. At present the number of pits which each inspector had to visit were so many that a considerable interval elapsed between his visits, and it was at those times generally that accidents took place. He did not want that the sub-inspectors should be men of great scientific attainments, but he considered that it would be an advantage to have a class of officers connected with the inspection with whom the pitmen could frankly and easily communicate.

SIR GEORGE LEWIS said, the best course would be for the hon. Gentleman not then to press his Amendment, but to let it stand over until the bringing up of the Report.

Clause *agreed to*, as was also Clause 9.

Clause 10 (General Rules to be observed in Coal and Iron Mines).

MR. AYRTON said, he proposed in line 22 to add, after the word "places," "and all other accessible places," in order that the proprietors of mines might be compelled to ventilate places which were not being worked, but which became reservoirs of foul air in communication with the workings where men were employed.

Amendment proposed, in page 4, line 22, after the word 'places,' to insert the words 'and all other accessible places where possible.'

MR. KER SEYMER suggested the addition of the words "if possible" to the Amendment of the hon. Member for the Tower Hamlets.

MR. CLIVE said, that this was one of the most disputed portions of the Bill. He was bound to say that the Commissioners had recommended the Amendment, but he was told that there would be a difficulty in applying it in all instances. He had, therefore, thought it best to make the clause run as it did.

MR. AYRTON suggested, that it must

surely be possible to stop off those places which were difficult to ventilate, and which if left open might admit gas in quantities large enough to endanger the miners.

MR. CAYLEY suggested, that the words "where possible" might get rid of the difficulty.

MR. AYRTON said, he would accept the suggestion.

MR. H. A. BRUCE said, there were circumstances in which an attempt to ventilate might be dangerous, because the gas was only explosive when mixed with more than three times and less than fourteen times its own bulk.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 185; Noes 18: Majority 167

MR. AYRTON said, that accidents were frequently caused through the tramways in mines being too narrow. He would, therefore, propose as an Amendment on rule 8, that places of refuge should be provided at intervals of not less than ten yards, or that the drift or passage for the tramways should be made so wide as to allow room for men to pass the trucks, which ran down with great rapidity.

MR. H. H. VIVIAN said, he thought it undesirable to take the responsibility of avoiding accidents off the owners or workers of mines. Serious accidents had to be reported to the Secretary of State, and that of itself was a great safeguard. If the drifts were widened there would be greater danger of the fall of the roof—a most fruitful source of accident. He thought it desirable to have places of refuge, but not at shorter intervals than twenty yards. A wide drift without refuges would be highly dangerous.

MR. AYRTON said, he had no objection to twenty yards.

Amendment *agreed to*.

MR. AYRTON said, he next moved, that instead of the words "cover overhead," in rule 9, there should be inserted the words "covered safety cage." That was an ingenious mechanical contrivance for saving the lives of the workmen as they ascended or descended the pit. They had been adopted in several well-regulated mines, and he thought the others ought to be made to use them.

MR. H. H. VIVIAN said, he had found from repeated experiments that "safety cages" were a fertile source of danger. Every mechanical contrivance of this sort was likely to get out of order He believed all cases of this kind to be impracticable, but, even if they were practicable, they would probably lead to a false security, arising from mistaken economy. Less attention would be paid to the due inspection of the state of the ropes. He thought to pass a law in favour of safety cages would lead to increased injury and loss of life. He must deprecate discussions on details of a practical character in the House of Commons.

LORD LOVAINE said, he also objected to the Amendment as impracticable.

MR. EDWIN JAMES said, he was astonished to hear it laid down by the hon. Member (Mr. Vivian), that the House of Commons was not a fit arena for the discussion of points affecting the lives of thousands of operatives. On the contrary, he maintained that it was the only place to which they could carry their appeal for protection, the House of Lords and the Courts of law alike having laid it down that a workman by the terms on which he entered into the service of his master deprived himself of his remedy at law for any accident which he might suffer while in that employment.

MR. H. H. VIVIAN said, he never said that. What he said was that that House was not the arena for discussing practical points of mining detail.

MR. CRAUFURD said, he must protest against the crude statement of the law which they had just heard from the hon. and learned Gentleman. It was true a man obtained no right of action against his master for an injury which he suffered from his fellow-workman, provided his master had exercised care and diligence in the selection of those in his employment; but, on the other hand, a master was undoubtedly liable for any accident arising from his negligence in not having provided proper ropes and machinery.

MR. CLIVE said, that the question of the safety cages had been very carefully considered, and he hoped the Committee would consent to adopt the use of the overhead cover.

MR. H. A. BRUCE hoped that the Committee would not force upon miners the adoption of this plan. The hon. Member for Glamorganshire and other hon. Members who had tried it were of opinion that in some cases, at least, it would not be suitable.

MR. BUTT said, he acquiesced in the view taken by his hon. Friend (Mr. James) of the law affecting the subject.

Mr. AYRTON said, that "safety cages" had been adopted in a great number of mines, and he thought where the expense was comparatively trifling, they ought to be generally used. His hon. Friend the Member for Ayrshire (Mr. Craufurd) had, doubtless, in view, in the statement he had made, the Scotch law on the subject, for certainly it would surprise employers in England to be told that they were liable for damages to their workmen.

Mr. EDWIN JAMES said, he would recall to the recollection of the hon. Member for Ayrshire a case tried on the Home Circuit, which was brought by a labourer against Sir Charles Fox for having an improper rope at the construction of one of the towers at the Crystal Palace. The case was reserved for the opinion of the Court of Exchequer, and the law was distinctly laid down that, inasmuch as the plaintiff was a labouring man, he had taken the risk of the work, and Sir Charles Fox was therefore not responsible.

Mr. J. L. RICARDO said, he thought it was preposterous that the House of Commons should force on practical men the further trial of an experiment which they had found to be unsuccessful. The Inspectors and the Committee had given it as their opinion that no particular rule should be laid down in this case, but that it should be left to the mine-owners, who were responsible for those they employed, and were anxious for the safety of the men's lives to use the safest and best means for securing the safety of their workmen.

Mr. KINNAIRD objected to the doctrine that the House was to have its decision in the matter fettered by the decision of a Committee.

Mr. FRANK CROSSLEY said, he would advise his hon. Friend who had moved the Amendment to give way to the opinion of other Members with greater practical knowledge, and not attempt to enforce on all parts of the country a contrivance which might perhaps answer only in a certain district, lest the result should be to destroy life instead of saving it.

Mr. AYRTON said, that the cage was in general use in the mines. ["No, no!"] He asked his hon. Friend the Under Secretary for the Home Department whether that was not the fact.

Mr. CLIVE said, that those cages were in general use; but he recommended his hon. Friend not to press his Amendment.

Amendment *negatived.*

Mr. Butt

Mr. H. A. BRUCE said, he wished to move in line 5 of the same rule, after the word "shaft" to insert the words "except upon occasions when repairs are being effected," the object of his Amendment being to dispense with the use of the cover over the cage when repairs were being effected in the shaft.

Amendment proposed, in line 5, after the word 'shaft,' to add the words 'except on occasions when repairs are being effected.'

Mr. CLIVE said, it appeared to him that the use of the cover might be more necessary at the time during which the hon. Member proposed to dispense with it.

Mr. H. H. VIVIAN said, he thought that its use was not necessary during repairs.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 47; Noes 127: Majority 80.

Mr. AYRTON said, he wished to move the insertion into the clause of an additional rule requiring a proper weighing machine or measuring apparatus to be placed at the bank of every mine, for the purpose of accurately testing the quantities of coal, ironstone, or other material brought to the surface. He understood that false weights and measures were sometimes used, to the detriment of the workmen, who were thereby deprived of the full amount of their earnings.

Mr. H. A. BRUCE said, he saw no objection to the adoption of weighing machines, but he could not understand how measuring machines were to be used with respect to iron-stone. He had never heard of their application to such a purpose.

Mr. AYRTON explained that his object was to secure to the workmen payment for all the ore or coal that was brought to bank.

Mr. CAYLEY said, he hoped the claim would not be objected to by the Government. In the two Committees which had sat on the subject, no point was more insisted upon than the necessity of having weighing machines as between the workmen and the employers.

Mr. H. H. VIVIAN said, he did not see any objection to that fair and just regulation, but he thought that words should be introduced by which the gauging of barges should be excepted.

Mr. CLIVE said, he understood that the proposition was permissive, but he would suggest that it should be deferred until the

Report. It could do no harm, but he believed it had been tried, and it had been found that the workmen did not avail themselves of it.

MR. NEWDEGATE said, he thought it important that there should be a weighing machine easy of access.

MR. KINNAIRD moved that the Chairman do report Progress, and ask leave to sit again.

House resumed.

Committee report Progress, to sit again on *Tuesday* next, at Twelve of the clock.

House adjourned at a Quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, June 26, 1860.

MINUTES.] PUBLIC BILLS.—1ª Tithe Commutation; Inland Bonding.
2ª Ecclesiastical Commission.
3ª Church Temporalities (Ireland) Acts Amendment; Ecclesiastical Courts and Registries (Ireland).

ECCLESIASTICAL COMMISSION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE ARCHBISHOP OF YORK said, the object of the Bill of which he now moved the second reading was simply to give authority to the Ecclesiastical Commissioners, in making additional provision for the cure of souls, to give due consideration to the wants and circumstances of the places from which they derived revenues from any lands or hereditaments. The Ecclesiastical Commission Act of 1840 contained a provision similar to this as far as it went, inasmuch as it directed that due provision should be made for local wants out of the tithes arising in the respective localities; and a Select Committee of their Lordships' House had reported in favour of the principle of expending the Revenues received by the Commissioners in the places wherein they had been received, and of attending, as a first duty, to the spiritual wants of the people of such districts. The diocese of Durham, over which he had formerly presided, was very deeply interested in the decision of this question, and, no doubt, other dioceses and parishes in various parts of the country were similarly affected. He would, however, illustrate the peculiarities of the case from the circumstances affecting the diocese of Durham, and with which, therefore, he was personally acquainted. The condition of the diocese of Durham was this:—The average population in each benefice or parish in other counties was 1,398, while in the county of Durham the average population was 2,708. The average number of acres in the parishes of other dioceses was 3,277; the average number in the parishes of the diocese of Durham was 7,566. The increase in population in the county of Durham between 1841 and 1851 was 27 per cent; and the increase in Lancashire during the corresponding period was 22 per cent, and in Middlesex 20 per cent. In the five most populous places in the diocese of Durham — namely, Newcastle, Gateshead, Tynemouth, Shields, and Darlington — the population in each parish or district exceeded 7,000; while in Salford, Manchester, and Liverpool, it was in each parish or district not more than 5,400. With these facts before them he thought it was absolutely necessary that something should be done to remedy the great evils which existed in the diocese of Durham. The Ecclesiastical Commissioners were abstracting a large sum annually from that diocese — which they applied to the general purposes of the Commission; last year they received no less than £55,000 from it. The consequence was that in those parts of the diocese in which there was Church property, the people were just to that extent deprived of that relief which they would have received if that property had been continued in ecclesiastical hands. The present state of the law was such that it acted very unfavourably indeed against those parts of the kingdom in which there were local claims. This state of things being well ascertained, a large meeting was some time ago held in Newcastle, and a deputation appointed to wait on the Prime Minister. The result was extremely satisfactory. The answer of the noble Lord at the head of the Government was, "It is quite obvious and equitable that a preferential consideration should be given to local claims." To the principle of the Bill now before them their Lordships had already assented. A general Bill had been before Parliament since the 2nd of February in the present year. Five months had elapsed since that date, and it had

only been read a second time in "another place" last night. The Bill which he now asked their Lordships to read a second time was, in fact, a supplemental measure, to provide a remedy for existing evils, in the event of the Bill now in the Lower House not being passed during the present Session. The promoters thought that those miners and other operatives who, by the sweat of their brow, increased the revenues of the Ecclesiastical Commissioners, should have their spiritual wants provided for before the money passed into the Common Fund. It might be said that spiritual destitution prevailed in other parts of the country, and that the people in those places would suffer if this Bill passed; but as he still contended that those who provided the revenues had the first right to the benefit of them, and as the passing of the Bill in the other House was a matter of uncertainty, he asked their Lordships to accede to his Motion.

Moved, that the Bill be now read 2ª.

THE EARL OF CHICHESTER said, he felt himself compelled, though reluctantly, to oppose the Motion of the most rev. Prelate, who he knew had strong feelings as to the justice of this measure, but he should be wanting in his duty to the House if he did not frankly but shortly state the reasons which convinced him that the Bill now before the House ought not to be passed into law. The great difference between the Bill before the other House of Parliament and that now before their Lordships was, that the former was a general measure, by which powers were given to the Ecclesiastical Commissioners to deal more largely and efficiently with Church property, in order to meet the spiritual wants of the whole country; whereas the object of the latter was only to give certain places a claim before all others for assistance from the common fund. He would not venture to say what would be the effect on this fund, but it was clear that to whatever extent certain districts had a preference given to them in the distribution of the funds, other districts which were excluded from that preference must suffer in proportion. Their claims, however urgent, would have to be postponed. The measure of the most rev. Prelate practically created a number of new charges upon the Common Fund without doing anything to increase the resources from which that fund was supplied. The larger measure contained similar clauses with respect to local claims, but then its other provisions would tend to increase the value of Church property, and so augment the means at the Commissioners' disposal. He could not approve of these special provisions in favour of local claims being separately enacted, as proposed by the Bill of the most rev. Prelate.

EARL GRANVILLE suggested that the Bill should be postponed until their Lordships saw reason to doubt whether the Bill would come up from the other House in time to pass during the present Session.

THE ARCHBISHOP OF YORK would not object to the suggestion of the noble Earl, provided the present Bill had the precedence.

EARL GREY said, the subject was one which had been discussed on former occasions. Two Select Committees had sat; clauses such as were in the present Bill had passed their Lordships' House, and had only failed to pass the other House through want of time. For some time the diocese of Durham had been suffering grievously from the want of some measure of this kind, because while it remained in abeyance it interfered with the current of private benevolence. In order to prevent the evil from enduring for another year, the right rev. Prelate proposed that this Bill should be read a second time, so that if the larger measure now in the other House failed to come up to their Lordships they might proceed with this Bill. The noble Earl the President of the Council asked his right rev. Friend to postpone the Bill, which the right rev. Prelate was willing to do, upon the understanding that this Bill should be passed if the larger measure should fail. If the noble Earl would give an assurance that the Government would support this Bill in case the other did not come up to that House within a reasonable time, he would heartily concur in requesting the right rev. Prelate to postpone the second reading of this Bill.

LORD PORTMAN observed that this was a most important measure, and for the first time it was proposed to make it imperative upon the Ecclesiastical Commissioners to apply the funds exclusively within the districts in which they were raised. The measure before the other House was permissive in this respect. It was decided in 1840 that a Common Fund should be formed, and that the wants of the poorer dioceses should be supplied from the riches of the wealthier dioceses. He strongly objected to

the imperative principle contained in this measure.

LORD RAVENSWORTH said, as the noble Earl the President of the Council had failed to give any assurance in respect to the future treatment of this measure in the event of its being postponed, he (Lord Ravensworth) felt himself called upon to submit a few observations for their Lordships' consideration. The noble Earl opposite (the Earl of Chichester) represented the Ecclesiastical Commission there, and appeared to entertain objections to this important Bill, on the ground that it made it imperative upon the Ecclesiastical Commission to give a preference to local claims in certain parts of the kingdom. Now, all that the supporters of the present Bill desired was that the Ecclesiastical Commissioners should no longer have the opportunity of making an apology or excuse for not attending to the wants of the local population. The principle of this Bill had been affirmed over and over again by both Houses, not simultaneously but on separate and respective occasions. The terms of the Bill which passed the House of Commons on the 6th April, 1840, were precisely in accordance with the provisions of the present measure. A clause provided that in each case the Commissioners should consider whether the funds raised within a particular diocese ought not to be applied in making exclusive provision for the spiritual wants of that diocese. He saw no reason for refusing to give this Bill a second reading. He did not object to the measure in the House of Commons, but it was one which dealt with a vast amount of property and with complicated interests, and it was doubtful whether it would pass in the present Session. No harm could be done by acceding to the present Bill until the fate of the measure in the other House was ascertained, and he hoped that by assenting to the second reading their Lordships would acknowledge the great principle, that those portions of the kingdom which contributed the largest share to the funds in the hands of the Ecclesiastical Commissioners should have the first claim in the distribution of those funds.

LORD STANLEY OF ALDERLEY understood that the Bill deprived the Ecclesiastical Commissioners of any discretion in this matter, and made it imperative on them to apply the funds derived from the dioceses of London and Durham in first supplying the wants of those districts. The effect of the measure thus would be that not a single sixpence derived from the sale of property in those two dioceses could be applied out of the Common Fund for the relief of destitute places in other parts of the country, at all events until every case of destitution in Durham and London had been first provided for.

THE ARCHBISHOP OF YORK said, his object was that in a given place, where there was a large population who were earning for the Ecclesiastical Commissioners revenues which now went into the Common Fund, the population there should have their spiritual wants first provided for before the money went into the Common Fund.

LORD STANLEY OF ALDERLEY said, that was a principle to which Parliament had repeatedly refused its assent, declaring that the Common Fund should be applicable to the whole country at large. Seeing that a measure on this subject was now before the other House, he thought it would be a work of supererogation to proceed with the present Bill; which he hoped, therefore, would not be pressed.

THE DUKE OF CLEVELAND said, that the Ecclesiastical Commissioners received £50,000 a year out of the diocese of Durham, while at the same time he believed that in no county were there more small livings than in Durham or a larger population. The population had enormously increased there, and it seemed but reasonable that the surplus funds derived from the diocese should be applied in providing for the local clergy. The present Bill made it imperative to provide for local wants; and in a diocese like that of Durham, where the local destitution was so great, the population so large, and the livings so small in point of income, it was not unfair that a part at least of the funds derived from the diocese should be applied in relief of its necessities. It was said that in point of practice the Ecclesiastical Commissioners did take the local claims into consideration. But, he was sorry to say, that was not so in his own district. He knew of a case in which application for aid for a population of 5,000 had been made and refused. He should give all the support in his power to the Bill.

LORD REDESDALE said, that as connected by property with the diocese of Durham, he had been asked on a former occasion to give his support to this movement; but he felt incapable of doing so because the measure was a diocesan one,

and one which he considered too extensive. But in the Bill before the House the measure was a parochial one, and did not assume so extensive a position. It was important that the question should be distinctly understood, and whether the claim was a parochial or a district claim. He thought there was a strong case in favour of a parochial claim; but beyond that he considered that the property of the Church was universal as regarded the whole kingdom, and he did not think that to property arising from one parish a neighbouring parish had any greater claim than a parish in any other part of the kingdom. The parish itself, however, had, in his opinion, a strong and distinct claim. As the Bill was drawn, the word "place" was inserted, and if by that were meant "diocese," he should object to it. If, on the other hand, the Bill was distinctly of a parochial character, and the demand was on the Commissioners for property in the parish itself, then he was prepared to support the Bill.

The Duke of MARLBOROUGH drew attention to a discrepancy between Clauses 1 and 2. The first had reference to properties vested in the Ecclesiastical Commissioners and forming part of their property, and was an extension of the principle that was sanctioned by Parliament with regard to tithes. It was also a reaffirmation of the principle laid down in their Lordships' Committee, and embodied in a Bill now in the other House. In Clause 2 there was a very important enlargement and extension, and the property was to be the surplus revenue belonging to ecclesiastical corporations. He thought that the House should be careful not to allow such a nice distinction to exist, for he conceived that by the present measure an endeavour might be made to treat the surplus revenues of ecclesiastical corporations as property not so much belonging to the Common Fund as to the Commissioners. He was afraid, too, that if the hands of the Ecclesiastical Commissioners were tied up in the manner proposed the purposes for which the Common Fund was established would be imperilled. Properties would be considered of a local and special character, and the great objects for which the Commission was instituted would be to some extent overlooked. But it was not his intention to oppose the second reading of the Bill, although he thought it would require mature consideration in Committee.

The Earl of DERBY thought the noble Duke had misapprehended the object and force of these two clauses. He should be as much indisposed as any of their Lordships to place any unnecessary restriction upon the Ecclesiastical Commissioners with the view of localizing the revenues arising from any particular diocese; but he did not think the Bill as it stood would have that effect. It only rendered it incumbent upon the Commissioners to give a fair and reasonable consideration to local claims. He hoped the Government would pledge themselves, in the event of the larger measure now before the other House being thrown out or unduly delayed, to take up the present Bill. If they agreed to do so, the second reading might be postponed. If not, he hoped the right rev. Prelate who had charge of the Bill would proceed to a division. If he did so, he should vote for it.

Earl GRANVILLE said, there was one great difference between the present Bill and that before the other House—namely, that while the latter was permissive this was imperative as to local claims. The main object of the Bill before the House of Commons was to augment the funds applicable to the whole of England, and he need not state that those funds must suffer if, as proposed by the present measure, favour were shown to particular districts. He was not prepared to give the pledge asked by the noble Earl opposite. The Bill before the other House having been read a second time, he had every reason to believe that it would pass successfully through the remaining stages, and eventually become law; but he did not see how Her Majesty's Government could make themselves answerable for carrying the Bill through the other House, or anticipate what might be the decision of that branch of the Legislature upon this or any Bill. Under these circumstances he trusted that their Lordships would not be forced to a division upon the second reading of the present Bill.

The Bishop of LONDON said, that it was desirable that there should be nothing to prejudice the discussion on the other Bill when it came up to their Lordships; and equally so that there should be no misunderstanding on the subject. As the noble Earl had alluded to the difference between this and the other Bill in respect that the one was permissive and the other imperative, in the recognition of local claims, he had to say that the right rev. Bench had been induced to promise their support to the Bill now before the

House of Commons upon the distinct understanding that the permissive clause as to local claims should be made imperative. There was another point on which it was important there should be no misunderstanding. He agreed that, in the recognition of local claims, a diocesan division would be too extensive, but he did not think that a parochial division should be adopted. He was prepared to show that in many instances the Church possessed property in one parish, and there was great destitution in another parish in the same place, and he was of opinion that it was proper the destitute parish in the same place should receive due consideration before the funds were carried off to another part of the kingdom. There was some exaggeration as to local claims. It was not proposed to endow the parishes or places which had such claims largely. The utmost that would be done would be to give the clergyman the pittance of £300 a year. It would, therefore, be very unfortunate if it were supposed that the whole of the funds of the Ecclesiastical Commission would be dried up because those persons were given £300 a year out of the funds possessed by the Church in their own locality. It was very likely that the Bill in the other House would come to an untimely end, and he should deeply regret if the discontent already raised by the neglect of local claims should grow stronger and stronger. He felt assured that nothing alienated the people so much from the administration of the Ecclesiastical Commissioners as knowing that they were drawing large revenues from Church property in populous districts in which great spiritual destitution existed, but from which the poor population of the locality was not permitted to derive any benefit. He could not see the difference between tithes and other property in this matter. Where there was large property, and where there was great spiritual destitution, the majority of thoughtful men would concur in the opinion that the Commissioners ought to provide moderately, not exorbitantly, for those localities before the funds were carried off to distant parts of the kingdom.

LORD BROUGHAM entirely agreed that nothing caused so much discontent as the withdrawing of funds which ought to provide for the spiritual instruction and necessities of the district for the use of other districts. He did not think that the provisions of the Bill before their Lordships were compulsory. The parties charged with these duties were not compellable to act—they were only compellable well to consider the question, and to give aid in those cases where urgent necessity could be made out. It was not so much legislative compulsion as legislative sanction and suggestive of such a proceeding. With regard to the Bill now in the other House, he did not share the confident expectation that because it had been read a second time without a division it would therefore pass through all its stages and reach their Lordships' House. He had known in history—he would not say in very ancient history, but in times within the period of legal memory, times since the reign of Richard I., he would not say in whose reign—of a measure of no small importance and of great interest to the community which was read a second time without a division, and by some accident never proceeded a step further. He had looked in their Lordships' Votes and could find no trace of it, and he saw that it somehow or other dropped altogether out of the Votes elsewhere. He could not help thinking that the same fate might attend this measure, and therefore they would do well to be prepared for that event.

LORD WENSLEYDALE objected to "place," as an ambiguous term. It might mean a whole district, or the whole country of Durham. The rule ought to be to apply the revenue to the spiritual destitution of the particular parish whence it was derived, and any departure from that rule ought to be mentioned by clear and definite words, such as "or in special cases to an adjoining parish."

THE ARCHBISHOP OF YORK said, it was very difficult to find a more definite word. If they used the word "parish" it might lead to great injustice, for a mine might be opened on the borders of one parish and the people working it might live in the neighbouring one. The word "place" had been adopted after much consideration.

EARL GRANVILLE was understood to ask the most rev. Prelate to postpone the Committee on the Bill for a short time to see what progress was made with the Bill in the other House.

THE ARCHBISHOP OF YORK had no objection to the postponement of the Committee.

Motion *agreed to.*

Bill read 2ª accordingly.

CHURCH TEMPORALITIES (IRELAND) ACTS AMENDMENT BILL.

THIRD READING. BILL PASSED.

Bill read 3ª (according to Order).

THE MARQUESS OF CLANRICARDE moved the insertion of a clause to follow Clause 34, as giving to the Ecclesiastical Commissioners in Ireland power to restore to the parochial clergy of the Diocese of Clonfert and Kilmacduagh a certain portion of the tithe rent charge called the *quarta pars episcopalis*, and which now formed a portion of the income of the Commissioners. The clergy of every other part of Ireland were in full possession of their tithe rent charges, and it was but just to reinstate the principle in this portion of Ireland. The Bishops of Clonfert had always admitted the right of the clergy to be relieved from this reduction of their incomes under certain circumstances. It might, perhaps, be said that the clergy of Clonfert were not in want of this income so much as those in some other parts of Ireland, but he maintained that that was no good ground for the course that had been taken; and beyond this he was not asking their Lordships to decide that this portion of tithes should be restored, but only that the Commissioners should have power to restore it if they should think fit. His Bill was permissive only, not mandatory. He had heard it said that there was only one clergyman in the diocese whose income was under £200 a year; but this was not the fact; he himself was acquainted with a rector whose income did not exceed £100 a year. He urged upon their Lordships that nothing could be more unwise than to destroy the connection between the parochial tithes and the parochial clergy, and he trusted that the House would adopt the clause.

THE EARL OF ST. GERMANS reminded their Lordships that the object of this Bill was not to redistribute the revenues which the Ecclesiastical Commissioners in Ireland administered, or to enable them to deal with any portion of their funds in any new manner; its object being simply to improve the constitution of that Board and its form of procedure. He thought that even admitting for the sake of argument the facts stated by the noble Marquess, this circumstance furnished sufficient grounds for not adopting the clause, and he rested his opposition to it on that ground alone. The tithes of Ireland were originally divided into four parts, one part of which went to the rector and one part went to the Bishop. That division had long ceased; but that did not apply to the present case, because this payment had always formed part of the revenues of the successive Bishops of Clonfert.

THE BISHOP OF DERRY said, he felt bound to oppose the clause. These funds were given to the Ecclesiastical Commissioners for the general benefit of the Church. He hoped the noble Marquess would not press the Amendment.

Amendment *negatived.*

Bill *passed*, and sent to the Commons.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL.

THIRD READING. BILL PASSED.

Bill read 3ª (according to Order).

THE BISHOP OF OXFORD moved the omission of the clauses of the Bill relating to Courts of appeal. He had supposed that this was purely an Irish Bill, and had no idea until now that these clauses formed part of it, nor did he think that their Lordships had any notion that such clauses were to be found in the measure. They would alter in a very important way the composition of the ultimate Court of appeal, respecting the doctrines of the Church of England. So important a change ought to have been distinctly notified when the Bill was brought in, and the attention of the House ought to have been called to it. The new proposal might be an improvement or an injury, but, at all events, it effected a considerable change in the present system. As these clauses were worded—and he did not object to propriety of the provision—the Archbishop from whose Court the appeal came could not sit in the Court of appeal. But the consequence would be that there would be a larger representation of the sister Establishment than of the Bishops of the English Establishment. He had another objection to the Bill. If matters of doctrine were now brought before this Court of appeal, the justification of such a proceeding was that the Court was not an ecclesiastical one, exercising ecclesiastical jurisdiction, but simply heard these matters on appeal from the subject to the Sovereign in the last resort, and gave an interpretation of the existing law, which was the proper province of the highest Court of law in the kingdom. But it ought to be clearly understood that this was not an ecclesiastical court, because, if it were such

a tribunal, its present constitution would be opposed to all the rules of the Church. At present the Court told its own tale. The three English Prelates who now sat there were experts called in to assist the law Lords in these matters, the law Lords deciding the legal points at issue. If, however, the Judicial Committee were reinforced on such occasions by other Prelates of the United Church, as this Bill proposed, there was a danger lest its decisions should be misunderstood, and lest men should suppose that they were called on to accept those decisions as binding on their consciences, instead of being merely an exposition and an interpretation of the law. For these reasons he thought more time should be given for the consideration of these clauses, and therefore moved their omission, in order that they might be made the matter of direct and substantative legislation.

THE EARL OF ST. GERMANS said, he must be allowed to express great surprise at the unusual course taken by the right rev. Prelate. Not only was this Bill brought in last year with the sanction of Lord Derby and his colleagues, but the right rev. Prelate on that occasion commented on the very clauses which he now wished should be expunged. The title of the Bill was then precisely the same as now; and these clauses, though not perhaps identical, had the same object in view. The Bill was read a second time on the 11th of June, it had been committed, and the Report had been received; and on each occasion some discussion had taken place upon it. The measure, therefore, had now been five weeks before their Lordships, and had been discussed on three or four occasions. It was a little too much, therefore, to say that due notice had not been given of its provisions; and the demand for further postponement on the 26th of June, when the Bill had to undergo the ordeal of passing through the House of Commons, was rather unreasonable. Then, the clauses which the right rev. Prelate wished to omit, formed the most important part of the Bill, without which it would be almost valueless. There were now four Courts of appeal in ecclesiastical matters—the Judicial Committee of the Privy Council, sitting with the assistance of the Archbishops of Canterbury and York, and the Bishop of London, in cases which arose under the Church Discipline Act; the Judicial Committee sitting alone in other cases; their Lordships' House, which heard appeals from the Queen's Bench, in cases of *mandamus*, and the like; and lastly, the Court which this Bill purposed to supersede, the Court of Delegates in Ireland, the decisions of which were as final and as binding on the Church, as those of any one of the other tribunals. Now, it had always been deemed advisable that there should be one Court of appeal in all ecclesiastical matters, both for the Churches of England and Ireland, not to mention India and the Colonies, and that was the object of the clauses to which the right rev. Prelate objected. Why was there on his part this jealousy and distrust of his Irish brethren? No such feelings animated them. They enjoyed the same *status* as the English Bishops; and he could not at all understand why the right rev. Prelate felt such apprehension at the introduction of one or two Irish Bishops into the Judicial Committee of the Privy Council. Of course, the Bill did not interfere with the right of the Crown to make Privy Councillors. It only provided that every Archbishop and Bishop, being members of the Privy Council, should, *ex-officio*, be members of the Judicial Committee. He hoped their Lordships would not agree to this Amendment; because it would be to perpetuate a system, which the object of this Bill was to abolish. He had always believed that it was better to legislate so as to consolidate and cement together the two Churches of England and Ireland, instead of doing aught which might create a distinction between them.

THE BISHOP OF LONDON said, it was far from the intention of his right rev. Brother to draw any marked distinction between the two Churches; but the objections which he had put forward against those clauses had pressed a good deal upon the right rev. Bench. He (the Bishop of London) however, doubted whether it would be worth while to press the Amendment to a division.

LORD CRANWORTH said, this Bill in no way affected the doctrine or discipline of the Church of England. Appeals in all ecclesiastical matters under the Church Discipline Act were to the Privy Council, which was on those occasions increased by the presence of every Archbishop and Bishop, being members of the Church of England and Ireland, and also being Members of the Privy Council, and there would be no alteration made in that respect by this Bill. The only alteration proposed was this—that whereas appeals in matters ecclesiastical in Ireland were now made to

an inconvenient tribunal—namely, to the Court of Delegates in Ireland, under this Bill they would be made to the Privy Council. Therefore, all that was proposed was to abolish the very inconvenient Court of Delegates in Dublin, and enable appeals in ecclesiastical matters in Ireland to be submitted to the Judicial Committee in England, which was the same tribunal to which appeals arising in the Church of England were carried, and thus the united Church of England and Ireland would have, as it ought to have, only one court of ultimate appeal, whereby the decisions in matters of doctrine in the two countries would be uniform. That was a matter which could not create alarm in the mind of any person, and he could not see why there should be any objection raised to this Bill.

THE EARL OF BANDON said, he trusted that the right rev. Prelate (the Bishop of Oxford) would not persevere with his Amendment. The course of legislation of late years had been of a character to consolidate together England and Ireland, and he would urge upon their Lordships now not to take a step which would make a distinction between the Churches; for why, he would ask, should the united Churches of England and Ireland be an exception to the general rule? He confessed he could not conceive why the right rev. Prelate should display a feeling of jealousy of the heads of the Church on the other side of the Channel. This Bill merely provided for the abolition of an inconvenient tribunal, and for the substitution of one of a more simple character. He could not resist making those observations in defence of a Church to which he was deeply attached, and expressing the opinion that this measure, if passed, would tend to the advantage of both branches of the united Church of England and Ireland.

Amendment *negatived.*

Bill *passed,* and sent to the Commons.

House adjourned, at a Quarter past Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 26, 1860.

MINUTES.] PUBLIC BILLS.—1° Heritable Securities, &c., (Scotland); Refreshment Houses and Wine Licences (Scotland); Local Government Act Amendment; Corrupt Practices at Elections; Militia.

2° Sale of Gas Act Amendment (No. 2.)

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 21 *agreed to.*

Clause 22 (Maintenance of Improvements.)

MR. BUTT said he wished to inquire of the Attorney General for Ireland (Mr. Deasy) whether it was intended that the annuity charge, created for improvements under the Bill, should take precedence of all previous incumbrances, for such he apprehended was at present the effect of the clause. He would move that the word "first" be omitted.

MR. DEASY said, that such was not the intention with which the clause was drawn. The object of the Government was to enable landowners to raise money for the improvement of their estates, and it would not be doing them a kindness to alarm the existing incumbrancers. By the omission of a single word, any apparent ambiguity might be removed.

MR. LONGFIELD said, he thought it would be necessary to give the annuity precedence, otherwise persons would not be willing to advance their money for making the improvements which might be desirable.

MR. GEORGE contended that the annuity ought to be a first charge on the land, and said he hoped the alteration proposed would not be made.

MR. DEASY said, it was originally intended to make this charge take precedence of all incumbrances, but after careful consideration it was apprehended that by so doing they might create alarm in the minds of those who had incumbrances already existing, and under these circumstances it was thought better not to give the annuity precedence.

LORD NAAS said, no person would lend his money in this way unless repayment were made a first charge on the estate.

MR. CARDWELL said, that after the expression of opinion which had been given, he thought it would be advisable to leave the clause as it stood, and accordingly the alteration proposed would not be insisted upon.

Amendment, by leave, *withdrawn.*

Clause *agreed to;* as were also Clauses 23 and 24.

Clause 25 (Mode of obtaining the sanction of Court).

MR. GEORGE said, this was a very important part of the Bill, as it related to the leasing powers to be granted for improvements. He objected to the chairman of quarter sessions being appointed to make preliminary inquiries into the nature of such leases, as he thought it would be wise to let no machinery interpose between the limited owner and the tenant in the granting of leases except such as the Court of Chancery provided in the case of fraud and injury. He would, therefore, propose as an Amendment that in lieu of the leasing clauses in the Bill, there be inserted the clauses 1 to 31 inclusive, of the Leasing and Improvement of Lands (Ireland) Bill, brought in by the right hon. and learned Gentleman (Mr. Whiteside) which stood next on the order of the day. Greater facilities for the granting of leases were bestowed by that Bill than by that which had been introduced by the Chief Secretary for Ireland.

Amendment proposed in page 8, line 14, to leave out from the word "restrictions," to the word "chairman," inclusive.

MR. DEASY defended the provisions of the Government Bill, as much simpler and more convenient than those of the Bill introduced by the right hon. and learned Gentleman. With regard especially to the leasing of ecclesiastical property, the effect of the latter Bill would be to encumber the operation with so many checks and restrictions as to prevent its being of any advantage. There was also, in his Bill, a very objectionable laxity with regard to leases of mines. The difference between this kind of property and cultivable lands was that, by granting the lease of a mine for thirty or forty years, a person having only a life interest might really be making away with the whole valuable part of the inheritance, since the mine would be worked out by the tenant within that period. The interest of the remainder man should be considered, as well as those of the tenant and of the limited owner. It was, therefore, most essential in such cases to make the preliminary sanction of a competent tribunal necessary before granting the lease.

MR. LONGFIELD said, he thought it could hardly be expected that the Committee should be ready to compare *in globo* thirty-one sections of a rival Bill with those of the present Bill, so as to give a preference to one over the other. The Amendment of the hon. and learned Gentleman therefore appeared to him to be an unsatisfactory mode of proceeding. He thought that by a few careful Amendments the Bill might be made a most satisfactory measure. To whatever tribunal they gave the power of interfering with the making of leases, whether it was to the Quarter Sessions or the supreme courts, the effect would be to cause expense, while no additional security would be given against fraud. Under the Act of 1856, application was to be made to the Rolls Court for power to grant a lease of settled estates; but so vexatious were the delays and expenses thereby incurred, that only one lease had yet been granted, he (Mr. Longfield) being himself concerned in that case, which occupied many months, to the disgust of everybody. Therefore it would be far better to interpose no obstacles to the making of leases beyond requiring the best rent to be reserved, but leaving the demises when effectuated to any subsequent impeachment in a court of equity in case of fraud.

MR. GEORGE said, that in deference to the opinion of his learned Friends he would not insist on the first part of his Amendment, of which he had given notice —namely, to substitute for the leasing clauses the clauses in the Leasing and Improving of Lands Bill, and, therefore, with the permission of the Committee, he would withdraw that Amendment; but he proposed that they should leave out in clause 25, line 15, the words "and no improvement leases," the effect of which would be to prevent the preliminary inquiry on granting improvement leases proposed by the clause.

The first portion of the Amendment was accordingly withdrawn.

LORD FERMOY said, he was favourable to the preliminary investigation. He wished to see the leasing powers clogged with as few obstacles as possible, but he really thought that it would be a protection to the tenant that a cheap and easy investigation of the title should be first made. He would ask the Government whether they were now, at the eleventh hour, determined to adhere to their preliminary investigation before the chairman of the quarter sessions. With regard to leasing powers, he maintained that if every landlord in Ireland who had now the power to grant a lease would, instead of looking for English or Scotch, or Pro-

testant tenants, grant leases to the poor, industrious, hard-working persons, who had been born and bred on the land, Ireland would be in a very different position from that which she occupied at present. The great fault of the landlords of Ireland was that they were too tenacious in keeping possession of the land. They seemed to think that the granting of a lease to a tenant would surrender their power over the land, and they therefore kept hold of half-cultivated, badly-tilled land, and by their ignorance—and he vowed to Heaven he thought they were the most ignorant class in Ireland—they kept their estates unimproved, the people discontented, and the country itself an opprobrium among nations. No matter what powers the Legislature might give, unless the landlords changed their policy, and had the sense to see their own interests, no leasing powers granted by Parliament would do any good.

Lord NAAS said, no man travelling through Ireland could tell from the appearance of the land what was held under lease and what was not. Leases had no effect one way or other in regard to general improvements. These depended on mutual confidence between landlord and tenant. He objected to any preliminary inquiry in cases of improvement leases taking place before the chairman of the quarter sessions; it would lead to expense and delay, and would give no security against litigation afterwards, and, besides, questions might arise that a chairman of quarter sessions was not competent to decide.

Colonel FRENCH said, he must express his belief, in opposition to the noble Lord, that there would be nothing very difficult in the matters to be submitted to the chairman of sessions or assistant magistrates in giving their sanction to the lease.

Mr. MAGUIRE said, he was in favour of retaining this portion of the clause, in order to give the tenant, as the strongest guarantee of the validity of his lease, the sanction of legal tribunal on which he might rely with as much certainty as on a Parliamentary title from the Incumbered Estates Court. On the other hand, the inquiry before the quarter sessions would be a security against trick and fraud in the preparation of leases. It would also be a cheap and effective tribunal, while an inquiry carried on in Dublin would be necessarily a prolonged and expensive one.

Mr. LONGFIELD said, the hon. Gentleman who had just sat down seemed to mistake the nature of the Amendment moved by the hon. Member for the county of Wexford (Mr. George). The Amendment was not the difference between a cheap and costly tribunal, but the doing away with all tribunals.

Mr. CARDWELL said, he admitted that the Amendment was brought forward in a fair spirit. While it proposed to do away with the tribunal provided for in the Bill, it did not propose the establishment of any other description of tribunal. Now, something had been said of the delays and expenses attendant upon obtaining the sanction of the Master of the Rolls to a lease of settled estates under the Act of 1856, but that inconvenience arose from the number of assents to be procured from the various parties concerned, and there would be no such tedious formality in the leases now contemplated. General rules were to be framed for the guidance of the chairman of counties, and instead of any precise statutory provisions with regard to the terms on which these leases should be sanctioned, the system would be an elastic one, capable of being adapted to the circumstances of different parts of the country, or of the whole country at different times. It was the opinion of the Government that the intervention of the chairman of counties would provide a cheap, an accessible, and an expeditious local tribunal for this purpose, and he therefore trusted that the clause, as it stood, would receive the favourable consideration of the House.

Mr. M'MAHON said, that the tenant would not feel secure under the Bill, but that his lease might be void because the prescribed stipulations were not complied with, or because the rent fixed by the lease was not the highest that could reasonably be got from the land. The value of land and of improvements was a matter which the chairman or assistant magistrate, as a barrister, could not well inquire into.

Mr. BUTT said, he thought they ought not to give a limited owner of an estate power to execute an improvement lease without the sanction of the chairman of the county, but in the case of an ordinary agricultural lease for twenty-one years he thought such a sanction might fairly be dispensed with. In granting an improvement lease, the landowner accepted not the highest rent that could be got from the land, but a smaller rent in consideration of the improvements to be made by the tenant.

If the validity of the lease should be disputed on that ground, perhaps many years afterwards, when the reversion of the property fell in, it would be some protection to the tenant to have the sanction of the legal tribunal on record to justify the terms on which the lease was granted.

MR. VINCENT SCULLY said, he was of opinion that there ought to be the protection afforded by the sanction of the chairman of the sessions, not for the sake of the tenant, but for the sake of the persons who would be bound by the leases, and for the sake of the successor. Looking at the clause in connection with the 28th section, by which those leases were made binding on the successor, he was inclined to give his support to it as it now stood, though he confessed that he had had considerable difficulty in arriving at a conclusion on the subject. But if the 28th section were omitted, he would not make it necessary for the tenant to go through this expensive process.

COLONEL DUNNE said, if hon. Gentlemen went on making speeches they would never get through the Bill. He thought the effect of the clause, as it stood, would be to prevent leases altogether. He should prefer to have the matter left to a competent tribunal, but as he did not think the Quarter Sessions Court would be a tribunal of that kind he would vote for the Amendment.

Question put, "That the words 'no improvement lease,' stand part of the Clause."

The Committee *divided*:—The Tellers being come to the Table, it was stated by Mr. Brand, one of the Tellers, that the Tellers were not agreed as to the number who voted with the Ayes:—Whereupon the Chairman directed the Committee to proceed to a second division:—The Committee accordingly again *divided*: Ayes 82; Noes 79: Majority 3.

MR. M'MAHON said, he would then move as an Amendment that the word "twenty" as applied to leases should be omitted, and the word "forty" inserted.

Amendment proposed, in line 23, to leave out the word "twenty," in order to insert the word "thirty."

—instead thereof.

LORD FERMOY said, he would suggest to the hon. Member to substitute thirty for forty years in his Motion. That was a term of lease which would give great satisfaction in Ireland.

MR. LEFROY said, he thought the term of twenty-one years should be adhered to. That was the term usual in England and Scotland, and he thought the law should be as uniform as possible in all the three kingdoms.

LORD NAAS remarked that in the clause there was no precise definition with regard to the term for which building leases should be granted, and he thought it desirable that some accurate definition should be laid down in regard to that matter.

LORD JOHN BROWNE said, he concurred with the noble Lord opposite that it was very desirable that the term of building leases should be definite.

MR. DEASY said, he would take into consideration the suggestion of the noble Lord (Lord Naas) on the bringing up of the Report.

MR. VINCENT SCULLY said, he hoped the hon. Member (Mr. M'Mahon) would adopt the suggestion of the noble Lord the Member for Marylebone, and make the term thirty years.

MR. CARDWELL said, the present measure gave power to grant a forty-one years' lease in certain applications coming before the Court; but it merely retained the powers at present allowed the corporate, ecclesiastical, and other bodies, to grant, without the preliminary sanction of the Court, leases for twenty-one years.

Question put, "That the word 'twenty' stand part of the clause."

The Committee *divided:* Ayes 117; Noes 45: Majority 72.

Clause *agreed to*, as was also Clause 26.

House resumed.

Committee report Progress; to sit again on *Friday*, at Twelve of the clock.

COMMISSIONS OF PATENTS OFFICES.

QUESTION.

MR. TITE said, he wished to ask the First Commissioner of Works, Whether any, and, if so, what progress has been made in erecting offices for the accommodation of the Commissioners of Patents, and of the collection of Books and Models relating to Inventions in their custody?

MR. COWPER said the Office of the Commissioners of Patents was at present very inconveniently placed—for it was situated in Southampton Buildings, while the Museum was at South Kensington. Inquiries had been instituted with a view of finding a new site, but no place had yet been found sufficiently adapted for the purpose. He hoped, however, that before long an arrangement would be effected which would be convenient to all parties.

SOLDIERS' KNAPSACKS.

QUESTION.

COLONEL LINDSAY said, he would beg to ask the Secretary of State for War if he has received any Report respecting the efficiency of the knapsack invented by Mr. Berington and Colonel Spiller; and also if the report is true that it is intended to provide the Volunteer Force with knapsacks, or to grant them a certain sum in lieu?

MR. SIDNEY HERBERT said, the question of the superiority of the knapsacks had been referred, not to a Committee of Officers, but to a number of the men themselves, whose opinions, on the whole, were unfavourable to that invented by Mr. Berrington, and favourable to that introduced by Colonel Spiller. The latter, therefore, was in use, and would continue to be so for three months—the usual time of trial. As regarded the Volunteers, power was given by the Act of Parliament, in case of invasion, to supply a knapsack and kit or two guineas to each; but he did not apprehend that it would be necessary to take any measure in that direction.

IRISH APPOINTMENTS.—RESOLUTION.

MR. CONOLLY said, that regarding as he did the opportunity of bringing forward accusations, whenever it became necessary, against any officer of the Crown, no matter how exalted his rank or dignity, as one of the most valuable privileges of a Member of that House, he would be careful that in calling attention, as a matter of serious duty, to the appointments made by the present Lord Lieutenant of Ireland, he would not allow a word derogatory to the private character of that illustrious individual to pass his lips. He should not follow the example set in the other House of reflecting on the personal qualities of a man whom Her Majesty had honoured by choosing him as the representative of the Crown in that portion of the country. But he would say this, that if his Motion were well grounded—if the accusations which he had to bring against that distinguished individual were founded in fact, and the policy of the Government in Ireland were such as to make him indignantly reclaim against it, then it was high time that that nobleman should be recalled from the office of Lord Lieutenant which he was not fit to hold. Hon. Gentlemen might say these were bold words, but he had great provocation. He was not now speaking of the appointment of Mr. Acheson Lyle to be Lord Lieutenant of the county of Derry, but he must say that a grosser and more desperate insult had never been offered to the inhabitants of a free country. No man who held the commission of the peace in England could suffer such an insult without reclaiming against it. Why should they be less esteemed in Ireland than in England, and have burdens placed on their shoulders too heavy for them to bear? There were burdens placed on the minds of men that were much heavier than any that were placed on their bodies. When a great and leading county, which had played no undistinguished part in the history of Ireland, was subjected to this gross and studied insult by the representative of the Sovereign, every one who had the good of the country at heart felt the insult and indignantly resented it. He had a right to feel warmly on this subject, because his ancestors had once held that valued post which was now dragged in the mire. He said it was studiously dragged in the mire. Whether intentionally or not, it seemed to be the sad office of a Whig Government to lower these appointments from time to time. The office was formerly given to a man below the rank of all who had held it before him, he meant the late Sir Robert Ferguson. ["Oh!"] He was, no doubt, an excellent man, in all the relations of life unimpeachable. Yet he took it upon himself to say that he was not of the rank of those who ought to hold that office. It seemed, by a strange fatality, that everything a Whig Government and a Whig Lord Lieutenant could do was done to irritate and dishonour that free and faithful county. He saw an hon. Gentleman on the Treasury Bench (Mr. Bagwell) laughing. How did he know that the turn of his own county might not come next? He seemed to rejoice at this slight being cast on the county of Derry; let him see to it that the same odious game was not attempted to be played on the banks of the Suir. Sure he was that there were noble spirits in Tipperary who would not sit down patiently under such an insult. Well, he would now open his case; and first, with regard to this notorious case of Mr. Acheson Lyle. He could state of his own knowledge that whether the absolute estate of Mr. Acheson Lyle in the county of Derry was £1,600 or £1,800 a year, he was not of that order of men from whom Lords Lieutenant were

usually taken. He believed that the system of such appointments was calculated to bring upon Ireland grievous evils; it was a system which had formerly been the curse of Ireland, and which he hoped had been abandoned for ever—the system of setting the north against the south—of hounding on the Protestants against the Roman Catholics, and dividing them, so that English ascendancy might trample on both. It was not to be tolerated that abuses of the description to which he was then directing the attention of the House should be revived in Ireland merely for the purpose of bolstering up a decaying faction. The real object of these practices was to ensure the return of Whig candidates at Parliamentary elections in Ireland. He was not specially alluding to the amount of property held by Mr. Lyle. That was not the point he wished to make. But he contended that Mr. Lyle was not of that class from which the Lord Lieutenant of a high spirited county like Londonderry ought to be chosen. He was the chief taxing officer in the Court of Chancery. He had obtained that office through the favour of the present Lord Lieutenant of Ireland, who had ever since taken care that his nest should be well feathered. He had got for himself an appointment worth £2,500 a year, another for his son worth £800 a year, and another for his son-in-law which brought in £1,000 a year. And was it fitting that that well-salaried gentleman should be placed at the head of the unpaid magistracy of a loyal and distinguished county? The very moment he had been raised to that high position, he had gone down to Londonderry and recorded his vote—which he had not dared to do before—for Mr. Greer, who had been reprobated by every independent and respectable person in the county. He and his son and his son-in-law, the three stipendiaries of the Government, had voted for Mr. Greer, for whom his fellow-citizens had shown such an estimation that he was not likely to stand again on the hustings. For Mr. Lyle, personally, he entertained a feeling of the most incomplete respect—[*Laughter.*]—he begged pardon—it was a mere slip of the tongue—he had meant to say that he held that gentleman in considerable estimation as one who was most competent to fill the office of Master in Chancery, and who was most zealous in his attention to business. There was, however, in his opinion, a wide chasm between sitting behind a high stool in Dublin for the purpose of taxing bills in Chancery and occupying the position of Lord Lieutenant of a county such as Londonderry, with the power of selecting militia officers, and other important functions. That the position was one which could hardly be very agreeable to Mr. Lyle himself was proved by the fact that when he had gone down to Londonderry, burst forth with his new plumes fresh upon him, and had announced himself in the room in which the grand jury of the county was assembled as the recently appointed Lord Lieutenant, the intelligence was received in perfect silence, no member of the grand jury having risen from his seat. Now, a more unfortunate position for a gentleman to be placed in he could scarcely conceive, although he must say that that of Lord Carlisle was pitiable in the extreme. It was, he thought, quite evident, from what he had already stated, that it was exceedingly impolitic, as well as unjust, for a Whig Government to adopt the pettifogging system of appointing to high office men professing their own political creed simply because they happened to have the power. The feeling of the people of Londonderry was, at all events, opposed to such a system, and Mr. Lyle was looked upon there as the single black sheep in the whole flock. He and Mr. Greer had coupled themselves together, and the result was that when they took one side of the street every honest man bent his steps along the other. The man by whom such an appointment had been made was, then, he should contend, not deserving of the name of a statesman, and Lord Carlisle, whatever he might say about his probity and integrity, had, in making that appointment, done more harm than by all the folly he had ever talked in the course of his life. Having said thus much of the case of Mr. Lyle, he should pass to that of another Lord Lieutenant of a county, who with consequences more calamitous still, had been chosen as the object of Lord Carlisle's favour; he alluded to Mr. Tenison, a gentleman well known in that House, who had lately been transferred from the Lord Lieutenancy of the county of Leitrim to that of Roscommon. Now in the latter instance, as in the former fitness had not been regarded as the prim qualification for office—a line of policy which, if it continued to be acted upon, must prove to be eminently prejudicial to the public service. The first extraordinary piece of intelligence with respect to

Mr. Tenison on record was that he and his agents had made backstairs complaints against as honourable a man as any who had ever occupied the position of sheriff in Ireland—Mr. Balfe. The accusation thus made against Mr. Balfe was, that he had been guilty of subornation of perjury, and his name had in consequence been erased from the list of Sheriffs for the year on which it occupied the fond place without the possibility of his knowing anything of the infamous slander which had been propagated to his prejudice. Mr. Balfe was a Roman Catholic gentleman of the county of Roscommon, and one of the largest dealers in cattle in the west of Ireland. Among the frequenters of Balinasloe fair there was not one whose name would be a better passport for a Bill for £5,000. He was a high-minded, straightforward man, and nobody could say a word against him. Yet his reputation was to be whispered away, and his name erased from the Judges' list as unworthy of holding the office of sheriff of his native county; a nominee of Mr. Tenison being substituted —why? Because Mr. Balfe had taken a prominent part in the election for the county against Mr. Tenison; but a petition being presented against the return it was expected the election would be declared void, and it might be convenient to have a partisan in the office of sheriff, as Mr. Tenison was again to contest the county. But he believed the Whig prestige was over in Roscommon as well as in Londonderry, and he begged to tell the hon. Gentleman opposite that it would not last much longer in Tipperary. Mr. Balfe wrote to Colonel Larcom, who, according to the custom of his office, put him off, and referred him to the Lord Chancellor. The Lord Chancellor, foolishly enough, gave a reason—that he had heard rumours that Mr. Balfe had been guilty of the crime of subornation of perjury, and he wished to know whether it was true or not. Mr. Balfe wrote back an indignant denial, fixing on those three magnates, Mr. Tenison, the Lord Lieutenant, and the Lord Chancellor, the iniquity of this disgraceful transaction. ["Oh, oh!"] A more disgraceful transaction never took place in a free country. Had it taken place here, the whole Ministry would have been swept away by one of those torrents of public opinion which during the Crimean war had been directed by the hon. and learned Member for Sheffield. When a flagrant outrage was committed on the good sense and feeling of the House of Commons, that House knew well how to resent it. No one who was implicated in this disgraceful transaction should be employed as a servant of the Crown. What did Mr. Balfe write to the Lord Chancellor, having brought home to him and his two accomplices the guilt of the transaction? [The hon. Member here read a long communication from Mr. Balfe to the Lord Chancellor of Ireland, detailing his grievances.] ["Hear, hear."] He was sorry to be obliged to trouble the House at such length, but when a man in the position of Mr. Balfe had suffered from so extraordinary an abuse of power, that House, and that House alone, was the place in which to denounce the proceeding, and he must therefore raise his voice against such a scandal. Mr. Balfe was declared ineligible to serve in the shrievalty; he was tried by an unjust tribunal; he was put to an expense of £1,000 in proving his own innocence, which he did most successfully; and then, when redress was indignantly demanded of the English House of Commons for so flagrant a misuse of the prerogatives of the Crown, hon. Gentlemen listened to the appeal with impatience. He had not done yet. He had other cases to show that corruption ramified the whole body politic of Ireland, and was instigated and directed by the Lord-Lieutenant himself. It was necessary that these plague-spots should be laid bare to the House. Mr. Ormsby Gore, now a Member of that House, being anxious to stand as a candidate for an Irish county, applied in the usual way to the Lord-Lieutenant to be released from his office as sheriff. He received a curt refusal, dictated obviously by partisan motives. Just for the same reasons that the upright Mr. Balfe was removed from his post of sheriff Mr. Ormsby Gore was retained at his. At the previous election the Hon. Mr. Cole wished to stand for the county of Fermanagh, where no Whig was known to exist. The permission was accorded to him which was denied to Mr. Gore, and the Whig interest did not suffer in consequence. Again, when a vacancy occurred in the county of Longford, Mr. Hughes, the Judge of Assize, applied to the Lord-Lieutenant to free him from his office, in order that he might stand for the county. As Mr. Hughes was a Whig, he was relieved of his office of Judge of Assize, and being returned for Longford the Government

Mr. Conolly

added to their ranks one more supporter. Such was the consistent and straightforward dealing of Lord Carlisle! But that was not all. The Reform Bill was introduced into that House. It was to increase the number of Whig voters in Ireland, and it was of course desirable also to have Whig sheriffs to conduct the elections for the Whig interest. If that was not a fair deduction from the facts, he knew not what other conclusion any jury of sane men could gather from them. In the county which he had the honour to represent (Donegal) the sheriff was a particular friend of his. Judge Perrin was the Judge at the last summer assizes, and the names of three men, all well known as men of substance in the county, who had served as grand jurors, were sent up as eligible for the shrievalty. Somehow, however, neither of these three names was placed first on the list by the Judge, but the name of an individual of whom he (Mr. Conolly) had never heard, though he knew almost everybody in the county, was selected from the county of Derry—that person being a leather-cutter, who had a small estate in Donegal. Yet that was the man who was foisted into the office of sheriff, to the exclusion of men of ten times his substance and of quite equal qualifications. And why was he so foisted into the office? Because he had seconded the nomination of the notorious Mr. Greer. Lord-Lieutenants of counties were thus created in Mr. Greer's interest; sheriffs' lists were doctored in Mr. Greer's interest; in short, nothing was bad enough for the Government to-day in that favoured gentleman's interest. Judge Perrin went to Derry, and doctored the list there also, a man highly eligible for the office of sheriff there being removed. And who did the House think was placed in his room? Why, the person who had proposed Mr. Greer. These were the gentlemen who were chosen to manage everything under the new Reform Bill, and of course to return Whigs like Mr. Greer. But the Bill of the noble Lord the Member for London broke down, and this grand scheme for corrupting the Irish elections broke down with it. The same course was adopted in Fermanagh and Tyrone. These were the facts. Let the Chief Secretary for Ireland disprove them if he could; he should be very glad to see the obloquy removed from the name of a man whom till within the last six months he believed to be incapable of being concerned in such transactions. It was fearful that such things should be imputed to him—

"Et dici potuisse, et non potuisse refelli."

If these matters could not be clearly explained, Lord Carlisle was not entitled to the confidence of the people of Ireland, and still less was he entitled to that of his august Mistress. Of all men who held office under the Crown the Lord-Lieutenant of Ireland ought to act with the greatest prudence, because he represented Royalty, and any fault of his tended to cast a slur upon the Crown, which it was said could do no wrong. He put it to the House whether the existence of such disgraceful scandals as he had referred to was creditable to the public service, or likely to contribute to good government, good order, or peace in Ireland. Of Lord Carlisle he had nothing to say; it was not his business to praise him. Let the noble Lord clear his public conduct of the stigma which it was his duty to cast upon him, or let the House agree to his Motion. The hon. Member concluded by moving—

"That this House, having regard to certain appointments made by the Lord-Lieutenant of Ireland, is of opinion that fitness has not been primarily considered in these appointments; that this House is further of opinion that the incautious and inconsiderate use of the prerogative of the Crown is prejudicial to the Public Service."

MR. GREGORY said, that when the appointment of Mr. Lyle was discussed upon a former occasion, he should have taken an opportunity, if the debate had not been abruptly closed, of expressing his disapprobation of that appointment. But since that time he had done what his hon. Friend (Mr. Conolly) ought to have done. He had endeavoured to ascertain the real facts of the case; and he was bound to say he was honestly convinced that the Government was not open to censure upon the ground of that appointment. The explanations given by the Earl of Carlisle, in "another place," had been satisfactory to him on the point. At the same time he was ready to acknowledge that, abstractedly, a gentleman of the avocations of Mr. Lyle was not the person who ought to be selected for the Lord Lieutenancy of a county. A Lord Lieutenant ought to have considerable local knowledge of the county, inasmuch as the appointment of magistrates, the selection of militia officers, and the nomination of deputy-lieutenants, vested in his hands. Certainly it was an appointment without endowment, but its possession was a distinction which gentle-

men were anxious to obtain. And, considering that all the prizes in Ireland, from the bench down to the small fishes went to "barristers of seven years' standing," and thus fell to the lot of the learned profession, he thought that, as a general rule, the office of Lords-Lieutenant ought to be filled by country gentlemen, and not from the bar. The county of Londonderry, however, stood in an exceptional position to that of almost every other county in Ireland. The landed property of the county was almost entirely occupied by the large City companies. The landed proprietors of Liberal opinions were very few; those of Conservative opinions were, comparatively speaking, few; and he must add that the Conservatism of Londonderry was not of that moderate description which was generally found in the south, the west, and the east of Ireland. He (Mr. Gregory) recognized the propriety of what was called "sticking to one's own party," because so long as this country was governed by party it was necessary to do so. Still, there were exigencies in which, for the sake of the country, it was essential that this rule should be departed from. He believed there was no great hostility among the great bulk of the Conservative gentry of Ireland to Her Majesty's Government. In proof of this, he might refer to the Attorney General for Ireland, who, at his late election, expressed his thanks to the Conservatives of the great county of Cork for not having shown any disposition to embarrass the Government by keeping their law officer out of Parliament. Under these circumstances, it might, perhaps, have been advisable if, in this case, the Government had selected the Lord Lieutenant from their political opponents. A Liberal Government had done so upon more than one occasion, and he believed it would have been politic on the present. But, so far as he understood, the adoption of such course in Londonderry was impossible. The two great landed proprietors in Londonderry were Lord Garvagh and Sir Harvey Bruce. Lord Garvagh, however, was not a resident proprietor, and he had moreover taken an opportunity of informing the Earl of Carlisle that if he appointed him as Lord Lieutenant, he might expect nothing from him but hostility as a political opponent; and as to Sir Harvey Bruce, he had held a high position connected with the Orange Society. Under these circumstances it was impossible to have appointed either of these two gentlemen. His hon. Friend (Mr. Conolly) had said he intended to treat the Earl of Carlise with respect. But he showed that respect in a very extraordinary manner; nor could he see any signs of it in the terms of the Motion itself. The imputation which his hon. Friend had sought to convey against the Earl of Carlisle was contradicted by the whole tenor of the noble Earl's life. The Earl of Carlisle was incapable, in his opinion, of doing anything wittingly which was not honest and straightfoward. His aim was to do everything which lay in his power to improve the material prosperity of Ireland, to assist it by his counsel and his liberality, and therefore when it was objected to him that he had visited baths and washhouses and taken an interest in matters of the kind, he (Mr. Gregory) read the accusation in another way, for he remembered what had been said by M. Guizot, that the material improvement must precede the moral amelioration of a country. He rejoiced, too, that the time had arrived when the Lord Lieutenant of Ireland could afford to be more of the Ædile, and less of the Proconsul, and that he had leisure to lay plans for the benefit of the people, instead of being engaged in drawing up indictments and bills of pains and penalties against them. But there was one subject to which he wished to advert before sitting down. Some short time ago the hon. Member for Birmingham pleasantly and pertinently described the position of a certain class of statesmen in that House who were labouring under the ban of proscription, and whom the hon. Gentleman likened to the "Hivites, Hittites, and Perizites." Those Gentlemen had escaped from the ban and now sat in high places. They occupied the foremost place in Her Majesty's Councils, but Mr. Brewster still remained under the ban of proscription. Considering the position which he had occupied at the bar for the last twenty years he ought not to have been forgotten when the Government came into office. He had had no communication with Mr. Brewster on this subject, and probably Mr. Brewster would be displeased with him for thus publicly alluding to the circumstance; but he must say with regard to Mr. Brewster, that if every person in Ireland qualified to judge could be consulted, he believed there would be not the slightest difference of opinion as to which was fitted to be Lord Chancellor, Mr. Brewster, or Mr. Brady. In con-

clusion, he would offer a few words of advice to the Secretary for Ireland. The right hon. Gentleman had gone to Ireland with the reputation of being a man of such high principle that he would not lend himself to any transaction which bore a questionable aspect; but he would remind the right hon. Gentleman that the paths about Dublin Castle were devious, slippery, and dirty, and he would beg of him to distrust those guides who, for reasons best known to themselves, would lead him into those paths. In making this pointed allusion, he begged to say he in no way referred to his right hon. Friend the Attorney General. He trusted the right hon. Gentleman would be guided entirely by his own judgment, and that when his information failed him he would take the advice of disinterested persons. If he pursued this course, he would have no reason to look back with any shame on his connection with Ireland.

MR. CARDWELL: While the hon. Member for Donegal (Mr. Conolly) was speaking I felt perplexed to know whether he really intended to conclude with a serious attack. He has brought forward as the main object of his Motion a charge which has been twice considered and discussed—once in the House of Commons and once in "another place," where my noble Friend the Lord-Lieutenant, in his own forcible and graceful language, explained the motives of his conduct. The major part of the argument which the hon. Gentleman had addressed to the House had really no relevancy to the Motion which he has placed on the paper. He referred to the case of Mr. Lyle, and also to the appointment of Mr. Tenison to the county of Roscommon, which took place before the present Government came into office. [Colonel FRENCH: It was the Act of the Earl of Carlisle.] It would be a sufficient answer, therefore, to this case to say that when my noble Friend resigned his former Government he received through the Earl of Derby the gracious communication of his Sovereign's entire satisfaction with his conduct. [Mr. CONOLLY: I spoke with reference to what took place in December last.] If, however, any charge, referring to an earlier period, is to be brought against my noble Friend, it ought to have been brought forward when the facts were fresh in everybody's recollection; and it ought to have been brought forward with a notice pointed to the circumstances of the case. The appointment of Mr. Tenison took place before I had any connection with the Office. I know nothing of the circumstances of the case. I know not what are the qualifications of Mr. Tenison for the office. With regard to Mr. Lyle's case, four-fifths of the county of Londonderry belong to the London companies. Of those on the list of Deputy-Lieutenants there were two peers — the late Lord Strafford and Lord Garvagh—but the former was non-resident, and the property on which the latter resided was not yet his own. Among those who possessed a fortune qualifying them for the office was Mr. Lyle. He had a fortune larger than that of his predecessor in the county. He had long resided there, and was about to take up his permanent residence in the county, and he possessed legal knowledge. With regard to his character, I cannot do better than repeat what my noble Friend said of him in "another place." These are my noble Friend's words:—

> "As to his personal qualities, I know him to be judicious, discreet, sensible, unblemished in character and in the whole course of his life; in short, he is made of just the stuff to fit him to be a lieutenant and to enable him adequately to perform the duties of that office. Really, if I had not been specifically called upon to do so, I should feel ashamed of detaining your Lordships so long by making excuses—that is not the word I ought to use, but by giving reasons—for the appointment of such a man, because he does not possess all the mere external attributes of fortune and position of which many far less qualified than he is can boast."

I do not know to what length the hon. Gentleman would carry his fastidiousness; but I am not aware that ancient family, competent fortune, unblemished character, and a legal education have ever been considered disqualifications for any office. It was from a sense of his merits alone that my noble Friend appointed Mr. Lyle. The hon. Gentleman said, when Mr. Lyle went into the grand jury room, the twenty-four grand jurors refused to salute him, and that he was the one black sheep among them, as being the only supporter of Mr. Greer; but surely that fact is not conclusive against the fitness of Mr. Lyle. It may account for the objection which the hon. Member has thought proper to raise against it. I shall pass by the other circumstances of the case very shortly, for I feel that it is not right to occupy the time of the House. The hon. Member made a charge against my noble Friend of having displaced a man from the office of high sheriff on a

vague rumour, and insinuated that there had been assassination in the dark. The course pursued by my noble Friend was precisely the reverse. The name of this gentleman appeared at the head of the list of sheriffs, and my noble Friend received a letter containing a specific charge purporting to be attested by two witnesses, and referring to the last election for the county. My noble Friend did not think it right to appoint that gentleman to be sheriff for the present year until that charge had been disproved. But my noble Friend did not do it in the dark; he communicated both the statement and the evidence, and enabled the gentleman to forward his reply. [MR. CONOLLY: When?] Why, at the time when it occurred, in December last. The hon. Member has also stated that a gentleman who was desirous of offering himself as a representative of the county was not permitted to resign the post of high sheriff which he held; and the hon. Member not merely insinuated, but has openly stated, that this was done with a view of preventing that gentleman from having the opportunity of coming forward as a candidate at an election. That occurred long before I had the opportunity of knowing anything about it, and I should have been unable to give any answer if it were not that an hon. Friend now sitting beside me has mentioned what I was not before aware of, that the circumstances were referred to the law officers of the Crown, who advised my noble Friend that he had not the power of accepting the resignation. The charge therefore against my noble Friend is, that he did not violate the law and act in opposition to the opinion given by the legal advisers of the Crown. The hon. Member drew an invidious contrast, and said that the present Baron Hughes was permitted to do what was refused in the other instance, being released from attendance at the Assizes, in order that he might offer himself as a candidate. Does not the hon. Gentleman perceive that one act may be legal and the other altogether illegal? The next charge is still more extraordinary. A charge has been made against the late Judge Perrin, that in five of the northern counties he selected sheriffs to suit the purposes of the Government. I do not think it is fair to bring charges against absent men without notice. It is obviously the duty of a Judge not to take the directions of a sheriff or under-sheriff as to the names which he shall submit; in fact, a complaint was made on the opposite side of the House no later than last Friday evening that the Judges are too much in the habit of being influenced in this manner by sheriffs and deputy-sheriffs, and that, consequently, an equality of choice does not exist. I have no knowledge of the details of the case, but I am as certain as if I were acquainted with them all that Judge Perrin was influenced by no other motive than a desire of discharging his duty as Judge of assize, and, whether he did it or not, it is obvious that to concoct a charge against the Lord Lieutenant of Ireland out of hearsay rumours as to what other persons have done is a course that scarcely deserves a serious answer. My noble Friend has had more opportunities than most men of acquiring a knowledge of Ireland, and of gaining not only the esteem but the affectionate regard and attachment of all who know him. In defending himself he said that if his character now required vindication it was not worth the trouble of defending. I regret extremely that the hon. Gentleman should have put together a series of charges like these, and have brought them against one nearly the whole of whose public life has been identified with the sister kingdom — the qualities of whose heart and mind peculiarly fit him for winning the sympathies of that warmhearted and generous people—who has at heart every interest of Ireland, from the greatest to the smallest, and has attracted to himself the universal affection and esteem of those over whom he has been placed as the representative of the Sovereign.

COLONEL FRENCH [who was received with cries of "Divide!"] said, it was unfair for hon. Members to prevent Gentlemen from delivering their opinions on a subject which had not yet been two hours under discussion. The topic was one that only concerned Irish Members, and if Gentlemen did not wish to hear statements save on one side, it was easy for them to withdraw. His right hon. Friend the Chief Secretary for Ireland had no right to make the attack on the hon. Member for Donegal to which the House had just listened. Motions like that before the House were very difficult to introduce, and, in supporting complaints as to the discharge of public duties it was hard to avoid the appearance of intending a personal attack. He was one of those who could not agree in the eulogium which had been passed on the Earl of Carlisle. With the exception of

the hon. Member for Galway (Mr. Gregory) every person outside that House believed that the selection of Mr. Lyle had been an improper and an unfortunate appointment. The hon. Member for Galway said there was no one else to appoint but Lord Garvagh and Sir H. Bruce. The latter the Government would probably not have selected, but Lord Garvagh, though he might have written a strong letter, by no means sent the threatening communication which had been represented. Lord Garvagh's father had been appointed Lord Lieutenant by Earl Grey, and he had 10,000 acres and a residence in the county, which his mother occupied. If the Government chose to take a Whig there was a resident gentleman with 5,000 or 6,000 acres (Mr. Oglivy) whom they might have appointed. The antecedents of Mr. Lyle he would briefly state to the House. He was formerly an assistant barrister (Mr. Anthony Blake), and the Whig Government of the day created the office of Chief Remembrancer, with a salary of over £3,000, to which he was appointed. That office he held for about a year and a half, when he complained that the duties were too onerous, and Mr. Lyle was appointed to act as his deputy at a salary of £2,000 a year. Mr. Blake devolved the principal portion of his duties upon that gentleman, and shortly afterwards he explained to the Government that no necessity existed for two officers, that the deputy could discharge the duty pretty well, and he accordingly retired on full salary. Mr. Lyle stepped into his place, and soon afterwards made it known to the Government that there was not much to do; for he proposed that he should have a pension of £2,000 a year, that he should be appointed to a Mastership in Chancery then vacant, and that he should be allowed to count the time towards a retiring allowance from his first appointment to the office of Deputy Remembrancer. All that had been agreed to, and the position of Lord Lieutenant of Londonderry was now added. The right hon. Gentleman stated that the office of Lord Lieutenant ought to be unaffected by political considerations; but what were the steps taken by Mr. Lyle? The first thing he did was to go down and vote for a political candidate, and the next was to announce that on the first vacancy he should offer himself for the representation. It was certainly strange that a gentleman should be chosen for this post of distinction whose principal means were furnished from the Exchequer. He had an accurate statement of all the lands in his possession. These did not produce £1,000 a year, and were not held in fee, as had been stated, but to a great extent under corporations, and some on episcopal tenures. The hon. Member for Donegal was not the only person from whom complaints as to the appointment had emanated. The English press, from the highest Conservative journals to those of extreme Radical politics, had condemned, and even denounced in strong terms not only this appointment, but that of every Lieutenant of a county made by the Earl of Carlisle. As to the case of Mr. Balfe, he was bound, as the transaction had occurred in his own county, to declare that his right hon. Friend the Chief Secretary was not correct in stating that a communication was made from the Government to Mr. Balfe that such a charge was hanging over him. On the contrary, the whole thing was done in secrecy, and he was passed over without any communication being made to him. No information whatever was given by the Government until he indignantly called for the reasons of his having been subjected to such treatment. How his right hon. Friend could have made such a mistake he was unable to imagine, more especially as the correspondence had been printed and laid on the table of the House. Notwithstanding all the Lord Lieutenant's amiable qualities, he did not think there was the slightest public confidence either in his acts or in his intentions. There had never been a Lord Lieutenant, who, to his knowledge—and he (the hon. Member) communicated very freely with great numbers of people of all ranks in Ireland—was so little respected, and amongst thinking people so little popular, as the Earl of Carlisle. Would any hon. Gentleman assert that the noble Lord had upheld the dignity of the Crown which he was said to represent? The hon. Member for Galway (Mr. Gregory) had, indeed, spoken of him as running here and there and opening washhouses; but in these journies, undertaken with the view of inaugurating Turkish baths, he saw an instance of a morbid desire to seek after popularity without ever obtaining it. ["No, no!"] Hon. Gentlemen might cry "No, no!" but he spoke what he deemed to be the opinion of the majority of the Irish people. Was it, he would ask, to uphold the dignity of the Crown to entertain at dinner a troupe of theatrical performers and a horse-tamer at

breakfast, or to attend at the opening of a shop in Grafton Street in Dublin, when, according to the statements made in the newspapers, he drank a glass of champagne and made a speech to the assembled shopkeepers and astonished cabmen? [Cries of "Question!"] He was speaking to the question, and in conclusion had only to say that whenever there was a termination to the present Viceroyalty in Ireland it would only be remembered for bad appointments and unfulfilled promises.

MR. M'MAHON said, it was expedient that the relative proportions between the number of Catholics, Presbyterians, and members of other persuasions holding office in Ulster should be borne in mind when the appointments of Lords-Lieutenant for that province were being canvassed. He had in his hand a return which showed that, out of the magistrates of Ulster, 817 were Episcopalians, 31 Presbyterians, and only 19 Roman Catholics. In the county of Londonderry there were only 6 Presbyterian magistrates and not a single Roman Catholic; in Monaghan no Roman Catholic magistrate; and in Tyrone no Roman Catholic, and only 2 Presbyterians holding that office. It was under these circumstances, he contended, quite clear that in that province neither the Roman Catholics nor the Presbyterians had their due share of these appointments, although many gentlemen of the latter persuasions were well qualified to fill them. It was said that when Mr. Acheson Lyle entered the grand jury-room in Londonderry not one of the grand jurors would speak to him. Well, he found that of the 207 grand jurors in the county there were only 3 Presbyterians and 3 Roman Catholics. In all the official situations in Ulster, consisting of 323 persons, there were only 19 Presbyterians, and 6 Roman Catholics. From these facts he thought it was clear that the Government ought to make some innovation on the practice of Ulster. It was well known that as a general rule the Lords-Lieutenant appointed the magistrates of their respective counties, and if these officers were strong partisans, as they often were, there was no chance of a gentleman of opposite politics being appointed a magistrate. The Government ought to abolish the office of Lord Lieutenant altogether, and place the appointment of magistrates in the hands of the Lord Chancellor; or, if they could not do that, they ought to make many such innovations as the appointment of Mr. Acheson Lyle, which he was rejoiced to see as that of a gentleman who would discharge with impartiality the duties of an office for which his legal attainments eminently qualified him.

MR. W. R. O. GORE said, as his case had been alluded to in the course of the debate, he rose to say that he did consider himself to have been rather harshly treated, when the Government refused to relieve him from his office of High Sheriff of the County of Sligo, when he wished to become a candidate at the general election. But he did not accuse the Lord Lieutenant, who acted under legal advice. So far, therefore, the Chief Secretary for Ireland was correct, but he was in error in stating what the opinion of these legal advisers was. Their advice was to the effect, that if he was released from his office inconvenience might arise; but they did not state what that inconvenience was. He would only say one word more in reference to the case of Mr. Brewster. The hon. Member for Galway had referred to that case with the deep sympathy of a personal friend, as well as a political partisan. He could not boast of personal friendship, but he knew well that Mr. Brewster was *facile princeps* of the bar of Ireland, and he thought it was a perfect scandal to any Government that such a man should be passed over.

SIR GEORGE GREY said, he wished to say a word on the case of the hon. Gentleman opposite (Mr. Ormsby Gore). On the occasion when the circumstance alluded to by the hon. Gentleman occurred, he (Sir George Grey) had the honour to hold the office of Secretary of State for the Home Department, and the Earl of Carlisle applied to him to know what was the practice, and what would be the course adopted in England in reference to a person holding the office of high sheriff of a county being permitted to resign office, in order that he might himself become a candidate at a general election for that county, when the writs were actually in his hands. He told the noble Lord that he believed it to be an undoubted fact that such an application would be unconditionally refused. Nothing was more common than an application to be excused from serving the office of high sheriff when an election was expected, and the applicant desired to become a candidate; but there was no precedent, and no case could be adduced of a gentleman being released from the office of high sheriff

Colonel French

under the circumstances in which the hon. Gentleman opposite made his application, and he (Sir George Grey) certainly told the Lord Lieutenant that he could not consistently with his duty comply with the request which was made to him.

MR. M'CANN said, he had just heard the name of a learned and constitutional Judge—Judge Perrin—mentioned for the purpose of casting obloquy on him. He had known that eminent Judge for a period of forty years, and he begged to say that he was not only a distinguished, but an honest man, and it was the first time during his long life he had ever heard a slur cast on his honoured name.

CAPTAIN ARCHDALL said, the hon. Member for Wexford (Mr. M'Mahon) had evidently spoken from a deficient knowledge of Ulster, or he would have known that the number of Presbyterian and Roman Catholic magistrates were quite in proportion to the qualified gentlemen of those persuasions. In his own county there was only one Roman Catholic gentleman, and he was now fulfilling, with general satisfaction, the office of high sheriff. With regard to the administration of justice, he believed the people had the utmost confidence both in the magistrates and grand juries. With regard to the Motion, he believed the hon. Member for Donegal would receive the thanks of the people of Ireland for the course he had taken; but, looking to the feeling of the House, he hoped he would not force it to a division.

MR. HORSMAN: As one who has been concerned in some of the transactions referred to, perhaps the House will allow me to say a few words. I should not like this discussion to close without stating what I felt in regard to it. I listened to the speech of my hon. Friend the Member for Donegal (Mr. Conolly) with a great deal of interest and with still more of curiosity, because I could not help thinking if the Lord Lieutenant of Ireland did not make fitness the primary consideration, if he so abused his prerogative as to make partizanship the main test of qualification for office, he must be now a very different man from what he was when I had the honour of serving under him three years ago. I do not think my hon. Friend could have duly considered the character and effect of this Motion. I have, during times of great party feeling and animosity, known strong Motions directed against Governments; but I do not remember one of so large, grave, and sweeping a character as this. And, if it is remarkable for the comprehensive gravity of the charge, it is not less so for the comparative insignificance of the evidence to support it. I will not go into the facts. The House has heard the statement of my hon. Friend the Member for Donegal on the one side, and the counter-statement of my right hon. Friend the Chief Secretary for Ireland on the other. I would only say, let it be admitted for the sake of argument that the hon. Member for Donegal had proved his facts, that would be a very long way off showing the justice of such a sweeping condemnation as he has asked the House to adopt; because I consider his Motion to mean, not that the Lord Lieutenant has fallen into error, not that he has shown a want of judgment, but that habitually, systematically, he has degraded his high office by making fitness the secondary consideration in his appointments, and jobbery and favouritism the first, to such an extent as to call down upon him the judgment and condemnation of Parliament. Now, making due allowance for the case of Londonderry, I must, in all frankness, say, that I lament an Irish representative of his position and character should have made a charge so wild and extravagant that it hardly does deserve a very serious refutation. I may say not only that I believe it to be entirely unfounded, but I ought to say that I know it must be so; for no man had better opportunities than I had during the two years I occupied the position of Chief Secretary of knowing, not what were the motives or feelings, but I will say what were the high principles, by which the Lord Lieutenant of Ireland was actuated in making his appointments. I know that fitness for the public service was always his first consideration; I know that the benefit of the public service was his first principle of duty; and I am quite certain that no man ever excelled him, and very few ever equalled him, in the extent to which he was willing to make personal feeling subordinate to public duty, and identifying his own character with the moral elevation of the people he was sent to govern. But I will state to the House, and I am sure my right hon. Friend the Chief Secretary will excuse me for stating, what I think the House ought to know, as it will place beyond a doubt the groundlessness of this charge. The hon. Member for Donegal speaks as if the Lord Lieutenant used

in these appointments an absolute power, consulting no one, advising with no one, but making every appointment according to his own personal feelings and predilections. Now, Sir, my right hon. Friend will forgive me for stating that if the Lord Lieutenant makes any improper appointments, it is far more the fault of the Chief Secretary than his own. I know when I was in the office now filled by my right hon. Friend (Mr. Cardwell), the Earl of Carlisle made a rule which no Lord Lieutenant ever made before, most characteristic of his own generous disposition—that, as his Chief Secretary in the House of Commons had to defend the appointments of the Lord Lieutenant, it was but fair he should be consulted on them; and, having laid down this rule, having done it voluntarily and conscientiously, I must say he did most faithfully and loyally adhere to it. There was not one vacancy that occurred during the two years I was Chief Secretary on which the Earl of Carlisle did not communicate with me, asking me to get all the information to enable him to make a safe and good selection, and to avoid falling into a mistake; not only that, but I will say that if on any occasion from personal feeling of his own he might have been about to make an injudicious or improper appointment, it was only necessary to point out the fact to induce him to cancel it. The only rule he laid down was personal fitness, overriding every other consideration, political partisanship not being a sufficient qualification. I need not say that I am cognizant of, and to a great extent responsible for, the appointment to which my hon. Friend alluded, on the vacancy in the Lieutenancy of the county of Roscommon. It occurred while I was in Ireland, about Christmas. The Earl of Carlisle was in Ireland when the vacancy occurred, but he immediately afterwards went to England. I know all the information was communicated to him in writing. I was in correspondence with him for some weeks on the subject. I am cognizant of all that occurred. I laid before him all the grounds of his decision, and I can certainly undertake to say that nothing whatever occurred in regard to that appointment but after full deliberation, and taking the advice of other parties of higher position and more entitled to give advice than I was myself. I am also cognizant of what took place with regard to the Sligo case, and the right hon. Gentleman who last addressed us has correctly stated the facts. Is it not, then, I say, rather strange that the Lord Lieutenant of Ireland, who was the first to put restrictions on his own patronage, and who acknowledged his responsibility to Parliament, should be to-day dragged before the House of Commons as one wanting in fairness and conscience, and whose administration is so corrupt that it ought to be visited with the censure of Parliament? I would only make one remark with reference to the observation of the hon. and gallant Gentleman (Colonel French) that the whole administration of Ireland, from top to bottom, is dirty and corrupt; my opinion is, after a good deal of thought, that, taking not Dublin alone, but Ireland as a whole, there is no part of Her Majesty's dominions, at home or abroad, in which there is so little abuse and so little corruption in its administration as in Ireland. The time was when abuses did exist to such excess, all parties got such a bad character, that I believe of late years there is no appointment which the heads of the Administration are so careful in making as that of the Lord Lieutenant of Ireland, and I believe that both parties in making their selection have been fortunate in their choice. I believe that the noble Viscount (Viscount Palmerston) could not have fixed on a noble Lord who has so many high qualifications for the office as the Earl of Carlisle, and I believe the party opposite could not have chosen any one who could have performed the duties with greater satisfaction than the Earl of Eglintoun. I believe it is not the least recommendation of these two noblemen that while they are strong partisans they are free from anything like political animosity or sectarian and religious prejudices, and that while they have the confidence of their own friends they have that which is a great gift in Ireland—that conciliatory disposition which is likely to secure the good-will and respect of their opponents, and to bury in oblivion those rancours and party heats which my right hon. Friend so justly described as being at one time the curse of that country.

MR. DEASY said, he should not have risen to address the House but for the reference made by the hon. Member for Donegal to his respected friend Judge Perrin. He had heard that reference with considerable pain; for he had imagined that nobody could mention the name of that eminent person in the House in any other terms but those of respect and commenda-

tion. The hon. Gentleman not having thought proper to give the slightest intimation that he intended to impugn the recommendations made by Judge Perrin for the office of sheriff in Donegal, Londonderry, and the north-western circuit of Ireland generally, it was impossible for him to enter then into the details connected with those recommendations. He could only meet the charge of the hon. Gentleman, as far as Judge Perrin was concerned, with the most emphatic denial. He believed there was no man in Ireland more incapable than that distinguished person of acting from any other than the purest and most honourable motives; and he thought he was only expressing the common opinion of the bench, the bar, and the people of that country in giving utterance to that conviction. Judge Perrin, now retired at the close of a long, arduous, and successful career, was among the many able, upright, and constitutional Judges who had adorned the Bench of Ireland, and there were few abler, and none more upright or more constitutional, than that eminent person.

VISCOUNT PALMERSTON: Sir, I cannot allow what has been stated by my hon. Friend the Member for Roscommon (Colonel French) to pass uncontradicted. That hon. Member said he wished that when I was called upon to form a Government I had adhered to my original intention not to recommend the Earl of Carlisle for the office he now holds. I assure my hon. Friend he has been totally misinformed as to what were my intentions; for, from the first moment it became my duty to consider by whom Her Majesty should be represented in Ireland, my thoughts and intentions immediately turned to the Earl of Carlisle, and they never for an instant varied. My decision was founded on the experience we had of his former administration, upon my knowledge of his character, and my conviction that the welfare and prosperity of the Irish was the most earnest desire of the Earl of Carlisle's heart. And, differing entirely in opinion from my hon. Friend on this point, I am quite sure that that appointment was not only most gratifying to the Earl of Carlisle himself, but was most popular in Ireland. I shall not now enter into the main question. My right hon. Friend the Chief Secretary for Ireland, and my right hon. Friend the Member for Stroud (Mr. Horsman) have, I think, convincingly shown that there is no foundation whatever for the charges brought forward by the hon. Member for Donegal.

MR. CONOLLY replied. He had seen the noble Viscount drag so many of his friends out of scrapes that he was not surprised at the course he had pursued on that occasion. The noble Viscount had met his statements with a blunt denial, which would go for what it was worth. None of the charges that he had brought forward had been refuted. His object had been entirely answered. He had called the attention of the House to these scandals, and it would go forth to the British public that such things existed. The right hon. Member for Stroud had met his allegations Pharisaically. Whatever eulogies might be pronounced upon the Earl of Carlisle, the north of Ireland rang with accusations against him. Having done his own duty in this matter, he left the House to pursue the course it thought best.

Motion made, and Question,

"That this House, having regard to certain appointments made by the Lord Lieutenant of Ireland, is of opinion that fitness has not been primarily considered in these appointments:

"That this House is further of opinion that the incautious and inconsiderate use of the prerogative of the Crown is prejudicial to the Public Service."

Put, and *negatived.*

DISTRESS IN IRELAND.—ADDRESS MOVED.

MR. HENNESSY said, he rose to submit a Motion to the House relative to the distress now prevailing in Erris and other parts of Ireland. When that subject was brought before the House in the middle of April, the right hon. Chief Secretary fully recognized its importance, and on a subsequent occasion the right hon. Gentleman described the distress of this district as extreme. Since then, however, the evil had increased, and yet, as far as he knew, nothing had been done by the Government to remedy it. He was informed that on the 3rd of May there were in the district of Erris 300 families totally destitute, and receiving aid from a private relief committee. On the 9th of June the number had risen to 400; on the 17th of the same month it was 640; and a letter he had received that day from the Archdeacon of Killala stated that the number of destitute families had now reached 900. The right hon. Gentleman a few weeks ago dwelt upon the Poor Law system as the only and proper remedy for this state of things. But the Poor Law in Ireland differed from

that of England in one important particular—that whereas in England out-door relief was given in cases of sudden and urgent necessity, or where one or more members of a family were sick, in Ireland, on the other hand, such relief was not given to any able-bodied person as long as the workhouses were not full. If the Irish Poor Law system were identical with that of England, these 900 destitute families would be entitled to out-door relief, not only in virtue of the sudden and extreme urgency of their distress, but because illness had unfortunately broken out extensively among them as the consequence of famine. The small quantities of meal which had been supplied to them by the private relief committee had only sufficed to keep them alive. Dysentery and fever now raged among them to a fearful extent, and he was informed that distress also prevailed among the small farmers and occupiers of land who possessed a few cattle, but who, owing to the destruction of the hay crop and the total want of fodder, had lost their means of subsistence. The parish priest as well as the Protestant rector confirmed these statements. He had suggested some time ago that the destitute poor should be employed upon public works, but the suggestion had been met by the Secretary for Ireland with sneers. Now, however, it was too late. The people had lost their strength and could not labour. He therefore asked that the English system, so far as cases of urgent necessity were concerned, might be adopted in that district, and that thus something might be done to preserve the people, and to prevent the emigration which would otherwise follow their recovery from the fever and dysentery from which they were now suffering. The hon. Member moved that an humble Address be presented to Her Majesty, praying that Her Majesty might be graciously pleased to direct that steps might be taken to relieve the great distress now prevailing in Erris and other parts of Ireland.

THE O'DONOGHUE, in seconding the Motion, said, that the question really was whether the Government should maintain the letter of the Irish system or depart from it, and save the people from starvation. The emptiness of the workhouses was no proof of the absence of distress, because the people in all parts of Ireland had the greatest objection to go into the poorhouse. There was no question that great destitution existed in Erris, while instant relief was required, and he knew of no way by which the distress could be dealt with except by the giving out-door relief.

MR. CARDWELL said, that he had always admitted the prevalence of distress in Erris, and had expressed in proper terms, he hoped, his sincere feelings of regret that it existed, and his sympathy with the sufferers, at the same time he had endeavoured to put the House in possession of the real facts of the case. He now had all the papers connected with this matter with him, and if the hon. Gentleman thought that either the Government, the Poor Law Commissioners, or the guardians had been remiss in the discharge of their duties, and that it was desirable that these papers should be laid upon the table, he should be quite ready to produce them, and to give every possible information. What had occurred in Erris was, that a liberal subscription had been raised and administered by a relief committee, the consequence of which was, that the Poor Law had been to a considerable degree in abeyance or reserve. In a workhouse in the district which was capable of containing 600 persons there had never during the prevalence of this distress been more than 125 inmates. The hon. Member said he (Mr. Cardwell) had sneered at the idea of out-door relief on public works; but he (Mr. Cardwell) was sure he never did sneer at anything connected with this distress, though he expressed his disapproval of adopting certain means to meet that distress which might be attended with more mischief than benefit. He had a letter from the Commissioners, dated the 8th of May, and he firmly believed that a liberal use by the guardians of the power of admission to the poor-house, and of affording out-door relief, and a proper use of the provisional powers vested in them, were sufficient to meet the present emergency. That showed that the Commissioners were not discouraging the use by the guardians of the powers which they possessed under the law to mitigate the distress; and he had that day received a letter from the Poor Law Inspector stating that there were only 120 persons in the workhouse, that the proportion of sick persons was not great, and that there was no fever or infectious disease in the house; and adding, that he had visited the most distressed part of the district, and had found that relief was accessible to all who needed it. The hon. Gentleman was wrong in supposing that the Government had at all changed their

policy, or that they were giving funds to public works which were before withheld. The real state of the case was this:—There was a sum standing to the credit of the county of Mayo in the Irish Reproductive Fund, and, early in the spring, the hon. Member for the county applied to have it employed in the improvement of two important bays within the district of Erris. The sum, which amounted to £1,150, was applied by the Treasury to that purpose in the regular course. The only step which he had taken upon the part of the Government which could be considered to be at all of an unusual character was to induce the Treasury to remit a sum of £6,000 due from certain distressed districts, especially Gweedore, on account of the constabulary, as it did appear to him an extreme hardship to levy that sum under the circumstances. He should be extremely happy to lay on the table the whole of the correspondence if any hon. Gentleman connected with Ireland wished to see it, and he was sure they would be convinced that there had been no lukewarmness or indifference on the part of those who administered the Poor Law. But, if the hon. Gentleman meant to prejudge the question whether the provisions of the Irish Poor Law were or were not what they ought to be, he must object to the Motion. There was a Bill upon the subject now waiting for discussion. He had no objection to any Gentleman stating any arguments upon that measure, although they might not be those of the Government, but he certainly thought it inexpedient to bring them in incidentally, and to prejudge the general law upon the peculiar circumstances of this case. His answer to the hon. Gentleman was, that he would find when he looked to the evidence that every step which ought to have been taken had been taken by the Poor Law Commissioners and by the Government. With regard to how the law ought to stand as to indoor and outdoor relief, the time to raise that discussion would be when they were considering the general subject of the relief of the poor. But there was nothing in the circumstances of the district of Erris, as known to him, which led him to believe that a firm, humane, and fair administration of the Poor Law as it existed would not enable any person in distress to receive relief both with regard to sustenance and medical attendance.

Mr. M'EVOY said, the people who were in distress in Erris were small farmers, who, in consequence of the very severe season, had not their cattle in a condition to turn them into money. Although they had property it did not follow that they were not in a most distressed state, and that they would not bear any amount of privation rather than go into the workhouse. He hoped the Government would take some further steps to endeavour to mitigate the sufferings of those unfortunate persons.

Notice taken that Forty Members were not present; House counted, and Forty Members being present.

Lord FERMOY said, that while they were reforming the Poor Law, one portion of the people of Erris were dying of starvation and the other portion were living on the capital which they ought to use to make the land productive. The Treasury had forgiven the police-rate, but that was making a present of £6,000 to the landowners instead of assisting the people. The Poor Law was futile. The people of Ireland would rather die than go into a workhouse, and those who went in, as a general rule, were never useful subjects afterwards. There could be no doubt that great destitution prevailed in this part of Ireland, and the Government were bound to act as a paternal as well as a ruling power. The Poor Law as administered in Ireland was not of the slightest use, and the money which was to be given to the landlords ought rather to be spent in feeding and employing the starving people.

Mr. BRADY said, he shared the opinion that the Poor Law of Ireland, by withholding all out-door relief, was necessarily inadequate to the requirements of an emergency like that which had been brought under their notice. The poor Irishman, struggling to gain a livelihood from the merest patch of land, would on no account enter the workhouse in the hour of distress. Some other mode of relief must be provided, and he hoped the Government would not remain inactive. It was an Imperial and not merely an Irish question if the apathy of the Government drove these people to emigrate, while a little assistance properly applied would necessarily make them comfortable, and enable them to carry out their obligations to society in their own country.

Mr. MAGUIRE said, he believed that this was a case of real and grave distress, which was hourly growing worse. The Government were bound to relieve these wretched people by all the feelings of humanity, if not by the principles of poli-

tical economy. On a former occasion the Government consented to interfere only after repeated demands, and the result was that their remedy came too late. When employment was provided for the people they were in too reduced a state to avail themselves of it. The Government were now called upon to act promptly and vigorously. There must be some alteration in the Poor Law of Ireland to meet such cases as this, which were constantly arising. We could not command propitious weather, or ward off the murrain from the cattle and the blight from the crops; and when these calamities occurred the most deadly privations fell on certain classes. As one of these who administered the law in the city in which he lived, he could testify to the aversion which the poor entertained to entering the workhouse. It must be remembered, too, that the distress in this instance had fallen on the farming classes, who could not go into the workhouse, as those who held a certain quantity of land were not entitled to admission. The law must be amended, but in the meanwhile what were the people to do? There were hundreds of families perishing from starvation; how many more must be sacrificed before the sympathies of the Government were aroused? The law was inoperative as long as its administration was confided to cold-blooded guardians, and nothing but a suspension of the law would meet the requirements of this case. He called on the right hon. Gentleman the Secretary for Ireland to break through the trammels of official routine, and to give a ready and generous response to the appeal of these 900 starving families for relief.

Lord CLAUD HAMILTON said, that ever since the Poor Law had been introduced into Ireland he had endeavoured to promote it, but he did not think it was either just or fair to expect that the existing system of Poor Law could meet the extraordinary exigencies of a case of distress so awful as that which had been described. It was alleged that the poorhouses were not full; but if they were filled, what a miserable state of things would ensue. An extraordinary combination of incidents beyond the power of man had supervened—distress in the fisheries, drought, and disease of cattle, and consequent high prices of provisions, together with general sickness. No ordinary Poor Law could meet such a state of things. Who, he would ask, were the class that suffered? Were they not the farmers and ratepayers themselves? The small farmers could not go into the poorhouse until they had got rid of all their property. If they sold all their stock and entered the poorhouse with their families, the farm paid no rates, and thus the circle of misery was widened, because the difficulty of raising the rates was increased. It was said there was a reluctance to go into the poorhouse; but those who did not, probably held aloof in expectation of being able to do better, and once there it was scarcely possibly for them to get out again, excepting as paupers. If they once went in how were they to establish themselves again as ratepayers, and how were the rates to be paid? Would it not be wise on the part of the House to meet this local evil and emergency as in 1846 they met a general one, by resorting to extraordinary means? If not, they destroyed the productive resources of the country as well as its future prosperity. The proposers of the Motion did not ask for a grant of money, but for an address to the Crown that steps might be taken to relieve the existing distress. In a former instance the House had taken extreme steps, and a rate in aid was made. It was impossible to read the accounts from those districts, and not see that however great the amount of charity and exertion, it was not adequate to meet the emergency; and if steps were not taken there might be a loss of life that might be bitterly deplored. He hoped the Motion would be conceded.

Mr. CLIVE said, he must admit that the Poor Law authorities were not responsible in the matter, the question of outdoor relief being disposed of by the fact that the tenantry themselves in the district were paupers. The distress had arisen in consequence of the indisposition of the small farmers to sell their stocks owing to the low prices, and then came the bad weather and the drought, and the cattle perished. The persons who should apply themselves to relieve the existing distress were the landlords, who received the profits and rents of the land upon which it prevailed. He was himself a proprietor in the district, and he had sent over meal and money to relieve the distressed people, and a tenant of his, an English gentleman, who employed a considerable amount of labour, had also sent over meal; but he wrote that morning to say that he must give the meal to the cattle, as the poor people could not use it. The particular district in which his pro-

perty was situate was perhaps better off than the northern portion, but still he entertained the belief that the landlords were the proper persons to provide a remedy for any distress that prevailed, though of course he should not object if, under the circumstances, a grant of public money were made in aid, because he believed that a portion of it would return to himself as a landlord.

MR. LONGFIELD said, it had been shown that distress prevailed to an alarming extent, and that the present law was insufficient to meet that distress. It was said the poor did not go into the unions, but in Erris the poorhouse was twenty miles distant from some portions of the district. They were told that seventy families in one small district were suffering from fever and dysentery, and yet, because they did not go into the poorhouse, it was suggested that they must be in a good position. He thought it most reasonable that the House should agree to the Address.

COLONEL DUNNE said, he disapproved of making paupers by wholesale by taking the small farmers into the poor houses. The effect of so doing would be most disastrous for the country. With regard to throwing the burden upon the landlords, the idea was quite erroneous. It might be all very well for an hon. Gentleman like the Under-Secretary for the Home Department (Mr. Clive), who had bought his property at an advantageous rate, to say the landlords should provide relief, but the case was different with landlords who had not so obtained their property. If all the people went into the poorhouse the land would be untilled, the rents could not be paid, and the rates could not be levied. The debate recalled painful recollections, but there could be no doubt that the Poor Law was insufficient to meet a famine in Ireland. There were Resolutions on the books of the House to that effect. From what sources the relief was to come was the difficulty. Formerly there had been rates in aid and other plans had been resorted to. But as he had said the Poor Law was not a means of meeting a famine —a fact which he hoped would gain weight before a Bill at present before the House, the object of which was to throw the sick poor of Ireland on the rates for relief, came on for discussion.

MR. SOTHERON ESTCOURT pointed out that in similar cases affecting England the mode of proceeding had always been first to establish the facts clearly and accurately by means of an inquiry before a Select Committee; and he could not with a safe conscience give his assent to the Resolution unless he had more accurate information with regard to the alleged facts upon which it was founded. He would abstain from expressing any opinion as to whether the ordinary administration of the Poor Law in Ireland was sufficient to meet the distress which existed in Erris, but speaking in the abstract, his own feeling in the matter coincided with that of the hon. Under Secretary (Mr. Clive) who thought the remedy for such calamities rested mainly with the landlord. In England the landlord was the first person looked to for a remedy in all cases of distress arising from what might be called the action of Providence. It was only after ordinary means had failed, when the landlords were exhausted, and when the ratepayers could no longer furnish means that application was made to the superior authorities to furnish support from the resources which were not ordinarily applicable to such purposes. If this were a case of emergency, if the facts were as stated, his vote would certainly be for the Motion, but as he had said he could not give it with a safe conscience until they had been distinctly established before a Select Committee in the usual way.

Motion made, and Question put,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that steps may be taken to relieve the great distress now prevailing in Erris and other parts of Ireland."

The House *divided*:—Ayes 49; Noes 84: Majority 35.

MILITIA BILL.—LEAVE.

FIRST READING.

MR. SIDNEY HERBERT: I rise to move for leave to bring in a Bill to amend the laws relating to the Militia, which, though not of great scope or force in itself, yet relates to a subject of great interest to the country. The House is aware that for some years past, owing to the continual changes made in the Militia law, the Militia itself is in a very unsatisfactory state. When I say that, I do not mean that for its numbers it has been inefficient; on the contrary, probably no force, not being a regular force, has ever attained as great efficiency as the Militia under the command of the officers who have the honour to be its leaders. But the strength

of the disembodied Militia has fallen signally short of the quota authorized by the law; and, what makes the matter more difficult, is that on paper the force has maintained considerable numbers, who, however, cannot be accounted for, and never appear on parade. In all probability a great number of these men have enlisted in the Line; for it is cheaper for a man to desert and to enlist in the regular army than to pay back by stoppages the bounty which he has received, and frequently men re-enlist in this way two or three times, and so appropriate to themselves several bounties. If the Militia does not produce the number of men that it ought to do, I cannot say that it is from any want of the material from which that force ought to be created. I have here a statement of the number of male adults between the ages of 18 and 45—from 18 to 40 are the usual limits between which men are admitted into the Militia, but men who have served in the army are taken up to 45 years of age. I find that of adult males in England between the ages of 18 and 45 in the year 1800, there were 1,900,000; in 1815, there were 2,329,000; in 1851, 4,167,000; and it has been computed by the Registrar General that, according to the rate at which population has increased, the Census for next year will give us 4,622,000. The small number of 120,000, therefore, is as nothing when compared with the great body of adults of the soldier age which exists in this country. I think we have not to seek far for the cause of the non-attendance of the Militia. I do not wish now to go much into this question, of which the importance is admitted by its frequent discussion in this House; but I have always stated my opinion that the constant embodiments and disembodiments of the Militia have had a very injurious operation on its permanent and substantial character. I will read to the House the successive steps which have been taken in this respect since 1854. In that year there were embodied in the months of May, June, and July, 18 regiments. In December of the same year, and in the months of January, February, and March, 1855, the embodiment of so large a number as 119 regiments took place. From April to July, 1855, 8 additional regiments were embodied. In October, 1855, 1 regiment was disembodied; another in January, 1856; and 113 in the May, June, and July following. In August and September, 1856, 30 other regiments were embodied. In September, 1857, 25 regiments were embodied; in October, 2; and in November, 20. In May and June, 1858, 16 regiments were disembodied, and 2 were embodied. In March, 1859, 4 were disembodied, and in April, 1859, 8 were embodied. The Return does not give any embodiments or disembodiments in the present year.

The opinion which I have always held with regard to a reserve is, that the object should be to secure for its ranks not the same men who would otherwise go into the Line, but a class less likely to leave home, who would be content to serve for short periods during a portion of every year, but who, in case of extremity, would willingly give their whole time to the service of the State. These embodiments have been attended with a very beneficial effect to the State. I cast no blame on any one who embodied those regiments, and I frankly admit that if any one is to blame more than another, it is the man who set the example of those embodiments, by which I mean myself. In 1854, the Militia was called out to a very great extent for the purpose of providing reinforcements for the army in the Crimea, and no doubt it did operate in this way, and many men imbibed a taste for military life, and were induced to join the Line, who otherwise would never have thought of doing so. Calling out the Militia, then, as afterwards during the Indian mutiny, was a matter of policy, the object of which was to tempt men to enter the regular army. Great assistance was rendered to the Line, but it was at the expense of the permanent success of the Militia. I do not know whether it would be wise now to say that we have seen the last of those distant wars that render it alike necessary and safe to injure the Militia for the sake of gaining a more rapid augmentation of our army; but it appears to me that, while every effort should be made to strengthen the Line, care should be taken not to do so at the expense of the Militia, whose success and permanent prosperity have become a very great element in the defence of the country.

There is no doubt that the embodiment of the Militia has driven from its ranks a great number of country gentlemen, and that the connection of a regiment with the county in which it is raised is very much weakened by its being removed for six months, or possibly two or three years, to

do garrison duty. A friend of mine, who has had great experience in connection with the Militia, writes thus:—

"If you do not retain the services of the country gentlemen you will have instead of them only a mixture of half-pay officers, used-up Indians, and adventurers, whose sympathies are not with their regiments, and who fail to attract the working classes of the county to the ranks."

That is a very strong statement, and strongly worded, but there is truth in it. It is this, that men who are in a position to choose their own profession, and who, if they wanted to enter the army, could have done so, do not like, without any prospect of the honours of the service or the legitimate rank which it confers, to be knocked about in garrison towns for three or four years—a feeling which must tend to sever the connection of the country gentlemen with the different regiments. I give all the more honour and credit to those who, despite these inconveniences, have stood by their corps and served in garrison, and who in time of difficulty have done very great service, not only in this country, but, like some of those whom I see before me, on colonial stations as well. In time of war the argument does not apply; but I think if the country gentlemen had some assurance that they should not be called on to leave home with their regiments to spend some months at Aldershot, at Portsmouth, or elsewhere, they would look on the Militia with different eyes.

Formerly the Militia was considered to be a safe method of soldiering by all those who exercised influence over young men. In peasant families it was thought that if a son or brother went into the army he was gone for ever, whereas they were not sorry to see him engaged in the Militia, by which he was secured from being taken away from home, and was not abstracted altogether from family ties. As long as the Militia remains disembodied that feeling continues; but if it be capriciously embodied I believe these people will be as averse to allow their relatives to become connected with it as with the regular army. Then, again, the system by which these regiments were deprived of their best men by volunteering into the Line of course greatly impaired their efficiency. The men were cajoled by the recruiting sergeants of regular regiments, who attacked and harassed them, and militia officers have described their regiments as being for a certain time turned into a kind of pandemonium; for not only were the men carried off, but discipline was considerably shaken, and the regiments demoralized. Among other evils, the system created alt most a scientific practice of desertion. 14 extended far beyond the Militia, spreading into the Line, where the desertions about two years ago increased to such an alarming extent that the firmest enforcement of military discipline was necessary in order to prevent it. One objection which we should keep in view is to make it well understood by the labouring classes, from whom you draw the Militia, and who look upon embodiment as almost amounting to a breach of faith, that the Militia in future is to be a reserve force, a disembodied force, and that except in case of war or of great emergency they will not be taken out of their respective counties.

A good deal has been said in favour of a local Militia. Now, I have examined the matter, but I confess I do not understand what is the difference between a local and a general Militia. The popular notion is that the local Militia is a force confined to its own county, and that a general Militia force is one each regiment of which may be removed from its county. But, strictly speaking, you can no more by the ordinary law take the general Militia out of their respective counties than a local Militia. At this moment we have an exceptional Act of Parliament enabling the Government to embody the Militia, although the condition which the law held necessary to embodiment does not exist. But, if you maintain a general Militia upon the local principle, you have all the advantages of the local force, with this further advantage—that you have a well-organized force, with a capital corps of officers and a permanent staff. Nothing, therefore, in my opinion can be more unwise than to introduce a local Militia in the place of a general force, which in its natural constitution is local, but which by legislative interference you have chosen to divert from its natural constitution. I come, therefore, to the conclusion that it will not be wise to attempt any change in this respect until you have tried the Militia law as it stands. The one thing the Militia wants is to be let alone. It has a capital constitution; the law on which it is founded is sound and wise; but Parliament under the pressure of a great emergency set it aside. I hope, however, that the House will not be induced to depart from the law, but will give it now, almost for the first time since it was enacted some few years ago, a fair trial.

Let me state now what are the changes in detail and in administration, all of which I think tend to improve the condition and the efficiency of the Militia, and which have been made within the last few months. Last year, shortly after the Report of the Militia Commission was issued, it was my duty to introduce a Bill into Parliament for the purpose of carrying into effect such of their recommendations as I was unable to carry out by means of regulations. Since that time the following changes have been made in consequence of the Commissioners' Report:—In the first place, there were considerable restrictions with regard to the Militia, even under the old law, when embodied from fear of invasion. Thus they could not be moved from England to Ireland except in a certain proportion; they could not be required to remain there beyond a certain time; and great expense was consequently incurred in moving regiments in order to evade these restrictions. They were enacted in times when service in Ireland was not so agreeable as it is now, and they were very wisely removed by Parliament last year, and the Militia was rendered liable, when embodied, to serve in any part of the United Kingdom. Her Majesty was also empowered to accept the voluntary offers of the Militia to serve in the Channel Islands. Power was taken to unite in one battalion the Militia of two or more counties when their respective quotas are too small to be formed into separate regiments. I believe that will greatly tend to the efficiency of the Militia. In Scotland, several counties have been amalgamated, and have then produced powerful battalions; but some have remained unamalgamated, and the result is that you have very small battalions with a staff which would be available for a much larger one, while, militarily speaking, whenever it was necessary to call them out, these battalions would be comparatively useless. Ultimately, when you have consolidated the small battalions, you will gain greater strength at a much less cost, because one colonel and one adjutant will then be sufficient where two are now necessary. Since that power has been given the battalions which have been united in Scotland are, of the Galloway Militia, the Wigtown quota with Ayrshire, and the Kirkcudbright with Dumfries. It has been united under a gallant officer, a Member of this House (Sir James Ferguson), who I regret s not now present, from whom I have always received the greatest support and assistance in matters connected with the Militia, and on whose judgment I am inclined to place great reliance. The amalgamation of the following regiments will also take place:—The Flint and Denbigh will form one infantry corps; the Carmarthen and Pembroke one artillery corps; the Merioneth and Montgomery one infantry corps; and it has also been decided to form the Anglesea and Carnarvon into a rifle corps. The great difficulty in effecting these junctions arises from the existence of local feelings and jealousies, which render it difficult for the force of two counties to fall into one. There is another difficulty with respect to stores, for one county does not like to give up the stores it has got. That, however, may be got over by allowing the regiment to train in two wings, allowing each wing to have its own stores. In Scotland, as far as it has been tried, this amalgamation has answered perfectly.

Then the Secretary for War was authorized to fix the times and places of training and exercise, he of course consulting with the Lords-Lieutenants, and appointing the time which is likely to be least objectionable to the employers of labour. A double object was in view in giving this authority—namely, that there should be first a fixed period to which officers and men should annually look forward; and, secondly, that there should be a simultaneous training, so as to prevent fraudulent enlistment from one regiment to another by men who pocketed the bounty in each case, and made a good thing of it at the public expense. Then, increased rates of pay and lodging allowances were granted to adjutants, and all uncertain and fluctuating allowances have been discontinued. That has had a most excellent effect, because formerly the adjutant was paid in proportion to the number of men he had enrolled, and human ingenuity could not have invented a more certain premium upon indiscriminate enlistment. It was natural, under such circumstances, that any recruit should be acceptable without very much inquiry into his character and antecedents. But since that change has been made, and since the urgent wishes of the Government have been expressed both to Lords-Lieutenants and the commanding officers of regiments that none but men of known residence and fixed habits should be taken, there has been a marked improvement in the character of the regi-

ments generally. I have received communications from magistrates stating that the men formerly brought before them by the militia serjeants were of a very indifferent class, and in some cases spoke a dialect which was not that of the county in which they were enlisting, while the same gentlemen now say that there is a great difference in the men brought before them, and that they evidently belong to the county, and that in many instances their residences are known and their characters ascertained. The change which has taken place is shown also by the training, as far as it has gone. By a Return moved for last year the number present at the training in 1859 was 44,340, and there were 30,557 absentees. That is not the number of the Militia generally, but only of the disembodied as distinguished from the embodied Militia. The number of men returned as having failed to attend was an accumulation of absentees who were retained on the books of the Militia because it was thought that as fast as they were struck off they would be followed by other men, who would perhaps in like manner take the bounty and never appear. These absentees were struck off shortly before the present training, and as far as the training has gone it has been satisfactory. We have received returns from fifty-four regiments, which have trained during the present year, and their respective quotas amount to 48,569 men. I have endeavoured to impress on all those concerned in raising the Militia that the object of the Government is not to have a large force to pay, but that the question is how many they can produce at training, and therefore that it is much better to refuse men than to take doubtful characters. The result has been that, so far as they can be compared with the Returns of last year, the absentees, who then upon the number of regiments trained amounted to 4,707, only number 2,660 for the present year, being a diminution of nearly one-half. The effectives in 1859, taking into account only the regiments I have mentioned, were 19,546, while in 1860, in the same regiments, they were 22,223, so that here also there is a marked improvement, and according to a Return recently presented the total quota of all ranks of the disembodied Militia on the 1st of June was 113,801, and the number of effectives was calculated at 52,899. There is an improvement in the training of this year over that of last by the presence of 6,000 or 7,000 men additional. This certainly is not a very large increase, but we must not expect a great change to be made in a day, for there is no class so slow to receive an impression as the labouring classes from which the recruits are drawn. It will take some time before the labouring classes are brought to believe that the Government do not intend suddenly to embody regiments, and take the men from their homes for months or for years, instead of one month.

Certain additions also have been made, in order to produce greater efficiency in the Staff of the Militia service, in consequence of the Report of the Militia Commission. There have been added to each regiment a quartermaster, additional sergeant, hospital sergeant, drum or bugle major, and two sergeants as instructors of musketry. During the last year the whole of the disembodied as well as the embodied Militia have been armed with the rifle—the Enfield; and on purpose to teach them the proper use of it a number of adjutants have been to Hythe, for the purpose of going through a course of instruction there. They acquired considerable proficiency, but it appears to me that the duties of adjutants of Militia regiments are far too onerous to enable them also to devote time to musketry instruction, and therefore we have sent two sergeants in every regiment to Hythe to obtain the necessary instruction. We have had 94 adjutants and 260 sergeants who have passed through Hythe, and the remaining number to be instructed is only 40 sergeants. Therefore, very nearly the whole number have received instruction. I am glad to be able to state, on the authority of General Hay, that these persons have very well profited by the instruction given; and General Hay bears testimony to the soldier-like appearance and excellent conduct of the sergeants of Militia. I have no doubt that after one or two trainings they will make a remarkable improvement in the musketry practice of the Militia, which, I am sorry to say, is at present as *nil*, for the men have had no musketry instruction.

It was recommended by the Militia Commission that the promotion of officers, as a general rule, should take place by seniority, and that when a Lord Lieutenant departed from that rule he should assign reasons for so doing. That is a rule which we have adopted with a good deal of hesitation, and it has, no doubt, in many instances, given a good deal of dissatisfaction. It is diffi-

cult for the Lord Lieutenant in all cases to say who ought to be promoted. There are, of course, a variety of motives and considerations which ought to influence persons making the selection. You want in the Militia good county connection and military knowledge and efficiency. It is very well when you can combine both, but very often you have to balance the advantage on one side and on the other. You might have to choose between a man of influence who recruits the ranks, and a man of efficiency and skill who gives no help to increase the numbers of the Militia. Therefore, I have thought that every consideration should be given to the difficulties in which Lords-Lieutenant might feel themselves on this subject, and when good reasons have been assigned for departing from the general rule I have thought it right to support them. Then it was recommended that subaltern officers should be, previously to promotion, required to pass a practical examination in their duties. That is a good principle, no doubt, and if always insisted upon would induce officers to learn their drill, and fit themselves for their duties; but the application of it is not easy. Officers on the permanent Staff, adjutants, and so on, have been allowed to send their sons to Sandhurst to obtain the advantages which are attached to officers of their rank. I pass over some minor details, and, with respect to the treatment of deserters, I believe that the application of the law, with severity in some instances, has already been attended with advantage. It must be borne in mind that if men desert for the purpose of entering into the Line, they assume that that is rather a praiseworthy act than otherwise, for they argue that although they take the two bounties, yet they enter in the one case for five years, and in the other for ten. This it is intended to check, as it is important that when men make engagements they should be kept to them. Another change made is not entirely in accordance with the recommendations of the Militia Commission. They recommended that good-conduct pay should be given to men after five years' service; but some difficulty was felt on this point, that the good-conduct pay being only one penny a day while the men were under training, a penny a day for twenty-eight days in the year was scarcely worth their having; and the Government could not go so far as to give the penny a day during the whole year, the greater portion of which the men would be at their own homes. Therefore, we thought it better to give every man re-enrolled 10*s.* a year in addition to his bounty, and this system, as I understand, is working very well. Free kits are also given to all men who shall hereafter enroll, or who have been enrolled since the last training or since disembodiment, and a portion in money is given to re-enrolled men having a good kit. All school fees are abolished, and an officer is appointed schoolmaster with 1*s.* a day additional. All these things, of course, tend to the advantage of the men and the improvement of their position.

Certain things are to be done by regulation, and by the Bill I have the honour now to submit to the House we want to have the power of uniting maritime counties for the purpose of forming Artillery corps, as has been done in the North Riding of Yorkshire. Thus, when in one county there is not enough men for two battalions, and yet too much for one, the men might be joined with the Artillery corps of a neighbouring county, and become an efficint force. Of course, we should require no different machinery for this than that which we have for the amalgamation of force in other counties. With regard to the union of counties for the purpose of stores, I have attempted to get over the difficulty by applying the same principle as is acted on in reference to county lunatic asylums. Thus, a joint committee of the magistrates of the united counties will be allowed to erect whatever may be necessary to carry the amalgamation into effect, and of deciding where the stores should be built. Then there is a further power with respect to counties recommended by the Militia Commission, which I am sorry does not receive the sanction of my right hon. Friend opposite, but which I think upon the whole will be advantageous to the Militia, the counties, and the Government. It is proposed by the Militia Commission that the Government and the counties should have power to make arrangements for building accommodation for the permanent Staff, the Government paying the counties an annual interest on the outlay. This is, of course, not to be compulsory, but I do not see why any objection need be taken to it. I think the counties, in many instances, will make a good bargain by building themselves the necessary accommodation for the Militia, and the Government will probably not pay more than at present. Power will also be taken to

Mr. Sidney Herbert

call out the troops for training either on enrolment or some time previously to the general training of the regiments. This provision will, I think, be found to operate beneficially, for there can be no doubt that if you would bring up men for previous training the time of the permanent Staff would be economized, and would be much better employed in being devoted to the regiment in general than to the instruction of particular men. It has been proposed that the men should be brought up for training immediately after enrolment. But I very much doubt the policy of that, because, although the system is proposed as a check against fraudulent enrolment and desertion, I think it will operate rather in a contrary direction. The man who intends to desert will be quite willing to undergo a few days' training for the sake of the expenses which he will get. I also propose to take power in this Bill to increase the Militia of Scotland and Ireland in the same proportion as that in which we have now authority to increase the English Militia in case of invasion. There are in England 80,000 Militia, and we are empowered to raise that number by 40,000; and I would ask the House to enable us, should invasion take place, or imminent danger of it arise, to raise the Scotch and Irish Militias from 5,000 to 10,000, and from 15,000 to 30,000 men respectively, thus making the total force 120,000 in time of peace, and 180,000 in time of war. It was recommended by the Commission that the permanent Staff should be put permanently on embodied pay, but since that recommendation was made the Volunteer movement has undergone rapid progress, and the demand for non-commissioned officers has become so great that it is no easy matter to attract them to the Militia. The Volunteer corps are very naturally eager to receive as much assistance as possible in their drill, and I am sure that nobody who witnessed the spectacle in Hyde Park on Saturday—which seemed to me one of the greatest and most imposing which has taken place in the Metropolis for years—would grudge those corps the aid of those non-commissioned officers by whom they appear to have so well profited. It is, however, important that the Militia force, which is of a permanent nature, should be made as efficient as possible, and I therefore propose to afford the permanent Staff —not by the present Bill, but by the Militia Pay Bill, which will be hereafter introduced—increased pay. There is only one other change which I propose to make, and which will not be effected under the operation of the present Bill, inasmuch as it can be done by regulation. In officering the Militia it is comparatively easy to secure the services of field-officers, captains, and lieutenants, while there is the utmost difficulty in procuring ensigns. When regiments are embodied great efforts to obtain ensigns are made, and the result is that it is found necessary to go below the class from which it is desirable that they should be selected. The consequence is that considerable disappointment is experienced when these ensigns are not promoted to the upper grades in their regiments. You could, of course, get ensigns fast enough in time of war, or in the case of regiments permanently embodied; and what I propose to meet the difficulty with respect to regiments which are disembodied is that, while every existing ensign should retain his position, the vacancies which may in future occur should not be filled up. There are at present sixty-five of these vacancies in the embodied Militia and 601 in the disembodied. The better course to adopt under these circumstances seems to me to be not to fill up those vacancies, but to appoint two extra lieutenants in each regiment to carry the colours. Of course the ensigns at present with their regiments would remain. That subject, however, cannot be dealt with in the present Bill, which is confined to the objects I have stated. Its purpose is very humble; it attempts but little. It does not essay re-organization. It establishes no Prussian or Foreign system in the raising and maintenance of the Militia force. Our duty is, it appears to me, to keep up the traditions of the Militia, and to endeavour, by strict adherence to them, to bring it into a more efficient state. I believe the Militia has been disturbed and upset by constant interference with its arrangement, but if circumstances now allow us to keep it as a reserve and a reserve alone, we shall find the result to be a great increase in efficiency. My object is to keep the Militia in a disembodied state, and to give them the confidence and assurance that they shall remain so except in cases of great emergency. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

COLONEL WILSON PATTEN said, he had listened to the speech of his right hon. Friend with much pleasure. There could

be no doubt that the reluctance to enter the disembodied Militia to which his right hon. Friend had adverted was in a great measure owing to the state of uncertainty which for years past had prevailed with respect to the embodiment and disembodiment of the force. In Lancashire, where wages were high, that was particularly the case. In 1852, and during the Russian war, no difficulty in filling up the ranks of the force had been experienced; but immediately after the conclusion of that war, when the system of disembodiment and re-embodiment came into active operation, the Militia became reduced to nearly one-half its regulated amount. The first step towards re-establishing the Militia ought to be to make it attractive to men of character, and not render the sacrifice involved in quitting their usual occupations too great; and he entirely concurred with his right hon. Friend in the opinion that one of the best modes which could be adopted in order to promote the efficiency of the disembodied Militia was to make the staff as perfect as possible. Indeed, he thought it should be made a *sine quâ non* that no sergeants should be on the staff who were not competent to instruct the men in the rifle drill as at present carried out in the army. He was glad to find that there was to be additional compensation for the staff of the Militia; and while upon that point he might observe that the Committee, in dealing with the question of affording greater accommodation for the staff in the shape of buildings, had deemed it desirable to abstain as far as possible from increasing the county-rate in order to effect that object. His hon. and gallant Friend behind him (Colonel Gilpin) had strongly opposed any such increase, but he was happy to find that the Secretary for War had pointed out that the recommendation of the Commission might be acted upon in such a manner that the repayment of the necessary expenditure would be guaranteed by the Government to the several counties. He would not venture, until he saw it in print, to express an opinion upon the Bill itself; but if, as he supposed, it carried out the recommendations of the Militia Commission, he should give it every support in his power. The Commissioners proposed, with the view of securing greater uniformity of practice in the promotion of officers, that if any Lord Lieutenant of a county did not recommend an officer in the regular routine of the regiment, he should assign his reasons for it. He agreed with the right hon. Gentleman that that rule should be adopted with considerable modification. Every regiment should be kept as much a county regiment as possible. In 1852 he made an arrangement with his officers to the effect that upon the occurrence of every third vacancy he should be at liberty to advise the Lord Lieutenant to depart from the rule of regular promotion in the regiment for the purpose of introducing some gentleman connected with the county. That arrangement had been carried out without the least dissatisfaction on the part of the officers, and he was persuaded it might be adopted with great advantage elsewhere.

VISCOUNT ENFIELD said, he rejoiced that an attempt was about to be made to improve the Militia. The fact that in future the time at which regiments were to be called out for drill was to be determined beforehand would give great satisfaction to both officers and men, and would produce a much better attendance. One of the recommendations of the Militia Commission was to the effect that when a recruit was attested he should be taken at once to head-quarters and trained for twenty-eight days. The Secretary of State said that would increase the expense; but, if so, he thought the system adopted in many counties should be put in force throughout the country generally—the system, namely, of allowing recruits to assemble for preliminary drill twenty or thirty days before the calling out of the regiment. He was glad that some definite rule was to be adopted with respect to the embodiment and disembodiment of the Militia, and that they were not for the future to be embodied except in the case of an emergency. He hoped that emergency would not arise, but if it did, he hoped that every regiment would have a fair chance of being embodied in its turn, and that no favour or partiality would be shown. The right hon. Gentleman said he could not see the advantage of a local Militia. Well, some seven or eight years ago the existence of the Government was made to depend upon the question as to whether the Militia should be local or general. Most of the regiments of the Line were distinguished by some designation connected with the county in which they were originally raised, and he thought it desirable that militia regiments should give recruits to those regiments that bore the names of their counties, so that a local connection might be kept up between the

Militia and the Line. The proposal to increase the pay of the staff would be thankfully received by an able and devoted body of men.

COLONEL GILPIN said, that he wished to thank the right hon. Gentleman for bringing forward this measure, though he felt that was not a time to enter into a discussion of the details. As, however, he had been pointedly referred to, he might state that he was still of opinion that magistrates were not entitled to use the county money in providing buildings for the Militia upon the plea that they might get some of it back from the Government. The suggestion that recruits should be assembled for preliminary drill before the regular training was an admirable one. He thought there was a great deal of good in the Bill.

COLONEL DICKSON said, he hoped the Government would consider the propriety of increasing the pay of the surgeons in Militia regiments.

GENERAL UPTON said, he concurred in the opinion that every regiment should be embodied in its turn, so that all might have an opportunity of being drilled, and of acquiring a military spirit.

Leave *given.*

"Bill to amend the Laws relating to the Militia, *ordered* to be brought in by Mr. Secretary HERBERT and the JUDGE ADVOCATE."

Bill *presented,* and read 1°; to be read 2° on *Monday* next, and to be *printed* (Bill 211.)

LOCOMOTIVE BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4 (Home Office to appoint Officer to certify as to Construction of Wheels of Locomotives.)

MR. E. P. BOUVERIE said, the clause required the Secretary of State to ascertain the weight and to register locomotives running on the highways, as well as to give a badge, charging a certain fee. He did not think this such a duty as could be properly cast on the Secretary of State for the Home Department, who had no staff to fulfil it. He should move the rejection of the clause unless the right hon. Gentleman agreed to accept the duty it threw on him.

SIR GEORGE LEWIS said, the duty of registering locomotives and charging fees for them was certainly a new one to cast upon the Secretary of State, and such as he thought most objectionable. The duty was one that fell more properly within the jurisdiction of a Commissioner of police. The next clause authorized either the Secretary of State or some other Member of the executive Government to stop any dangerous locomotive which might be running under this Bill. He was told there was a certain class of locomotive engines which had been used to a considerable extent in the north for the transport of coals from railway stations to towns, and which were found running at a moderate pace very economical, while they did not frighten horses, or crush or destroy the surface of the roads. It might be advantageous to all parties that this particular form of locomotives should be used; but if some new form of locomotives should be introduced and run in the Metropolis or crowded places under the provisions of this Bill, they would, no doubt, be dangerous. It would be a just subject of reproach to Parliament if, in a matter of this kind, it did not give the Executive power to interpose a speedy check to a nuisance the suppression of which could hardly await the slow process of an indictment. Some such provision as that contained in the 5th section was therefore necessary to make the Bill a safe measure, but he was certainly disposed to vote for the omission of the 4th clause.

COLONEL PENNANT said, that these locomotives were, after all, an experiment, as it was hardly known what would be their effect upon the roads. Some Government office ought, therefore, to have the power of putting a stop to their employment if they inflicted an amount of damage on the roads exceeding the wear and tear produced by ordinary vehicles.

MR. AYRTON submitted that it was impossible for the Secretary of State to discharge all the functions which the Bill threw upon him. The attempt to invest him with such general authority was contrary to that principle which the House so jealously maintained of giving to local bodies control over matters which immediately affected their interests. The justices in counties and the municipal authorities in towns, possessing a knowledge of all the circumstances of their respective localities, would be far more competent to regulate these matters. Moreover, the Bill ought to provide that locomotives should not be employed where they would prove inconvenient or injurious to the public interests. He, for one, should object to see

them used in the Metropolis, or in any large towns. Still as a mere tentative measure he thought that the Bill might be passed.

Mr. GARNETT said, the Bill was merely intended as a tentative measure. There was no wish to force the use of machines in any places where they would be likely to cause inconvenience or injury. He had no objection to relieve the Home Office from the duty of certifying the machine, at the same time he thought that some authority should be compelled to inspect the machines, and to affix some indication of their weight on the outside, because it was according to the weight that toll was levied.

Mr. STEUART suggested that the Bill should be postponed, and said that he could not for his part consent to the principle of the Bill, unless the interference of the Home Office were secured under it. They did not know what effect those locomotives would have on roads, or what damage was to be calculated on from them.

Clause *withdrawn.*

Clause 5 (Plate to be affixed on Engine.)

Mr. DILLWYN said, he should move the omission of the clause. He believed that strict limitations ought to be put on the employment of locomotives upon public roads.

Mr. JOSEPH LOCKE said, the great question involved was whether these engines could be admitted to the roads without danger to the public. If the experiment was to be tried, as he supposed it was intended it should by reading the Bill a second time, the clause was essential, and it would leave to the Secretary of State the responsibility of putting a stop to the use of the locomotives if they were dangerous to the public.

Mr. AYRTON insisted that it was absolutely necessary for the public convenience and safety that the locomotives should be licensed for particular roads and particular purposes.

Lord LOVAINE pointed out that the Bill gave the Secretary of State power to impose the restrictions the hon. Member desired.

Sir GEORGE LEWIS said, he saw no objection to the Secretary of State exercising the power that was proposed to be conferred on him. At present he did exercise a certain control over turnpike trusts, and the clause seemed to refer to occasions which, though not likely often to arise, might occasionally do so, and in which the immediate interference of the Secretary of State would be more advantageous and satisfactory than the decision of the Quarter Sessions, which would, perhaps, be necessarily delayed.

Mr. E. P. BOUVERIE said, it appeared to him that the clause introduced a rather anomalous power into the hands of the Home Secretary. The House ought to be very cautious in passing the Bill. They did not attempt to put down larceny by giving the Secretary of State power to prohibit it; but they punished those who were guilty of the offence. In like manner, what they wanted was to forbid, under a penalty, the employment of dangerous locomotives, or of locomotives causing excessive wear and tear to the roads. The penalty would then be recoverable by ordinary operation of law, and with this view he proposed to omit the words relating to the Secretary of State.

Amendment proposed, in pag , line 4, to leave out the words "to one of Her Majesty's Principal Secretaries of State that."

Sir GEORGE LEWIS said, he would own that at first he had been disposed to think that a locomotive with its train of waggons could never be allowed on the public highways; but on finding that these engines were actually in use in many parts of the country, he had consented to legalize them, provided summary powers were provided for the protection of the public.

Mr. NEWDEGATE suggested that the Quarter Sessions should certify to the Secretary of State the roads to be used.

Sir CHARLES NAPIER said, it would be absurd and dangerous for a large machine, twice as large as the table of the House, to be turning the corners of the Metropolitan streets with perhaps a train of half-a-dozen waggons after it.

Sir JOHN SHELLEY said, he agreed with his hon. and gallant Friend the Member for Southwark that it would be most unsafe to run locomotives in the Metropolis; and he had to add that he thought the power of regulating that species of traffic, if it were to be tolerated at all, ought to be vested in the Metropolitan Board of Works, and not in the Secretary of State.

Mr. DILLWYN expressed a hope that the clause would be reconstructed with the view of placing the regulations of the roads under the justices. He moved the omission of the clause.

MR. JOSEPH LOCKE said, he thought that when the question was one of danger to the public from the use of locomotives, the regulation of them ought to be, not with the justices, but with the Secretary of State. Neither did he think that the Metropolitan Board of Works, which had never managed anything yet, was the proper body to which to intrust the management of these locomotives. The clause, therefore, ought to stand.

MR. E. P. BOUVERIE said, he thought the interference of the Secretary of State ought to be only so far as to pronounce what locomotives would not cause danger to the public.

MR. RIDLEY remarked that locomotives could use turnpike roads anywhere, and it was the purpose of the Bill that on roads where they paid no toll they should be charged with toll. The Bill, therefore, was necessary, and the clause was necessary to the Bill. He might add that the vehicles were under perfect control, and could be stopped in a moment.

COLONEL WILSON PATTEN contended that the clause would prove useful to the public. The only means of regulating the use of locomotives on common roads was through the Secretary of State; if it were left to local authorities, the result would be considerable confusion.

MR. AYRTON said, it should be remembered that these locomotives were to draw each three waggons, and thus a train would actually pass through the streets. He asked how that would work in Fleet Street? He thought the fitness or unfitness of those engines should be determined by local authority.

Question, "That the words proposed to be left out stand part of the clause," put, and *agreed to.*

MR. E. P. BOUVERIE said, he believed that there could be no use in their proceeding any further with the Bill, and he should therefore move that the Chairman do leave the Chair.

Motion made and Question put, "That the Chairman do now leave the Chair."

The Committee *divided:* — Ayes 39; Noes 83: Majority 44.

SIR CHARLES NAPIER said he would move that the Chairman report progress.

MR. GARNETT said, he hoped the Motion would not be pressed, but that the clause would be passed, after which he should not ask the Committee to proceed further that night.

SIR CHARLES NAPIER said, he would withdraw his Motion.

Clause *agreed to.*

The House resumed. Committee report Progress; to sit again on *Monday* 9th July.

SALE OF GAS ACT AMENDMENT (No. 2.) BILL.—SECOND READING.

Order for Second Reading read.

MR. SOTHERON ESTCOURT said, it was very important that some certainty should be arrived at with respect to the operation of the existing law. He thought, however, that it was a very useful Act, and would be much better amended than repealed. Still he was quite aware that his own measure having been prepared in haste was imperfect, and therefore, if the House would agree to the second reading, he would move that it be referred to a Select Committee.

Bill read 2° and *committed* to a Select Committee.

MR. SPOONER said, the House had been sitting thirteen hours, and it was quite time that it should adjourn. He moved that the House adjourn.

SIR GEORGE LEWIS suggested that all unopposed orders be first disposed of.

MR. SPOONER acceded to the suggestion, and withdrew the Motion for adjournment.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, June 27, 1860.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at a Quarter before Four o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, June 27, 1860.

MINUTES.] PUBLIC BILLS.—2° Dealers in Marine Stores; Metropolitan Building Act (1855) Amendment.

3° Tramways (Scotland).

LABOURERS' COTTAGES (SCOTLAND) BILL—COMMITTEE.

Order for Committee read.

House in Committee.

MR. W. EWART explained that the ob-

ject of the Bill was to give facilities for the improvement of cottage accommodation in Scotland, which at present was in a very unsatisfactory state. This he proposed to do by extending the provisions of the Montgomery Act. By that Act the owner of entailed property was allowed to charge the estate with a portion of the money expended in improvements to the extent of three-fifths, on the principle of charging futurity with part of the cost of present improvements. That Act, and subsequent legislation in the same direction, did not, however, extend to the building of labourers' cottages, and the object of the Bill before the Committee was to remedy the omission.

Mr. G. W. HOPE said, he had no objection to the Bill, but he wished to have a recital introduced into the preamble setting forth that doubts were entertained that Montgomery's Act extended to laourers' cottages, which doubts should not be allowed to continue. He also proposed to make the Bill declaratory instead of enactive.

Amendment *agreed to.*

Clauses *agreed to.*

House resumed.

Bill *reported;* as amended, to be considered on *Friday.*

BLEACHING AND DYEING WORKS BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Recited Acts to apply to bleaching and dyeing works).

Sir HUGH CAIRNS said, he wished to move Amendments exempting from the operation of the Bill works in which the occupation of bleaching or dyeing linen, linen yarn, and cambric only were carried on.

Amendment proposed,

"In page 2, line 13, after the words 'Dyeing Works,' to insert the words 'except works in which the operation of bleaching linen, yarn or thread, linen cloth, unions, or cambric by the open air process is the only operation of bleaching carried on."

Mr CROOK said, he felt himself unable to agree to the Amendment, the effect of which, if carried, would be to deprive the youth of Scotland and Ireland of the advantages of education, and women and young children of protection from too protracted labour. According to the Report of the Select Committee, women and young boys were frequently obliged to perform heavy night-work. In particular cases the temperature was as high as from 80 to 110 degrees, and in many instances women and men worked through the night in the same apartment. Several of the masters stated that they had done their best to obtain married people, or brothers and sisters, for this class of labour; but nothing save a legislative enactment would put a stop to the demoralization entailed by such a system. The cases referred to occurred not alone in Belfast and the north of Ireland, but at Perth, Dundee, and other centres of industry in Scotland. He therefore hoped the House would not consent to make the wholesale exceptions proposed by the Amendment of the hon. and learned Member.

Mr. DAWSON said, he was willing to give credit to the hon. Member for Bolton (Mr. Crook) and those who supported him, for the motives by which they had been actuated in introducing this Bill; but in his opinion the condition of Ireland and the circumstances of the bleaching trade in that country were wholly different from the other portions of the kingdom to which the measure was meant to apply. Owing to the humidity of the Irish climate the machinery of the bleaching works was driven almost exclusively by water, and as the supply only came down at uncertain times, and the millowners were not allowed to provide a reserve by detaining the stream from those below, advantage must be taken of the opportunity when it occurred, and it was consequently impossible to regulate by any fixed limits the hours at which work should be carried on. The greater portion of the operations, likewise, were conducted in the open air, and were liable to interruption from the weather, in which case they were performed in well-ventilated apartments. It was a recognized fact that the condition of the operatives in the north of Ireland was as healthy as that of persons engaged in agricultural pursuits, in proof of which he might advert to the total absence of complaint on the part of the working people. Those best acquainted with the province of Ulster held that on behalf of no class of the working community was legislative interference less required. It was true that women were employed in getting up and finishing cambric handkerchiefs; but this could not be said to be a demoralizing occupation. Boys were also employed, but scarcely any below fourteen years of age, and they were allowed long intervals of rest. In most

establishments these lads received wages upon entrance, and at the age of eighteen had learnt their business, which the provisions of this Bill would render impossible. A gentleman of great experience, writing within the last few days, said he knew no linen establishment in which the hours of work were more than ten a day, while in many cases they were less ; and he could with a clear conscience declare that the occupation was much lighter than that of ordinary labourers. The working classes in Ireland regarded this Bill as impolitic, uncalled-for, and ruinous to the interests of factories. One result would be that the employment of women and young children would be dispensed with wherever labour was cheap, for manufacturers would rather employ none but men than subject themselves to the annoyance of inspection and the vexatious obligations that would be imposed upon them.

MR. ROEBUCK said, he was in profound darkness why the proposed exemption from a general principle should be admitted at all. It was admitted that too long hours of work did mischief in factories, and, as the House now thought, in bleaching works. Why did his hon. and learned Friend contend that they did no mischief in the linen trade? Ho did not see what the fact of its being an open-air process had to do with the question. It was not alleged that the bleaching process entailed upon the operatives very hard work ; but what was complained of was, the length of time which the operatives were doomed to labour. That cause of complaint prevailed as well in the open air process as in the dyeing works.

SIR HUGH CAIRNS said, he felt obliged to his hon. Friend for affording him the opportunity of renewing those explanations which he had given when the Bill six weeks ago had engaged the attention of the Committee. He then stated that to justify the interference of the Legislature it was necessary to show that the particular branch of trade was in itself an unhealthy process, or that the hours during which it was carried on were extravagant and improper. As regarded the first point, the Select Committee had declared in the strongest manner that the process of bleaching linen in the opean air was a healthy operation; and Mr. Tremenheere, the Commissioner, gave similar testimony. The hon. Member for Bolton had referred to some instances which he said showed that women and children were worked for an inordinate period on Irish bleach-greens ; but he fell into the same error as Mr. Tremenheere in mistaking cotton bleach works for those in which the bleaching of linen was alone carried on. The Amendment which he had proposed was intended to apply to linen bleach works only. The opinion of the operatives themselves afforded a very good indication of the course which Parliament ought to adopt. But Mr. Tremenheere, when examined before the Committee, admitted that he had not thought it necessary to ask the opinion of the Irish operatives, having gone so fully into the question in England. The trades in the two countries, however, were entirely distinct; and Mr. Waring, who was sent over from England as a delegate to induce the working people in Ireland to adopt the same view, admitted that he found all the operatives there quite satisfied with the existing state of things. There were before the House petitions signed by upwards of 1,000 of those operatives begging that Parliament would not interfere in the matter, and for reasons very much affecting their own position. The open-air process in bleaching depended to a great extent on the state of the weather, and in winter, when the frost was severe, it could not very often be commenced before ten or twelve o'clock in the day, while if it were to cease at a fixed unyielding hour the chemical processes might be materially injured. It must be also remembered that the bleaching was carried on by water power, and if the works were stopped at a certain hour property to a certain extent was lost, for the water would run whether the bleach works were carried on or not. Then, the workmen were paid by the piece, and not by the day; so that they did not like interference. Most of the men employed in the works were heads of families, who were anxious that their wives and children should be employed with them. If not, the children must go to agricultural labour, which was less liked and much more severe. But if the Bill were passed women and children would be to a great extent dispensed with. The work performed at night was for the most part connected with the beetling work, where the parties employed had to change the position of the cloth every three hours, out of which they might have two hours and a half of sleep. It was, in fact, the lightest work of all, and was most coveted by the workpeople. As to the drying stoves, though the temperature was high the ventilation was perfect, and none of the people

employed wished it to be interfered with. The reason given by Mr. Tremenheere for including these works in his restrictions was that as they were recommended for the English bleaching works it was urged on him that it would not be fair to exempt Scotch and Irish bleachers. This was quite right where the processes were the same, but it was a different thing where the processes were so different. He thought these statements would satisfy the Committee of the reasonableness of his Amendment, which did not ask the Committee to make an exception in favour of any part of the United Kingdom, but only with respect to a particular system of proceeding in conducting the operation of bleaching.

SIR GEORGE LEWIS said, he wished to call attention to an Amendment to be proposed by the hon. Member for Bolton, "that nothing in the Act should extend to or affect any person or persons when employed in the open air." The Amendment of the hon. and learned Gentleman did not include cotton within its scope, whereas that of the hon. Member for Bolton contained no limitation. He did not, however, see that there was any substantial difference between the principle involved in the Amendment and that which the promoters of the Bill sought to carry into effect, and he should therefore vote for it.

MR. ROEBUCK said, he was prepared to admit that the process was a healthy process. All bleaching was a healthy process. The bleaching works he had seen were places where a man might pass his life very comfortably if he were doomed to labour there. He admitted that the master dyers desired as much as possible to alleviate the condition of labour. But the question was as to the length of labour, and why persons should be employed for a greater number of hours in bleaching linen than in bleaching cotton. He had a few days before been down in the bleaching districts, and he had asked a girl whom he had seen performing a certain operation, how long she worked? Her reply was from 6 in the morning until 10 at night, with two hours for meals. She added that the work was not exactly hard, but, using an expressive phrase, she said it was jading, and indeed so it must be, for he should look upon it as very jading work to sit for so long a time, even in that House. He could not under those circumstances, understand why the right hon. Gentleman the Home Secretary gave his sanction to the Amendment.

Sir Hugh Cairns

The necessities of trades were talked of as a reason why it should be adopted, and he recollected that the right hon. Baronet the Member for Carlisle (Sir James Graham) at that time Secretary for the Home Department, yielding to the influence of such language, attempted to stop the passing of the Factory Act, which, however, was passed in spite of the doleful lamentations of the manufacturers, and which, instead of doing harm, had effected great good.

MR. BAXTER said, he was quite of the opinion that the experience of the working of the Factory Act demonstrated the soundness of the conclusions at which the hon. and learned Gentleman had arrived. He could not, however, at the same time, help thinking that the hon. and learned Gentleman had scarcely done justice to the argument of the hon. and learned Member for Belfast, who sought to draw a distinction between linen and cotton bleaching, inasmuch as the latter was conducted under cover, whereas the former was subjected to the open-air process. The linen bleaching occupied grounds extending from five to fifty acres, which were not in the slightest degree analagous to factories of any kind, the process being to all intents and purposes an agricultural occupation. The process was not dependent upon chemistry, but was dependent upon the winds and rain of heaven. That being so, some hon. Gentlemen appeared to be of opinion that the Amendment of the hon. Member for Bolton met the case, but if the scope of the Bill were limited to operations in the open air it would not provide for those emergencies which, owing to the severity of the weather, bleaching operations had to be conducted in a shed. Those operations, then, could be effectually carried on, under all circumstances, only by exempting the whole process of bleaching in the way which the hon. and learned Member for Belfast proposed. Indeed it could no more be regulated by Act of Parliament than the labour of farm servants.

LORD JOHN MANNERS said, he preferred the Amendment of his hon. and learned Friend the Member for Belfast to the proposal of the hon. Member for Bolton, because the former was clear and simple, and would not go one inch farther than was intended, whereas the latter was complicated, would be very difficult to work, and would lead to great evasions of the law. If the hon. Gentlemen who represented Ireland were a little hurt because Ireland was included in the

Bill, a better feeling might have been manifested by the Committee towards Ireland on the present occasion if the Irish Members who sat on the Select Committee on the subject had not opposed every proposal to legislate on behalf of the operatives in English bleach works.

SIR GEORGE LEWIS said, it seemed, according to the language of the Amendment, that the exception would only apply to works in which the operation was carried on exclusively in the open air; but where the works were partly carried on in the open air and partly under cover he presumed the Amendment would not apply. If that were not so, it was very difficult to understand the exact meaning of the Amendment.

SIR HUGH CAIRNS said, the "open-air process" of bleaching was a technical description well-known in the trade as distinguished from the chemical process. It commenced with bleaching on the bleach-green, and was continued by steeping, folding, pressing, &c., the whole process being called the open-air process of bleaching linen.

MR. ROEBUCK insisted that no answer had been given to his objection, which was, that although the Bill was directed against the employment of women and children over a certain number of hours, it was now proposed to exclude from its operation those employed in the open-air bleaching. It was no answer to say that the process was healthy.

SIR HUGH CAIRNS said, he did not expect to give a very satisfactory answer to his hon. and learned Friend, for he was afraid he had already made up his mind on the subject. This, however, was not a Bill declaring that women and children should not be employed over a certain number of hours. It said, "You shall work between 6 A.M. and 6 P.M., and not any other hours, longer or shorter." Those hours, however, were not at all times suitable to bleaching by the open-air process.

MR. WHALLEY said, he thought no answer was required to the objection of the hon. and learned Member for Sheffield. The labour in these bleaching grounds was not at all unhealthy, and if the processes were interfered with at the instigation of persons specially employed to make out a grievance, great injury would be done to the trade throughout the country. They might as well interfere with the agricultural labourer, who, it was well known, worked, as occasion required, all hours, day or night. It was perfectly idle to legislate in the spirit of this Bill for the labouring classes, who were able enough to protect themselves. If they did, they might as well bring in a general Act applicable to every class alike, including Members of Parliament.

LORD CLAUD HAMILTON said, he did not think the linen trade would be destroyed if the Amendment of his hon. and learned Friend were not adopted, but assuredly the interests of the working people would be seriously injured. The mode in which bleaching-works were at present conducted would be entirely changed, and it would become necessary to employ adult labour only. This would occasion serious loss to a numerous class of the industrious population of Ireland, the linen bleaching process being almost peculiar to that part of the country.

MR. CROOK explained, that the effect of rejecting the Amendment would be to declare it illegal to employ in these works women during all the night, or sixteen or seventeen hours a day, as was now the case; if the Amendment were adopted, it would give the sanction of law to the present practice.

MR. PACKE said, he felt bound to state that the feeling of the Committee was that the Bill should not be extended to the Irish bleachers.

MR. BUTT said, that having moved the appointment of the Committee he must say he was in favour of the Amendment of his hon. and learned Friend the Member for Belfast, there being a clear distinction between open-air bleaching and the chemical process; and no case had been made out for interference with bleach works carried on in the open air.

SIR GEORGE LEWIS said, he feared that even after the explanation of the hon. and learned Member for Belfast some slight misunderstanding might prevail, and it was important that the Committee should know distinctly on what they were about to divide. What he understood was this:—There was a certain class of bleaching operations, in which the process of bleaching, in the strict sense of the word—the conversion of brown linen into white—was exclusively carried on in the open air; but then there were some subsidiary operations necessary afterwards, which were carried on under cover. The Amendment only applied to the process carried on in the open air; was that so?

SIR HUGH CAIRNS said, he appre-

hended that what he should call the conversion of the colour was effected in the open air, but it included the subsidiary processes which were afterwards necessary.

MR. DALGLISH explained that in linen open-air bleaching the sun was used as the agent; whereas chloride of lime was used in the chemical process, the cloth not being exposed in the open air at all; but in either case the cloth must be finished in hot stoves, where it was placed generally by female labour; and it was to this latter part of the process that he thought their legislation should be directed. Any further interference would be most prejudicial to the workers themselves.

MR. CAYLEY said, he felt the difficulty which had been stated by the right hon. Baronet the Home Secretary. He had no desire to interfere with the open-air operations; but he now understood that in the subsidiary processes, in the hot stoves, women and children were employed twelve, fifteen, or eighteen hours a day. How would the Amendment affect these?

SIR HUGH CAIRNS said, he had been anxious that the Committee should not misunderstand him. He stated at the beginning that his Amendment was not confined to the actual process in the open air; that would be utterly nugatory and useless. It was confined to the process technically called open-air bleaching. That part of the process not carried on in the open air was, as Mr. Tremenheere informed them, conducted in well-ventilated and healthy places under cover. It had been conclusively proved by the evidence that there was nothing, either in that process under cover or in the length of the hours during which the workers were employed there, to justify the interference of the Legislature.

MR. BUTT explained that it was not necessary to remain for several hours before a hot stove to complete the subsidiary process, when the previous bleaching, as in the case of linens, took place in the open air.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 190; Noes 48: Majority 142.

MR. A. F. EGERTON said, that the labour carried on in bleaching works was not hard or unhealthy, and there could be no doubt that the operatives so employed in Lancashire were superior in physical and mental condition to the persons engaged in cotton factories. These circumstances ought to form an element in the consideration of the Legislature; and he believed it would be satisfactory both to the masters and men if the number of hours were fixed at a *maximum* of twelve per day. He would therefore move at page 2, clause 1, line 18, to leave out from "that" to the end of the clause, and insert the words of which he had given notice:—

Amendment proposed,

"In line 18, to leave out from the word 'that' to the end of the Clause, in order to add the words 'it shall be lawful to employ females and young persons in Bleaching and Dyeing Works as follows (that is to say); from six o'clock in the forenoon until eight of the clock in the afternoon on every working day except on Saturdays, and on Saturdays from six of the clock in the forenoon until half an hour after four of the clock in the afternoon: Provided, that there be allowed for meals half an hour at any time of the day between the hours of six and eleven of the clock in the forenoon, one hour between eleven of the clock in the forenoon and four of the clock in the afternoon, and (except on Saturdays) half an hour between the hours of four and eight of the clock in the afternoon."

MR. CROOK said, he felt bound to resist the Amendment, as diametrically opposed to the principles of the Factory Act, which limited the hours of labour to ten, and which the House had declared on the second reading should be extended to bleaching and dyeing works.

MR. W. EGERTON said, he should support the Amendment, believing it would not operate prejudicially to women and children. Twelve hours' labour in bleaching and dyeing works would not, practically, be more severe than ten hours' labour in a cotton mill.

LORD JOHN MANNERS said, he hoped the House would not accede to the Amendment. It had been advocated on the plea that the labour carried on in these works was light and healthy, an assertion wholly at variance with all the evidence collected on the subject, and one which the House had distinctly negatived when it assented by an overwhelming majority to the second reading of this Bill. It had been argued over and over again in their discussions on factory labour that the appearance of the operatives was healthy, and that the mill girls looked rosy; but although hon. Gentlemen who had visited those establishments might not have witnessed with their own eyes the physical suffering which unduly protracted employment inflicted on those who were exposed to it, the House did not hesitate to apply a remedy to an undoubted evil. The present Amendment

was palpably inconsistent with the title of the Bill, because the measure was intended to place the employment of women and young children in bleaching and dyeing works "under the regulations of the Factory Act." He therefore called upon the House to stand by its previous decisions.

MR. ROEBUCK said, they had decided, after full debate and by an enormous majority, that long hours were mischievous. Let hon. Gentlemen put themselves in the position of the women and young persons who went into bleaching works at six in the morning, and did not leave them, except for their food, till eight at night. It was all very well to talk of that being twelve hours' labour, it was not twelve hours but fourteen. He said at once, without any circumlocution, that rather than subject his countrywomen to that horrible atrocity, he would prefer to see bleaching works altogether disappear. The cry now raised about the injury which this legislation would inflict on this trade reminded him of the predictions that if they dared to pass the Factory Acts they would annihilate the manufacturers of England. Those Acts were, however, passed, and all the master manufacturers and all the operatives from whom he had made inquiries as to their operation assured him that their effect had been immensely to improve the physical, moral, and mental condition of the workpeople unaccompanied by any real detriment to their employers. In the pursuit of gain men were apt to forget all other considerations, and sooner than agree to the increase in the hours of labour proposed by this Amendment he would run all the risks threatened by these gloomy prophecies.

MR. J. B. SMITH said, it did not follow from the Amendment that the labour in bleaching works should last for twelve hours every day. It merely provided that in no case should that number of hours be exceeded. Bleaching was an uncertain kind of occupation, and the masters, not having continuous work for their men, were obliged to regulate the time of employment by the work they had to do. He did not think a *maximum* of twelve hours would be injurious to women or young persons.

MAJOR CORNWALL LEGH said, the Committee were not asked to reverse any previous decision of the House, but simply to apply the principle of the Factory Acts to bleaching works, with a due regard to the peculiar circumstances of the trade. By such a proceeding they could meet the views of all parties, and obviate the objections to which any extreme measure would be liable.

MR. BUTT said, it had been established incontestably that young persons had been employed in bleaching works during eighteen hours per day for many days consecutively; and it was therefore idle to suppose, if they were allowed to be worked for twelve hours at a time, that that would form a mere *maximum* which would be enforced only occasionally. On the contrary, it would be followed up week after week until in practice it became the rule instead of the exception.

MR. COBBETT said, the hon. Member for North Warwickshire had moved the adjournment of that House the previous night on the ground that it had been at work for thirteen hours. That Motion was acceded to, everybody feeling that that was a sufficiently long time to sit even upon their very comfortable cushions. How hard, then, must be the lot of the poor women and young children who had to stand or walk about in bleaching works for fourteen, sixteen, and even in some cases as much as twenty-two hours a day! The masters in Scotland were very desirous that the limitation imposed by that Bill should be established, as many as twenty-three of the largest employers in that country having, at the request of their workpeople, given their assent to a document in favour of restricting the duration of labour to sixty hours per week, which had been placed in his hands. He would not trouble the Committee with details, but there could be no doubt that many of those children were worked for eighteen or twenty hours a day. He contended that to pass the Amendment would be a violation of the principle which the House sanctioned on the second reading of the Bill, that ten and a half hours was sufficient work for those persons. He might also remind the House that when negro emancipation was being gradually carried through by Parliament, a system of apprenticeship was introduced, by which the labour of the negro was fixed at only fifty-four hours per week; and, moreover, the reports of our prison inspectors showed that the number of hours' work exacted from persons sentenced to what was called "hard" labour — although, in most instances, it was really very light—did not exceed nine per day. In fixing the number of hours which these young children and women were to be required to work, the House ought surely to remember the

consideration that was shown to the felon and the negro slave. If this Bill were his own, he would abandon it altogether sooner than agree to this Amendment, and would trust to his chance of passing it in its integrity in another Session.

SIR GEORGE LEWIS said, it had lately been argued that the admission of an inferior class of voters would end in the return to that House of Members who represented nothing but "passion and poverty." He must assume, then, that the Members elected by the £10 householders represented nothing that could be called "passion," and that all their debates were entirely dispassionate. The hon. Member for Youghal (Mr. Butt), however, had a little sinned against that universal characteristic of their discussions, because his speech was hardly pervaded by pure reason. The hon. Gentleman quoted the case of children employed for eighteen hours a day, and used it as an argument against the present Amendment. It was quite clear that a limitation to twelve hours a day would effectually protect these persons against having to work eighteen.

MR. BUTT explained that he had mentioned the fact of this work being now carried on for eighteen hours as some proof that, if the twelve hours' limit were adopted, it was likely to become something more than a *maximum* only occasionally enforced.

SIR GEORGE LEWIS: As a general rule, it was inconvenient to re-open in Committee a question that had been decided on the second reading. They had already affirmed the principle that the Factory Act should be applied to the bleaching trade. The time allowed for working under the Factory Act was ten hours, and therefore by reading this Bill a second time the House had affirmed the applicability of the ten hours' principle to bleaching works. He did not deny that it might be desirable to make the transition to the new state of things less rapid than it would be under this measure as it now stood; but he could not assent to an Amendment the effect of which would be to turn a ten hours' Bill into a twelve hours' one.

MR. FRANK CROSSLEY said, an objection raised to the Bill was, that dyeing and bleaching were only done to order, and that orders came in frequently at such a push as to compel the dyers and bleachers to make extra exertion. He maintained that that was the very reason why such a Bill should be passed, because the merchant frequently put off the purchase of goods until the very last moment, in order, perhaps, to get another month's credit, and then pushed the dyer and bleacher to get the goods done as quickly as possible, thereby forcing the workpeople to work unreasonable hours.

MR. TURNER said, he thought it very reasonable to limit the hours to twelve. The demands in the bleaching trade were so fluctuating that it would not be possible to keep the bleach works continually in operation for twelve hours a day. A twelve hours' Bill would not necessitate the working continuously for that length of time day after day, and he believed that for many months, or at least weeks, the average would not be more than six hours a day. In reply to the hon. Member for the West Riding (Mr. Frank Crossley), he might observe that the practice of which he complained could not be avoided, because export merchants could not purchase goods until they received orders from their correspondents abroad. He must complain that the right hon. Gentleman the President of the Board of Trade was not in his place, and had not expressed his opinion upon this measure. The dyeing trade had another complaint to make against that Department, because it had not protested against Mr. Wilson having, in his Indian Budget, imposed upon bleached calico a duty of 2*s.* 9*d.* per piece beyond that charged upon unbleached; while the process of bleaching only increased the value of the goods 3*d.* per piece. If such legislation as that was to go on, the capital of the bleachers would soon be endangered, whether they worked for ten or twelve hours a day. He wished that the ladies who took so much interest in this question would, instead of meddling with healthy, rosy young women in Lancashire, turn their attention to the condition of the miserable creatures who frequently worked from fifteen to twenty hours a day preparing their dresses for *fêtes* and balls.

MR. PACKE said, he could not understand how any one who had voted for the second reading of the Bill could support the Amendment. The object of the Bill, as expressed by its title, was to place the employment of women and children in bleaching and dyeing works under the Factory Act. The Amendment was entirely destructive of that object, and sought to negative the decision upon the second reading.

COLONEL WILSON PATTEN denied that those who voted for the second read-

ing of the Bill were guilty of any inconsistency in supporting this Amendment. The argument that this was a ten hours' Bill was never used upon the second reading. All that its supporters then asked was, that the House would affirm the principle of shortening the hours of labour in these establishments. The affirmation of that principle was all that was decided by the second reading, and with that principle the Amendment was in no way inconsistent.

MR. WHALLEY complained that the measure would entirely destroy the trade of the flannel manufacturers in Wales, who did not know that any such Bill was hanging over their heads, and who could not even read it.

LORD ASHLEY asserted, that the ten hours' principle was patent upon the face of the Bill; indeed, it was its whole soul and spirit. It was possible that the supporters of the Bill might consent to some Amendments, but to the ten hours' principle they must stick through thick and thin.

MR. EDWIN JAMES said, that allusion had been made to the unhappy sempstresses of London, but their condition was no argument against legislating on this subject. It was to be regretted that the unhappy sempstressess and shirt-makers lacked concentration in masses like the factory hands, because in that event they would soon get relief from the excessive toil and misery they had to suffer in obtaining a scanty subsistence. As they were situated, however, legislation with regard to them was impossible. The tendency of the remarks of hon. Members was, that children were merely things sent by Providence to be used up for the purpose of our manufactures, and all the objection the hon. Member for Peterborough (Mr. Whalley), who represented the Welsh flannel interest, could urge against the Bill, was that, in consequence of its not being in the Welsh language, the Welsh people would not be able to understand it. He (Mr. James) was at a loss to understand upon what principle hon. Members came to the opinion that these poor unhappy children were not to be educated and properly taken care of, but to be used up for the purposes of our manufactures. The hon. Member for Manchester (Mr. Turner), had referred to the "pushes" of business; but as the hon. Member for the West Riding (Mr. Crossley) had argued, it was those pushes which furnished the great reason for legislation. Take it on the mere ground of cruelty to animals; if a man cruelly drove a horse fifteen or sixteen miles in an hour, it was no answer to a charge of cruelty for him to say that he was pushed for time.

MR. BUCHANAN said, that in voting for the second reading of the Bill, he did not accept the ten hours' principle, but merely affirmed that some legislation was necessary. The subject was one which ought to be taken up and dealt with by the Board of Trade, and he therefore recommended the withdrawal of the Bill.

MR. A. F. EGERTON replied, from his own personal inquiries he was led to believe that a particular number of hours occupied in labour by sempstresses was not equivalent to the same number of hours occupied in bleaching and dyeing works. He felt it his duty to press the Amendment.

Question put, "That the words 'during the year one thousand eight hundred and sixty one,' stand part of the Clause."

The Committee *divided*:—Ayes 256; Noes 42: Majority 214.

COLONEL WILSON PATTEN said, he rose to move the addition of a provision exempting the process of Turkey-red dyeing from the operation of the Act. He regretted that he was obliged to propose such an Amendment, because in common justice he should have been saved the trouble by the promoters of the Bill. In a former Session a similar measure was referred to a Select Committee, and the Turkey-red dyers, being seriously affected by its provisions, stated the nature of their grievance and showed that their business would be entirely destroyed if the Bill were passed into law. But their evidence was not taken before the Committee for the simple reason that they were assured it was the intention of the Committee to exempt them from the operation of the Bill.

MR. CROOK stated, that he should not object to the exemption of Turkey-red dyers, but he thought the wording of the proviso might be improved, as in its present form it might give rise to evasions. Any manufacturer by setting up Turkey-red dyeworks might get rid of the Factory Act in his own case. However, he assented to the principle of the proviso, and the precise terms of it might be arranged at a future stage.

COLONEL WILSON PATTEN said, he did not think his proviso was liable to the objection stated, but after the assurance he had received from the hon. Member for Bolton, he would withdraw it in the meantime.

Proviso, by leave, *withdrawn.*

MR. BUCHANAN said, he wished to add a proviso in favour of the fancy dyers. Many of the processes of fancy dyeing depended upon the chemical agencies, which must be carried on continuously or not at all. To expose such a branch of trade —in which, moreover, our manufacturers were successfully opposed by those of France—to the limitations of the Factory Act would be, in fact, to destroy it altogether. As the promoters of the Bill had already agreed to exempt Turkey-red dyers, he did not see how they could refuse to make a like exemption in favour of fancy dyers.

MR. ROEBUCK said, the Committee could not accept the proviso unless they were prepared, which he did not believe they were, to strike out of the Bill everything relating to dyeing works.

LORD JOHN MANNERS submitted that the proviso was inconsistent with the title of the Bill, which included dyeing as well as bleaching works.

MR. BUCHANAN remarked, that the title of the Bill might be altered.

THE CHAIRMAN said, if, after the Bill had been gone through, dyeing works were found to be excluded from the operation of the Bill, the House could then decide upon an Amendment in its title.

MR. TURNER said, he would remind the Committee that last week they came to the conclusion that it was not wise to limit the hours of labour of children working in mines under ground; and yet it now appeared to be the opinion of the Committee that young persons ought not to be employed in a light and healthy occupation above ground beyond a limited period each day.

MR. ROEBUCK said, he wished to know what the Government intended to do.

SIR GEORGE LEWIS said, he had not the knowledge requisite for forming an authoritative opinion upon the subject; but as far as he was informed, he was not disposed to agree to the Amendment.

MR. BUCHANAN said, that seeing the feeling of the Committee was against his proviso he would withdraw it, reserving to himself the right to bring it forward upon the Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 2 (Females and young persons may be employed until half-past four of the clock on Saturday, and eight of the clock on other days, but not so as to exceed in any period of six months, and part of another month the total number of hours allowed by this Act and the Factory Acts).

MR. J. B. SMITH said, he would propose that the clause should be expunged, and that another should be substituted, enabling bleachers to work sixty hours per week, instead of ten per day, thus that the operatives might work sixty hours a week; that was allowing them to divide that time unequally each day if it were deemed more convenient.

MR. ROEBUCK said, he hoped the Committee would not accede to the proposition of the hon. Gentleman. It would enable manufacturers to call upon the persons in their employment to work twenty hours in one day, and not to work at all on another. That was the very thing the promoters of the Bill wanted to prevent.

MR. CROOK stated that the object of the clause was to leave the hours of beginning and ceasing work at the option of the manufacturer, provided the time defined by the Factory Act were not exceeded in any one day.

MR. TURNER said, he could not see what objection there could be to require the labourers to work twelve hours each day, and to allow them a holiday on the Saturday.

LORD JOHN MANNERS said, he thought it was better to accept the clause as it stood.

Amendment *withdrawn.*

Clause *agreed to.*

Clauses 3 to 5 *agreed to.*

Clause 6 (Females and young persons who have not been previously employed in any Bleaching or Dyeing works, or who shall not have been employed at the same works during the three last months, may be employed in the same manner as the Females and young persons there already employed in the same works).

MR. TURNER said, that the clause was incomprehensible, and he wished the meaning to be explained.

MR. CROOK stated that the object of the clause was to enable bleachers to employ women and young persons (being fresh hands) at the same time when other women and young persons were at work. Without this clause, if a bleacher happened to be working twelve hours under a previous provision of the Bill, the new hands would not be able to work more than ten hours and a half.

MR. BUCHANAN thought that the object ought to be more clearly expressed, and said he should vote for the omission of the clause.

LORD JOHN MANNERS observed that the clause was intelligible, but that it wanted punctuation.

Clause *agreed to*, as was Clause 7.

MR. A. F. EGERTON proposed a clause exempting the process of royal blue dyeing from the operation of the Act.

MR. CROOK objected to the proposed clause on the ground that it was not warranted by any evidence given either before the Committee or the Commission.

MR. TURNER said, he thought that such a clause would be a most unreasonable interference with free labour.

Question put, "That the clause be now read a second time."

The Committee *divided:*—Ayes 55; Noes 109: Majority 54.

The House resumed.

Committee report Progress; to sit again *To-morrow.*

House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 28, 1860.

MINUTES.] *Took the Oath.*—The Earl Strange.
PUBLIC BILLS.—1ª Law of Evidence further Amendment; New Zealand.
3ª Adulteration of Food or Drink.

HARBOURS OF REFUGE.

QUESTION.

THE MARQUESS OF CLANRICARDE rose, pursuant to notice, for the appointment of a Select Committee, to inquire how far it may be practicable to afford better shelter for Shipping upon our Coasts than is at present afforded by the adoption of some plan for the Construction of Breakwaters and Harbours less costly and better adapted for certain localities than the system of solid masonry hitherto in use; and whether any such plan appears likely to be also serviceable for the improvement of our National Defence. The noble Marquess said he addressed their Lordships on this subject some two months ago; but since that time two events had taken place which must have brought the necessities of the case very strongly home to their Lordships' minds. He alluded to the late fearful gale, which had destroyed so much property and so many precious lives, and to a recent vote of the House of Commons, come to, he thought, in haste, and with something of rashness; a vote desiring the execution of the works recommended by the Commission on Harbours of Refuge. The loss of life to which he alluded was most fearful, more especially on those parts of the coast where no attempt had been made to provide any shelter whatever—namely, on the east coast, particularly off Norfolk and Suffolk. It was so fearful that 194 fishermen belonging to one town—Yarmouth—perished, leaving upwards of eighty widows and 200 children totally unprovided for. It behoved the Government and Parliament to consider seriously and well whether those calamities could not be greatly mitigated. In his conscience he believed that they might be. It was his conviction, after a careful consideration of the subject, that if the matter were taken in hand earnestly and energetically by the State and the Legislature, such shelter might be provided as would insure the preservation of hundreds of lives and millions of property. It was stated in the Board of Trade returns that the average loss of life by wrecks on our coasts was 800, and the loss of property, £1,500,000. But, unfortunately, the loss of life had been going on increasing in ratio,—and when he talked of those returns their Lordships knew that they did not give the whole loss incurred, but only the losses which had been ascertained. Many wrecks occurred which did not find their way into the official Returns. It appeared from a paper which was not official, but which he believed to be perfectly faithful—one issued by the Shipwrecked Mariners' and Fishermen's Royal Benevolent Society—that in 1858 they relieved 8,205 persons, and in 1859 no less than 10,354. Putting aside for a moment the question of humanity, he did not hesitate to say that this nation could not afford to throw away recklessly the lives of our seamen, who formed so important an element in the national defences. About 18,000 seamen had left this country and disappeared without our having received any account of them. This had no direct bearing on the question now before their Lordships, only so far as it showed that we could not afford to lose any of our mariners. If our coasts had shelter for an humble

class of vessels as well as for the large ones we should have a great increase in the number of our seamen and a great increase in our coasting trade. He knew it was argued that a great many of the wrecks were such as harbours of refuge would not prevent, and that a great proportion arose not so much from the want of shelter as from the unseaworthiness of the vessels and the unskilfulness of the captains and crews. He believed there was not as much truth in that allegation as was generally supposed. It was supported by quotations from the statistics of large shipping firms, especially those of one great firm in the north of this country, which it was said had for a long period lost hardly a ship, because its system was to send to sea none but good and well-found ships, with able commanders and efficient crews. No doubt there was a great number of lives lost at sea in consequence of a neglect of those precautions; but he must observe that the particular firm alluded to, and other such firms, were not engaged in the coasting, but in the foreign and colonial trade. Their ships, the moment they came out of harbour, avoided our coasts and got as far from them as possible, and on their return they did not dwell an instant on those coasts before entering harbour. It was the coasting trade that suffered so severely from the want of harbour accommodation. He objected to the recommendation of the Commissioners on Harbours of Refuge on two grounds. First, they recommended nothing but works of the greatest magnitude, and next, the works which they recommended were in direct violation of the most approved principle of constructing harbours. He had great respect for the Commissioners personally, but he was astonished at the audacity which enabled them to say that works of stone-masonry were the best, and, in fact, the only ones the State should assist. They recommended that class of harbours for their durability. Now if there was one quality in which, above all others, they were deficient, it was that of durability. The Commissioners said that such harbours were calculated to last for centuries or for ages, he forgot which term was used. Could they show him any harbour built on that principle which had lasted for centuries? He must say that the vote of the House of Commons the other evening, directing the Government to proceed with the execution of a certain plan of the Commissioners of Harbours of Refuge, was one of the most rash and ill-considered votes that had ever been come to by a deliberative assembly. Even the Commissioners themselves did not confidently recommend those works, which were estimated to cost between £2,000,000 and £3,000,000 of the public money, to be immediately undertaken. The Commissioners said that those works might be extended over a period of ten years at a cost to be defrayed by the country of £200,000 or £300,000 a year. Now, he contended, if the works they recommended were at all sound in principle, that they should be carried out without one day's unnecessary delay, at whatever cost, in order to afford protection as speedily as possible to the lives and property of our seamen. If they were fit to be executed at all it was an inhuman and indefensible economy to sacrifice by delay the lives that might be saved by promptness. If it were right to execute these works, not a day should be lost in undertaking and carrying them to completion. But the evidence of the best authorities was all the other way. Captain Cunningham said he was clearly of opinion that where a tidal river or the mouth of a bay existed on the coast to which the question applied "No refuge can be supplied by a space contained within piers projecting from the shore, because by that means you entail the loss of your harbour." Sir John Burgoyne's evidence corroborated this view. Yet these were the works which the Commissioners recommended to be executed in disregard of the plans of the modern authorities in science. One of the witnesses declared that Dovor Harbour presented a most miserable case of failure and waste of public money. It was stated at a recent meeting of the Institution of Civil Engineers that about £400,000 had been spent at Dovor, and that it was now often impracticable to effect the landing of the passengers at low water even from the small steamers that ran between that port and Calais. It was also calculated that if the harbour were made according to the plan proposed, it would cost £20,000 a year to keep it up. The Plymouth breakwater, which was another work of solid masonry, cost, he believed, £10,000 a year to keep it in repair. The Commissioners had flown in the face of all experience when they recommended works of solid masonry, which were constructed at an enormous expense, and were not, after all, durable. If there was a harbour on the coast that was expected to be useful, it was the great har-

bour at Holyhead. But this harbour did not answer as it ought to do, for only a month ago, when he was there, the packets were in the greatest danger, and one of the witnesses declared that it was silting up and gradually decreasing in depth. A letter from a scientific gentleman given in the blue-book said no one should be employed to construct these works who was not thoroughly acquainted with the natural laws of the movements of the waves; that the engineers usually employed might or might not have the nautical knowledge that was required, but the practical result was that the value of any nautical opinion given was determined by the engineer. If the Government sanctioned the large expenditure proposed in the blue-book, they would only be expending a great deal of money on schemes that it was perfectly notorious had failed in other instances. Before they consented to the expenditure of such large sums he thought they ought to appoint a Committee, with the view of obtaining evidence on the point whether or not it was practicable to carry out some scheme that would effect all they desired at a moderate cost. If, instead of spending the £800,000 which the Committee recommended in the first instance, they were to spend £100,000 or £200,000 in trying experiments, the result of which might guide them in their permanent constructions. But he did not hesitate to say that if the Government concurred in the propriety of spending the money as proposed by the Commissioners instead of spreading it over a number of years at the rate of £250,000 a year, they ought to spend the whole sum at once, and not lose a day in taking steps to save life and property on our coasts. A great responsibility rested on the Government and on both Houses of Parliament if they did not look closely into this matter, and if they were not able conscientiously to say that they had done all in their power, and that without delay, to remedy the evils so loudly complained of. The noble Marquess concluded by proposing the appointment of a Select Committee.

THE DUKE OF SOMERSET said, no one could regard the loss of life and property by shipwreck, that took place on our coasts, without the deepest regret; and he was sure that no amount of money, however large, would be refused by Parliament, if it were thought that its expenditure would have the effect of better securing the lives and property of our seamen. But it was not merely by looking at the question of harbours of refuge or breakwaters, that knowledge could be obtained upon the subject. The matter had been gravely considered by many former Committees, and especially by the Committee on Shipwrecks; and the result arrived at was, that it was not merely a question of harbours of refuge, but was intimately connected with the subject of insurance. So long as the owners of vessels could recover from insurance companies the amount for which they had insured them, they were careless of what became of them. A great number of schemes for harbours of refuge, as their Lordships were aware, had been proposed, some of them most extensive and costly; but they differed so entirely from each other, that the more one looked into the evidence given in respect of them, the more perplexing the whole subject became. The most distinguished engineers were found to differ in opinion from each other upon every scheme proposed. By the terms of the noble Marquess's Motion, he appeared to object to every harbour and breakwater constructed of solid masonry. And in his speech he seemed to object to every breakwater that was connected in the form of a pier with the shore. He (the Duke of Somerset), however, was not aware, from the information they had obtained on the subject, that they could adopt any better system. The breakwater at Plymouth was detached from the shore, and therefore he thought the noble Marquess would have approved it; but, on the contrary, he pointed it out as an annual source of great expenditure.

THE MARQUESS OF CLANRICARDE said, he had referred to Plymouth breakwater to show that even the most useful work of the kind they possessed was attended with great expense.

THE DUKE OF SOMERSET said, at all events, there was great difference of opinion as to the kind of works that ought to be constructed. Any variety of opinions could be got from engineers on this question. Nothing was easier than to get a number of engineers to speak on one side, and an equal number on the other; and nothing could be more unfortunate than the scientific evidence given before Committees on the subject. The noble Marquess wished to know whether any plan less costly, and better adapted for certain localities than the system of solid masonry hitherto in use, could not be carried out. In putting this question, he pointed to the

system of floating breakwaters, of which so much had been heard. The Commission which recently inquired into the subject of harbours of refuge, had looked into this question; and they stated in their Report that, having taken evidence on the matter, they considered there were serious drawbacks to the construction of floating breakwaters. Indeed, so far as their Report went, it was adverse to these floating breakwaters. A floating breakwater had been tried at Dovor, which came adrift in a storm. Another had been constructed by Admiral Taylor at Brighton; but that came ashore in a gale of wind. Those experiments justified the opinion of the Commissioners as to what might happen if breakwaters were not solidly built. There would be great risk in establishing breakwaters, which would increase the dangers of the sea; because the perils of the ocean would be increased if a ship was steered in a storm to a particular point, in the hopes of finding shelter; but, upon reaching that point, it was found that the breakwater had been driven ashore. It might happen, also, that when ships had actually taken refuge behind a floating breakwater, it might come adrift, and breakwater and ships be driven ashore together. Not being a professional man himself, he should like to have seen some experiments made of these floating breakwaters; but he thought no Board of Admiralty would take the responsibility of trying them. When in February last a company applied to the Admiralty, and proposed to lay down a floating breakwater at Hastings, he had to see how far the Admiralty—who were to some extent the guardians of the shores of the country—how far, if it failed, they would be responsible; and having legal advice that by proper care they would not be responsible, he answered that the Admiralty would not offer any opposition to the construction of a breakwater; but that it was to be distinctly understood that the promoters were not in any way the agents of the Admiralty; and that neither the Crown nor the Admiralty were to be responsible for any loss or damage that might arise to shipping or otherwise, from its construction or its failure. He had sent this answer to the company. He did not know whether they were satisfied or not; but he had not heard any more as to whether they were willing to take upon themselves the responsibility of placing the breakwater; but no Board of Admiralty, with naval men and others conversant with the subject, would be willing, and he believed their Lordships would be most unwilling, to establish any breakwater on any such principle. The example of light vessels was not without importance in reference to this subject. The light vessels along our shores were moored and fastened in the strongest way in which the Trinity House could secure them, and they had many advantages that a breakwater could not possess; but in 1841 all the three light vessels in the North Sea parted anchors, and drifted away in a storm. And in view of this, was it not likely that the same thing would happen with a breakwater, and that it would also give way at the very time it was expected to give shelter? Doubtless breakwaters of solid masonry were most expensive; but if they undertook the work at all, he thought it must be undertaken in that manner. He was aware that the breakwaters and harbours already constructed had not succeeded in many respects; and one reason was, that not only engineers differed, but that successive Governments differed on the subject. Last year he went to Alderney, accompanied by a military engineer and a naval one, and he called for all the plans with regard to the alteration of the harbour. There were fourteen plans that had been brought under the consideration of different Governments for the purpose. One Government thought they went a little too far, and another thought they ought to go in another direction, and under that system no doubt they had spent a great deal of money, and without getting a very satisfactory harbour; and they were now told in "another place" that the best thing they could do was to abandon the place altogether. He did not agree in that. It was not quite on the scale that he could wish, yet it should be remembered that the harbour was constructed at a time when vessels were not so large as they were at present, and he believed that for purposes of defence the harbour would be found very useful. The harbour of Holyhead had not been carried out on the scale originally proposed, and which would have rendered it a better harbour, but necessarily more costly. The noble Marquess had referred to Dovor Harbour. It was of solid masonry, and proceeded from the shore. [The Marquess of CLANRICARDE: No.] Well, then, it was solid work. It was not masonry below the water. He believed that it was as well constructed as could be, and they had every facility that they had

The Duke of Somerset

not in other places. The materials were close at hand, and other questions must be considered when making a harbour like that. Undoubtedly Dover Harbour was not at present successful, but he understood that when the pier was carried out a little further, it would be found useful; so that it would be unwise to abandon it, and not continue it for a short distance. This was our position with reference to harbours. With regard to commencing any of the other twelve great Harbours of Refuge recommended by the Commissioners, he confessed he thought the Government ought to pause, and consider exactly where the harbours should most properly be placed;—because the responsibility rested with the Government, and there were so many questions involved in the consideration of the question, that he should be very sorry to pledge himself to any one of the harbours brought before them. The noble Marquess wished for a Committee of Inquiry on the subject; but if his Committee was to be in the words of the Motion, "to inquire how far it may be practicable to afford better shelter for shipping on our coasts than is at present afforded, by the adoption of some plan for the construction of breakwaters and harbours better adapted than the system of solid masonry," he confessed he did not see much use in it, or the use of entering on another inquiry on the subject of floating breakwaters. He believed that, even with the authority of the noble Lords that had been on that Committee, no Board of Admiralty would ever venture to construct such a floating breakwater. He did not think that such a Committee would be of any use. The subject would be much better left to the responsibility of the Government, who would, when they had matured their plans, state to the House on their responsibility what harbours they thought should be constructed.

THE EARL OF HARDWICKE said, that if the noble Duke had intimated that he intended to carry out the views of the Commissioners, or had he intimated that it was his intention to cause any public money to be laid out without grave considerations as to the way in which it would be expended, he should have found it necessary to enter into the question of harbours of refuge. But the proposition of the noble Marquess was entirely of a different description; all he proposed being that a Committee should be appointed to ascertain whether floating breakwters could be constructed of such a character as to afford shelter at a moderate cost. He proposed that an experiment should be tried, but that, beforehand, there should be an examination by a Committee. For his own part he was much inclined to believe that what the noble Duke had stated was true as to the risks that characterized floating breakwaters. The noble Duke had referred to two unsuccessful experiments; but notwithstanding he (the Earl of Hardwicke) thought they might try the experiment of floating breakwaters on a small scale; that would not entail a great loss if they failed. He was strongly of opinion that they could secure a breakwater in such a manner that it would not fail; that it might be formed so as to oppose the smallest resistance to the sea; and that it might be secured by anchors and cables so as to be rendered perfectly safe. They all knew that there were certain parts of the coast, such as Yarmouth and Hastings, frequented by fishing boats, where the boats were built for beaching, and that when heavy weather came on they ran for the shore and beached themselves. But beaching was only practicable under certain circumstances, and if these circumstances did not present themselves the boats were destroyed. The experiment he should like to see tried would be floating breakwaters, covering a certain portion of beach, not for vessels to anchor behind, but simply to secure beaching for these boats. If they could apply the test in that experimental manner, and without the expenditure of a large sum of money, they would prove satisfactorily the value of floating breakwaters, and render great service to the fishermen. That was the only experiment he was disposed to try. In this way they would be able to lay before Parliament the best mode and form of construction to be adopted. The question was now so much advocated, and with so much warmth, that it was painful for the House to be in the position of being thought to be opposed to harbours of refuge, and of being content to see thousands of lives and millions of property sacrificed; but ill-found as vessels now too often were, he feared that if harbours of refuge were studied all along the coast, vessels would be sent to sea in a still worse state, and that the owners would take advantage of these harbours to relieve themselves from sufficient outlay. The harbours, moreover, proposed by the Commissioners would of themselves most probably become utterly useless in a short time, because the laws of nature always came in, and the tidal flow of the rivers in-

terfered—in some cases extending the bar, and in others converting them into a mud trap. The question of a harbour of refuge was one more for a naturalist than for engineers, to whom it was too frequently an object to get a great job of masonry, and a commission of 5 or 10 per cent on the outlay. Under these circumstances it became hardly possible for the Government to undertake the question of harbours of refuge on the great scale proposed; but he did think it would be perfectly easy to construct a breakwater of timber which should settle the question with regard to the safety, durability, and expense of a breakwater of that description. As to the loss of life which occurred the other day off Yarmouth, no harbour of refuge could have prevented that. If those smacks had run for the beach early in the gale none would have been lost, but they foundered at sea owing to the tenacity with which they stuck to their nets.

THE EARL OF BANDON thought that if the Report of the Commission on Tidal Harbours, which was laid before Parliament some years ago, were completed, it would be very advantageous, and would give valuable information. He believed that at a very trifling expense a most valuable harbour might be completed on the south-west coast of Cork in the Long Island Channel. At present it was only a blind harbour, and he believed it was the intention, with the sanction of the Board of Trade, to carry out the improvement. As mention had been made of breakwaters in connection with the national defences, he wished to know whether it was the intention of the Government to provide defences on the south coast of Ireland to the west of Cork. Bantry Bay was without a single gun for the protection of the district.

THE DUKE OF SOMERSET thought that no further defences were required for Bantry Bay or Cork Harbour than the vessels which would be stationed there. Blockships and others would furnish as good a protection as could be supplied.

THE EARL OF DERBY said there was a very important point, though unconnected with the subject immediately before the House. He wished to know how soon any proposition would be made, or any explanations given as to the intentions of the Government respecting the defences of the country. There had now been lying before Parliament for a considerable time a Report which involved an enormous expenditure, and upon which it was very important that the intentions of her Majesty's Government should be known, so that there might be ample time for the discussion of any proposition submitted by them. The Session was now advancing so rapidly to its close that he should probably be pardoned for taking this opportunity of asking how soon they might expect a statement on this subject, and how far the Government intended to carry out the recommendations of the Commissioners on the National Defences.

EARL GRANVILLE replied that the proposal, whatever it was, would be made in the other House. He was not now prepared to give any other answer to his noble Friend's question.

LORD BROUGHAM considered the question of the defences of the country to be of the most vital importance. Every one must have been impressed with the proud scene that presented itself on Saturday, and every one must have been struck with the facility with which a great military force of Volunteers—and in saying so he made no distinction between Volunteers and troops of all services—were moved from one part of the country to another, and it was manifest that this facility would form an important element in our national defence. The Volunteer review in Hyde Park was, indeed, a proud scene, and he had to suggest that it should be repeated in other parts of the country, and that there should be an assemblage of the Volunteers in Yorkshire, in Lincolnshire, in Devonshire, and in the eastern and south-eastern parts of the island. Were that done he believed that the feeling that would be produced would be one of the happiest in its effects on the Volunteer system of this country, and that it would also have the happiest effect upon other countries.

THE EARL OF CAITHNESS said, that the harbour at Wick was one of the most useful in existence, and had stood for a long time, and not a stone had been removed during the late stormy season; and although he was not an advocate for experiments in general, seeing that they were costly, he believed that if an experiment could be carried out on a small scale in building piers or harbours without the introduction of lime or cement, especially at low water, it would be a great benefit. He had himself built a small pier in this way, that for two years had stood a succession of gales. No doubt in making harbours, engineers had the elements to contend with, and had to fight against the

water, but they forgot the force the water had in coming up; and that every time it did so, it laid stress on the masonry, which was sooner or later disturbed. But as regarded the harbour of Wick, additional works for the protection of the harbours were much required. Next month, when the fishing season began, 1,000 boats would leave every night with at least 5,000 men, and should there come on a gale of wind from the east or south-east, they were left entirely to the mercy of the sea. He had seen a change of wind in a few minutes which made it impossible for them to enter the harbour.

THE MARQUESS OF CLANRICARDE very much approved the suggestion of the noble Earl (the Earl of Hardwicke) as to trying the experiment of floating breakwaters for the purpose of protecting the beaching of boats; but he thought the plan would be useful not only for the protection of beaching but also for affording facilities for launching life-boats. The noble Duke had refused to grant a Committee to inquire into the matter, and he (the Marquess of Clanricarde) did not envy the noble Duke and his colleagues the burden of responsibility which they had taken upon themselves, in refusing to accede to the Motion or to carry out the proposals of the Committee which had sat on harbours of refuge, though four out of every five men who knew anything about the matter were of opinion that at a small cost immense protection might be afforded to seamen and to trade. He believed, however, that they would ultimately be forced to take some steps.

EARL GRANVILLE said, the Government had not refused to accede to the Motion of the noble Marquess. For himself he had not the necessary knowledge to enable him to form an opinion upon the matter, and indeed he was so destitute of scientific knowledge that he should have doubted, if his noble Friend had not so stated, that the strength of holding of the proposed breakwaters could be tried any day. He should have thought that it could only be tried during very rough weather. If, however, his noble Friend (the Marquess of Clanricarde) had ascertained that those Peers who felt an interest in this matter, and were competent to deal with it, were willing to sit upon a Select Committee upon it he should have no objection to granting such a Committee if the noble Marquess would renew his Motion on Friday, He must say, however, that three inquiries were now going on in the other Houses which it was necessary that officers of the Admiralty should attend for the purpose of giving evidence; and a fourth inquiry also necessitating their presence would bear hardly upon them.

THE MARQUESS OF CLANRICARDE said, he would withdraw the Motion with the purpose of renewing it to-morrow.

Motion, by leave of the House, *withdrawn.*

CHINA.—CONDUCT OF THE COLONIAL OFFICE.

PETITION FOR INQUIRY.

EARL GREY *presented* a Petition of George Crawshaw, Robert Bainbridge, and George Hobart, for inquiry into the conduct of the Colonial Office with respect to Pirates in China. The petitioners complained that a number of European sailors had committed a piratical attack upon a Chinese village, and one of them, when indicted for misdemeanour, pleaded "guilty," but in extenuation of his conduct he stated that before he had committed the act he had made the intention known to an officer of the local Government, who offered no opposition whatever. Upon this the Court having received the plea of "guilty," inflicted no punishment upon the prisoner. The petition stated that a charge of a most grave kind had been brought against another member of the local Government, and in an action which was consequently instituted by him the jury found a verdict for the defendant, on the ground that the charge was true. He knew nothing whatever of the transactions adverted to by the Petitioners beyond what had appeared in the newspapers; but he submitted that the state of affairs at Hong Kong, and the conduct of persons connected with that colony required very serious attention.

THE DUKE OF NEWCASTLE said, his noble Friend had allowed him to see the Petition ten days ago, and at that time the Government had no information with respect to the proceedings referred to. He was not aware that his noble Friend was about to present the petition that evening, or he would have ascertained whether there was any information upon the matter in the despatches which had just arrived from Hong Kong. With reference to the other part of the charge of the petition, he could assure the House that there had been no such neglect on the part of the Colonial Office, as the petitioners supposed. The

petition was from a number of persons who had constituted themselves into "a Committee of Foreign Affairs," and who met at Newcastle and at Sheffield. From the constant correspondence which they kept up with him—he must say not in the most civil terms—they seemed to think it was wrong if everything was not communicated to them which took place in reference to the Government of our Colonies. As a Minister of the Crown he did not feel disposed to lay information before the Foreign Affairs Committee as to all the despatches he received from or the instructions he gave to Colonial Governors. The public, however, were not without information upon this particular subject, for an enormous blue-book had recently been printed by the Colonial Office, much of which he must say reflected but little credit upon many parts of the service at Hong Kong. On his appointment to the Colonial Office he found that his predecessor had just before appointed a new Governor for Hong Kong in consequence of the anticipated return of Sir John Bowring. He (the Duke of Newcastle) saw the new Governor, Sir Hercules Robinson, and directed him to make inquiries into the charges which had been made by Mr. Chisholm Anstey and others, cautioning him however against stirring up again all that mass of mud which appeared to have accumulated over the society of Hong Kong; and he had subsequently addressed a despatch to the Governor in reference to the affair. He believed that the inquiry was being prosecuted, but no result had been at present arrived at. He was bound to add, though with the greatest possible regret, that in no part of Her Majesty's dominions was libel so rife and flagrant as at Hong Kong. For men to libel one another in the most reckless manner seemed to have become the normal state of society in that island. There had been prosecutions for libel, some of which were successful, and some not successful; but he mentioned this to caution their Lordships against placing the same amount of credit in statements in Hong Kong newspapers, unless authenticated by other circumstances, as, he was happy to say, they were accustomed to place in statements published in English newspapers. The inquiries into these charges had not been neglected, and he hoped that those who were interested in the well-being and respectability of the society of Hong Kong would further any efforts which he might make to redeem the colony from the evil reputation which in consequence of these transactions attached to it.

THE EARL OF HARDWICKE wished to say a few words in reference to the Foreign Affairs Committee, who he believed could hardly think it was the duty of a public office to furnish all their correspondence; but if they did so think they deserved to be mistaken. It was indeed impossible for the Government to answer communications of such a kind as that which had been referred to. He was, however, rather inclined to applaud these associations. The members of this Committee had instructed themselves to the best of their ability in foreign affairs, and they had acquired a surprizing amount of knowledge, though they had fallen no doubt into some mistakes. They took a great deal of pains to read all Parliamentary papers; they debated questions in a debating society; and, upon the whole, a deal of information was obtained by—he believed—a body of artisans. He had had a deputation from them before him, and he found them extremely well-informed men; and, he must say, that he on his part liked to forward the objects of any body of men who took an interest in the affairs of the empire. He, however, hoped that they would not think themselves treated disrespectfully if the Government did not find time to answer their correspondence.

Petition to lie on the table.

LAW OF EVIDENCE FURTHER AMENDMENT BILL.

BILL PRESENTED. READ 1ª.

LORD BROUGHAM said, he rose to present a Bill to their Lordships for the further amendment of the Law of Evidence in Criminal Cases, and to request them to read it a first time. Last year, and the year before also, he presented a Bill to their Lordships in reference to evidence in criminal cases, which, however, he was unable to carry in consequence of the serious objections made to it by his noble Friends the Lord Chancellor, Lord Cranworth, and Lord Chelmsford; but he yielded rather to their reluctance than to their reasons. The object of that Bill was to enable defendants in criminal cases to enjoy the same benefit which defendants in civil cases now enjoyed, of being examined, only with this difference—that in criminal cases the examination was to be voluntary, and not compulsory; any defendant might volunteer to be examined on oath, but on so

doing he subjected himself to cross-examination and to a prosecution for perjury if he made a false statement. The Bill of last year applied to all kinds of criminal cases, and this circumstance gave rise to serious objections by his noble and learned Friends. He retained his own opinion; but, in the hope that he should free himself from those objections, he proposed by this Bill to confine the right of defendants to be examined as witnesses in their own behalf to cases of misdemeanour, in which the prosecutor was himself examined. It was said with regard to the former Bill, that a person charged with felony would be likely to take the chance of escaping by perjury, for which the punishment was much lighter; but that argument did not apply to this Bill, as there was scarcely any misdemeanour in which the punishment was materially graver than the punishment for perjury. He would not enter further into explanations, as the whole matter would be discussed on the second reading, beyond reminding their Lordships of a remarkable case, in which a gentleman was recently convicted when his mouth was closed, and upon whose evidence, subsequently, the principal witness against him, was convicted of perjury. The gentleman who was convicted had been pardoned, and the Royal clemency had been extended to the very young person who was convicted on the second trial. This remarkable case showed the necessity for such an alteration of the law as he recommended.

THE LORD CHANCELLOR said, he would certainly have met the re-introduction of the former Bill of his noble and learned Friend with the most strenuous opposition, as its effect would have been entirely to alter the administration of justice in this country. The modified proposal which was now made deserved great consideration, but would require to be carefully limited. The measure could not be extended to all misdemeanours, because in some cases the distinction between misdemeanour and felony was purely technical. He was inclined to think, however, that, as an exception to the general rule, permission to give evidence might be extended to the defendant in such cases as assault and libel, where the prosecutor appeared as one of the leading witnesses against him.

LORD BROUGHAM said, that the way in which French criminal jurisprudence was conducted was sufficient to raise the strongest objection to the cross-examination of accused parties. That system was chiefly objectionable from being conducted by the Judge. Anything more preposterous, cruel, or inhuman, could not be conceived. But it was not surprising that it should prevail in a country where the connection of a despot and a mob was considered the perfection of government, and what was more, of free government. It would be impossible for such a principle ever to be admitted here, unless this country should come to the conclusion that the power of a single individual and a mob was the most eligible form of government.

Bill read 1ª.

House adjourned at a Quarter past Seven o'Clock, till To-morrow, Half-past Ten o'Clock.

HOUSE OF COMMONS,

Thursday, June 28, 1860.

MINUTES.] NEW MEMBER SWORN.—For Belfast, Samuel Gibson Getty, esquire.

PUBLIC BILLS.—1° Sale of Gas Act Amendment (No. 3).

2° Local Taxation Returns.

3° Universities and College Estates; Isle of Man Harbours.

EUROPEAN FORCES (INDIA) BILL.

SECOND READING.

Order for Second Reading read; Motion made, and Question proposed, "That the Bill be now read a second time."

MR. ARTHUR MILLS said, that in venturing to offer any impediment to the further progress of this measure, he must ask the favourable construction of hon. Gentlemen who might differ from him in opinion as to the motives by which he was actuated in offering that impediment. The circumstances, however, of the discussion on the first reading of the measure were sufficient to negative the suspicion that opposition to its further progress proceeded from party motives. He was only speaking the sentiments of all the Members of that House when he declared that any one who would make the difficult and complicated problem of Indian politics the subject of party discussions would be altogether unworthy of confidence. The imputation which had been levelled against those who ventured to differ from the right hon.

Gentleman the Secretary of State for India, that they were actuated by antiquated Indian prejudices, did not affect him, (Mr. Mills) for he had zealously supported both the propositions made in 1858 for the transfer of the Governme of India from the Company to the Crown. The opposition which he offered to this Bill rested simply upon public grounds. It might be urged that on a purely military question it was somewhat incongruous for a civilian to intrude an opinion on the House, but it should be remembered that it was not alone a military but an Imperial question of the highest magnitude, in the right solution of which the loss or retention of our Indian empire was inextricably involved. Civilians likewise, though uninformed on military details, had the advantage of being free from military prejudices and jealousies. The right hon. and gallant Member for Huntingdon, the late Secretary of State for War (General Peel), had stated that in the divisions of the Indian Army Commission on their Report, the officers of the Line were uniformly to be found on one side, and the officers of the local army on the other, and that it could always be inferred which way a man was going to give his evidence from the fact of his belonging to one or other of those military services.

It would be very advantageous if in discussing so complicated and serious a question they could get rid of the adventitious circumstances and professional rivalries which had thus been imported into it. If the charges against the Government, that in bringing forward this measure their only desire was to satisfy the voracious appetite of the Horse Guards for patronage and power had been exaggerated, equally unjustifiable and uncalled for had been the allegations with regard to those who took the opposite view of the question. The right hon. Baronet the Secretary of State for India, in apologizing for the circumstance of the Indian Council having unanimously opposed themselves to his project, gave as a reason that if it passed into law they would be deprived of the power and influence which they now possessed. He regretted very much to hear such an imputation cast upon them, because it amounted to nothing less than a statement that fifteen distinguished men had sacrificed their sense of public duty to the interests of private ambition. The observation, moreover, was singularly inaccurate, for it so happened that one of the most distinguished Members of the Council, Sir John Lawrence, long before this question was mooted, himself proposed a scheme for the re-organization of the Native army of India, based on the system of competitive examination, which would equally have deprived them of that military patronage which was the most substantial symbol of their power. It seemed to him disgraceful that a question of such magnitude as that of the re-organization of the Indian army should be mixed up with considerations of a personal character, and imputations based upon official jealousies. It was not a vulgar question of a scramble for patronage between two departments of the Executive Government, but a far more vital question — namely, by what means the military resources of Great Britain could be so economized and applied as to preserve the allegiance of 200,000,000 subjects of the British Empire. The issue it involved was no less vital than whether an ancient and well-tried machinery by which we had won our Indian Empire, and which during the vicissitudes of 100 years had not been found wanting in the hour of need, should summarily be dispensed with, and that, too, without any substitute, so far as the House of Commons was aware, being provided in its place.

In addressing himself to the proposition of the Government on the subject, he should deal with it from a financial, sanitary, and political point of view, premising that under the first of these heads it was contended that the amalgamation of the local European force in India with the Line would tend to the promotion of economy. Now, it was very difficult, in the absence of any definite scheme for replacing that local army, to argue with respect to the question at issue satisfactorily; but, be that as it might, it was in evidence that the consequence of the passing of this measure would be an increased charge to the amount of something like £200,000 a year on the revenues of India, arising from the system of maintaining and relieving the regiments of the Line which were to be substituted for the local army. And he should like to know what answer we could return to an appeal from India in 1862, in case the land, or opium, or salt revenue in that country should fall short; if in 1860 on grounds of Imperial convenience, we adopted a course the effect of which would be to saddle her revenues with £200,000 a year more than the sum with which

they were charged under the present system. But the adoption of the Government scheme involved a still graver consequence. It was one of those many steps by which we had unconsciously been sliding into an Imperial guarantee for the expenditure of India. If Parliament were determined to adopt the principle of an Imperial guarantee, let them do so with their eyes open; but of all things he warned them against sliding unconsciously into the adoption of this principle.

Next, as to the sanitary question. It had been argued with considerable force on both sides, that much of the evidence which had been laid before the Commission served only to perplex the public mind. It was said that the regiments of the Line were decimated before they were acclimatized. He had no doubt that some portions of the evidence on this point had been put forth unguardedly; but, at all events, the fact remained that the mortality among those Europeans who went out to India for a period of fifteen years was much greater during the first than in the last five years of their stay, and if this was found to be the case with educated men who were more likely to take sanitary precautions, surely the presumption was in favour of the longevity of the private soldiers of a local force as compared with men who had not learned to suit their habits to the exigencies of the climate. The balance of the sanitary argument was at all events in favour of a local army.

The main argument, however, in support of the scheme of amalgamation was that which was based upon political grounds. It was urged by the advocates of that scheme that the armies of one and the same State ought to be homogeneous, for the purpose of securing the loyalty of the troops and avoiding the rivalries between distinct services, which it was said were otherwise liable to be created. Now, he confessed that was an argument which at first sight seemed to be almost unanswerable; but the reply which had uniformly been given by the men of greatest experience to questions on the point put by the Commission was, that it was impossible to reason with respect to it from analogy to what took place in other countries, inasmuch as relations similar to those between this country and India had never been known to exist in the case of any other States. While dealing with that particular topic, he would refer to an extract of a letter written by Colonel Durand to the Secretary of State for India, dated November 29, 1859. Colonel Durand said,—

"The nice distinctions of a constitutional government are contradictory puzzles in the East. There, ideas retain all the simplicity which ages of aristocratic power have impressed upon the character of Asiatic nations. The Governor General is now regarded by the chiefs and people of India as being really, not nominally, at the head of three great armies, reinforced according to circumstances by a contingent of Her Majesty's line, a fourth great and purely European army, a reserve of indefinite magnitude; they know, and the officers and men know, that the strength, organization, and discipline of the three Indian armies, and the welfare and advancement of every soul in them, depend upon the Governor General. It will be difficult to the Eastern mind, whatever it may be to the English mind, to comprehend how this relation between the Indian armies and the Governor General can cease, without his power and influence being diminished; and it will be hard satisfactorily to explain why it should happen that, as soon as a Governor General becomes Her Majesty's Viceroy and the immediate representative of the Crown, instead of the fact adding to the real power and dignity of his position, as India was taught to anticipate, it strips him of authority, and renders him unworthy of being treated with the same confidence, and of enjoying the same power, as when the delegate of the East India Company. From the Dardanelles to Japan the fixed idea is, that he who rules and manages the army, rules the State, and that to lose the sway of the army is to drop the reins of empire. Nowhere more than in India is it ingrained in the minds of the people that the sword and the sceptre are synonymous terms; it is the one article of faith upon which 200,000,000 of people agree, and it will be found as difficult to eradicate as any other dogma of the Hindoo, Buddhist, or Moslem hordes under the British rule."

Now, the idea which seemed to him to pervade that expression of opinion on the part of a distinguished military officer was that it was hopeless for England to attempt to govern India anywhere else than in India, and that if we desired to succeed in the administration of her affairs we could only effect our object by showing some deference to Asiatic feelings—it might be to Asiatic prejudices. He should ask hon. Members, then, to weigh well the question whether the contemplated fusion of the two armies was not calculated to shake our rule in India by destroying that faith which the Natives had hitherto reposed on the Governor General as the centre of both civil and military authority. The argument, however, on which those who were in favour of amalgamation placed most reliance was that which was based on the so-called mutiny of the local army in respect of the claim for bounty on re-enlistment, it being contended that that army could not in consequence be trusted for the

future, and ought, therefore, to be disbanded. Now, he held in his hand an extract from a minute of Sir James Outram.

The paragraphs of this Minute relative to this matter ran as follows :—

"Dated, Calcutta, January 7, 1860.

"The information lately received from England, though not of a strictly official nature, leads me to apprehend that the amalgamation of Her Majesty's Indian Forces with the British army is almost decided on.

"Believing, as I do, that that measure, if carried out, will prove most injurious to this country, and that it will inflict grievous injustice on the servants of the East India Company, I have deemed it my duty to record a solemn protest against its adoption.

"That my protest will influence the issue, I do not venture to hope; but, for the ease of my conscience, I am desirous that it should be sent home while yet the question is under discussion.

"The information received by the last few mails leads me to infer that public opinion in England, which at one time preponderated in favour of the maintenance of a local European force in India, has begun to manifest an opposite tendency, and the explanation given of this change of sentiment is the so-called "mutiny" of a portion of the European troops who enlisted for the East India Company.

"To cite the recent partial breaking up of the late East India Company's European troops as an argument against the maintenance of a local European force in India, appears to me illogical, ungenerous—I had almost said disingenuous.

"Addressing those who are conversant with all the facts of the case, I require not to point out the absurd and cruel exaggerations that have been propagated in reference to the conduct of our European remonstrants. These, however, have doubtless had considerable influence in effecting the change said to have recently taken place in the public mind of England on the question of the maintenance of a local army, and it is to be hoped that they will be most fully exposed by Her Majesty's Secretary of State for India when the question comes to be discussed in Parliament, so that no Member of either House may give a vote to the prejudice of the existing institutions of India, under erroneous impressions regarding the language and the acts of those soldiers who have recently obtained their discharge.

"But, even had the behaviour of these men not been exaggerated, had all the fables related of them been true, common justice and common sense demand that the circumstances under which the men acted should be fairly represented to Parliament, and considerately reviewed by that august body.

"That our soldiers had any legal right to the alternative of discharge or re-enlistment, I do not admit. But it must be borne in mind that in the opinion of a very large proportion of the public, both in this country and in England, their moral claims to the alternative demanded by them were so strong as almost to be irresistible; that, long before their demand was mooted, while yet the transference of India to the direct management of the Crown was under discussion, the nobleman who is now at the head of Her Majesty's Government enunciated as an obvious truism admitting of no doubt, the proposition that, as a matter of course, the men would be offered the alternative of discharge or re-enlistment.

"When the transfer was being carried out, Lord Palmerston had become Prime Minister. No hint was given that he had ceased to regard the late Company's European troops as entitled to that alternative of discharge or re-enlistment which a few short months before he had represented to be their absolute moral right. It was simply intimated to the soldiers that the alternative would not be offered them, and for justification of the refusal, they were referred to the opinions of the law officers of the Crown, according to whose dictum the men could not enforce their claims at law.

"Bear in mind how unspeakably great had been our recent obligations to the European troops of the East India Company as well as to their glorious comrades of the Royal army, who had cheerfully laid down their lives to save an empire that then appeared tottering to its fall. And, doing this, we must admit that some allowance should be made for their conduct.

"But, even were it otherwise, even had the conduct of a portion of the late East India Company's troops been as bad as their bitterest enemies and most unscrupulous detractors would dare to paint it, even were there no extenuating considerations to urge in their behalf, what then? It was not because they were a local force that they misconducted themselves, but because they conceived themselves to have been treated with deliberate injustice and contumely. And will any advocate of amalgamation venture to insinuate that, had Her Majesty's regiments in India conceived themselves treated in the same fashion, they would not have behaved in precisely the same manner? Will any amalgamationist have the hardihood to maintain that? Aye, even within a comparatively recent period—soldiers and sailors of Her Majesty's service have not in more than one instance evinced very manifest symptoms of insubordination under a sense of neglect and injury? If so, then I take the liberty to declare that his information is decidedly imperfect or his memory very treacherous.

He had in his hand the opinions expressed by Lord Gough, Lord Hardinge, and Sir Charles Napier with regard to the uniform gallantry and discipline of the local European army; but he would not quote them. He would venture, however, to say that the record of their achievements was the history of our Indian Empire. Yesterday was the third anniversary of the Massacre of Cawnpore, which brought death and desolation to a thousand English homes. Had they forgotten that they were mainly indebted to the local European army, a distinguished portion of which fought their way side by side with the Royal troops, under Havelock, to Cawnpore, for the vindication of the honour of England and of outraged humanity? He must say it would appear rather ungenerous if they signalized their gratitude by giving a vote which would practically have

the effect of disbanding that army, of declaring that their past services should be ignored, and that the traditionary glories with which they had covered themselves should be entirely forgotten, because they had, under circumstances of great provocation, under the stimulus of official encouragement, forgotten, he would rather say, misapprehended, for a moment, their duty to their country.

But, unfair as were the grounds on which this measure was justified, and strong as the arguments were against the abolition of the local European army, he complained far more of the mode in which the Government proposed to effect their object than of the object itself. So important was it that no delay should take place in the settlement of this question that if he believed the mode proposed by Government would settle it at once he would waive his objections. But would it have that effect? What was the course which the right hon. Gentleman the Secretary of State for India had taken on this subject? On the 12th of June he introduced a measure to Parliament, the object of which was to discontinue enlistment in this country for the local Indian army, with the view of testing the opinion of the House on a question of infinitely greater magnitude in its consequences than the question of the transfer of India from the Company to the Crown. It was only on the 17th of May that for the first time the right hon. Gentleman had even affected to ask the opinion of the Indian Council on the subject. True, he might have privately consulted several individual members of the Council; but for what purpose was the Council constituted? Was it not intended that they should be *bonâ fide* councillors on matters of real importance to India? This question had been two years in suspense, and had challenged the most violent controversy—a conflict of opinion almost unprecedented in the annals of our Indian empire; yet all the right hon. Gentleman did was to give the Council an opportunity of expressing their dissent at the eleventh hour from a measure adopted by him in spite of their remonstrance, and to the main principle, of which they were unanimously opposed. On the 17th of May last, having considered the question, and having agreed with the Cabinet on the mode in which he proposed to bring the measure forward, he then invited the opinion of his Council. But why talk of consulting his Council when he had already decided on the measure to be brought forward? The conduct of the right hon. Gentleman in this matter reminded him of the old story of the gentleman who had engaged to get married, had the settlements drawn up, and paid the attorney's bill, and when about to enter the church turned round to ask his intimate Friend whether he was taking a prudent step. He thought it better that the Council for India should be disbanded rather than that a body of men, selected specially for their knowledge of Indian affairs, should be thus ignored on a question which vitally affected the interests of India. But that was not all. The right hon. Gentleman propounded no scheme whatever as a substitute for what he meant to abolish. Was it not right that Parliament should know whether the rights and privileges guaranteed to the officers of the Indian army by the Act of 1858 were to be equitably respected? But, what was still more important, how was the military occupation of India to be provided for? There was actually no provision for this whatever. The right hon. Gentleman said something of a scheme for a local staff corps, which was rather hazily sketched out; he also spoke of the appointment of a Committee or Commission if this Bill were passed to select one of the four or five schemes propounded for carrying out the details. Was it to be tolerated that the right hon. Gentleman should not only ignore the Council, but withdraw from the House of Commons the consideration of the main principles on which such a measure was to rest? If it were to be an independent Committee or Commission, what security would there be that, after sitting for a year they would not be divided by conflicting opinions? Again, if it were not to be an independent Committee, but a mere team of clerks to obey the dictates of the right hon. Gentleman, then Parliament would be deprived of its prerogative as the ultimate Court of Appeal on a question of this kind. It could not be supposed that the matter was to be referred to the Indian Council, because that body had been already ignored; but if it were referred to an independent Commission, no progress would be made by reading this Bill a second time. The only effect of doing so would probably be to suspend the question for another two years. The right hon. Gentleman ought *bonâ fide* to have propounded to Parliament his views as to the mode in which the question should be settled; and then, when the opinion of the

House had been fairly challenged, they might have considered how they could so economize our military resources as to retain our empire in India. He for one must enter his emphatic protest against a course which involved the alternative of indefinite delay, or the setting of a most dangerous and unconstitutional precedent. It was not his desire to offer any factious opposition; it was not his wish to impede the Government in the administration of India, but he felt that he should do more harm than good by acceding to the second reading of the Bill. On these grounds, then, and because the Government had propounded no scheme whatever as a substitute for the machinery which they proposed to abolish, and also because the mode in which it was proposed to carry out their object was likely to lead to a most unconstitutional and dangerous precedent, he begged leave to move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now,' stand part of the Question."

SIR EDWARD COLEBROOKE said, he rose to second the Amendment, although he should not have addressed the House if he had not felt strongly the possible danger of the course in which Her Majesty's Government were about to embark. They had proposed a plan referring to two important points in the military organization of the Indian Empire. The one was to deprive the Indian Government of the power they had hitherto enjoyed of raising British troops for service in India, and the other was the organization of a Native army on a plan which, in his mind, seemed fraught with such difficulties, that he was surprised it had not received more attention in that House. If the question had merely conceived the organization of the British troops in India—and his opinion strongly leaned to the maintenance of a local force—he would not have offered a decided opposition to the proposition of the Government in that stage of the Bill; but he held it to be impossible to separate the military question from the other parts of the scheme involving financial and political considerations. The right hon. Baronet truly said it was not a mere Indian question nor a mere military one. It involved questions of patronage of the highest magnitude and political considerations affecting the Government of India, and he might almost say affecting the Parliamentary Government at home. If he were merely invited to say whether he would prefer that the European troops in India should consist either of a local force only, or of troops of the Line only, he should have unhesitatingly voted in favour of the latter, because there must be grave objections to the prolonged maintenance in that part of our empire of a large European force without renewal by reliefs from home, and without the check afforded by the strictly national troops of the Line. Important instances had occurred in the history of India in which serious discontents had broken out among the officers of the local force, causing serious embarrassment to the Government; and they had given rise to proposals for wholly doing away with local troops, and endeavouring to unite the whole military administration of India under one system. But those proposals gave way, not as the right hon. Gentleman had stated, to the opposition of the East India Directors, but to the inherent difficulties of the subject, and the changes of opinion which occurred in the minds of eminent men in proportion as they more deeply investigated it. A stronger instance of this kind could not be cited than the change of opinion which Lord Cornwallis himself underwent, evidence of which could be traced throughout the correspondence of that distinguished statesman. They must have a local force as regarded the Native troops; and the only question on which the House was called upon to Vote at present was, whether that force should be of an inferior—he might almost say degraded—character, or whether it should be put in such a position as respected numbers and efficiency as would give support to the Government of India, and insure their fair treatment by the Government at home. There were grave preliminary objections to the manner in which this subject had been introduced. The measure really involved this question—namely, whether they should maintain the system of home Government for India that was established only two years ago. But a great blow would be given to that system if the Indian Minister could bring forward with all the authority of the Government a measure of that magnitude in opposition to the unanimous voice of the Indian Council in this country, as well as in opposition to the opinion of the Governor General of India and of his Council, with the single exception of

the Commander-in-Chief. It would destroy at once the efficiency of the administration in India as a check upon the home Government, and make its total abolition a mere question of time with any Ministry who might deem such a step desirable. It was decided two years ago that the Indian Government should be responsible to Parliament; but the House should remember that Parliament would thereby incur reciprocal responsibilities. He was surprised to hear the right hon. Baronet state that the additional burden to be imposed upon the finances of India by the employment of the proposed increased number of troops of the Line in that country, would amount only to £100,000 or £200,000. Why, that sum would scarcely cover the extra expense of transport, and would make no provision for many other expenses to which the adoption of this system would give rise. At present the volunteering for local service of men from regiments which were returning from India was a great source of economy, which would not exist under the right hon. Gentleman's plan. Men might, indeed, be allowed to volunteer from one regiment of the Line to another; but if they were, what would become of the advantage which it was supposed would be derived from making the reliefs more frequent, so as not to have any large body of troops stationed in India for a long period of time? But the question of expenditure had an English as well as an Indian bearing. If we had so large a force as 80,000 troops of the Line in India, it would be necessary to increase our home garrison in order to provide the necessary reliefs for them. It might be that a home garrison on its present scale would be sufficient to provide those reliefs; but he trusted the House would seriously consider the responsibility they were incurring before they adopted the course proposed. When he first entered Parliament, the zeal for economy was as hot as it now was for expenditure; but those who advocated a reduction of the forces in this country were always met with the reply, that it was necessary to maintain troops here, upon an adequate scale, to provide for the garrisons established throughout the Colonies. He warned the House that if they adopted the present measure, they would always hereafter be met, whenever a proposal was made with regard to the expediency of reducing the forces, by the declaration that it would be impossible to submit to any reduction on account of the necessity of maintaining the permanent garrison established in India, These considerations alone ought to induce the House to pause before they assented to this measure; but if they were insufficient, the effect which it would have upon the patronage of the British army, and of the Native army in India, ought to prevail with them. The right hon. Baronet proposed that in future the officers of the Native army should be entirely appointed by selection from the Queen's forces. He would not enter into the question as to what security there was that the system of selection would be an efficient one; but he must not omit to point out that the adoption of such a plan would greatly increase the patronage at the disposal of the military administration in this country; because in proportion as officers were removed from the Queen's forces and appointed to commands in the Native army, would the Commissions at the disposal of the authorities increase. This question of patronage was considered by the House two years ago, and was settled in the India Bill then passed; but the right hon. Baronet had, with a stroke of his pen, set aside the provisions of that Act of Parliament. The right hon. Baronet assumed that it was necessary, for the security of India, that we should maintain there an European army of 80,000 men; he then said that that force must be either a local army or troops of the Line; and, lastly, he asserted that the recent mutiny furnished an unanswerable argument against the employment of a local force. He disputed all these positions. It was a mistake to suppose that we must place our reliance mainly upon British troops. For the security of India it was necessary that there should be a large Native army; and he was satisfied that no such force of British troops as that proposed by the right hon. Baronet would be permanently maintained in that country. It might be raised; but if danger arose at home, or war broke out with any foreign country, no consideration with regard to India would prevent the Government from withdrawing from that country a considerable portion of the European troops, and leaving the defence of that empire in a great measure to Native soldiers. But it was said we never could return to that confidence in the Native troops that we entertained before the mutiny. He fully shared in that opinion, and hoped we never should do so. He trusted that we should never again return to that false confidence which led us to leave our great

arsenals entirely in the hands of Native troops, and territories of considerable extent unprotected by the presence of any British force. Still there was a wide margin between an European army of 40,000 men, which was the amount at which it stood previous to the mutiny, and the numbers proposed by the right hon. Baronet. There was reason to hope that we should be able in a few years to reduce the European garrisons in India considerably, as confidence was restored in Bengal, to the standard at which it existed in Bombay and Madras. But apart from that, it was obvious that as the railway system was completed—and in the course of a couple years there was reason to believe that it would extend to Agra and Upper India, as well as in the Madras and Bombay Presidencies—the improved means of communication would render a much reduced European force as efficient as was the large force now maintained in those countries. Consequently he held that they were by no means driven to the alternative which the right hon. Gentleman had placed before the House, of maintaining either a local army, or an army of the Line in India upon the large scale he proposed.

The right hon. Gentleman the Secretary of State had quoted the opinions of high military authorities in support of his view of the subject. Those opinions were doubtless entitled to great weight; but he did not think the Secretary of State was justified in the statement he made as to the great change of opinion which had taken place in India. It was true a change had occurred, but it was of a very minor kind, and was scarcely attributable to the recent mutiny in the Bengal army. Amongst others, the right hon. Gentleman had referred, in confirmation of his opinions, to the authority of a very gallant officer—Colonel Durand. He (Sir Edward Colebrooke) was quite willing to admit the high authority of Colonel Durand; but that officer did not represent the opinions of all the military officers who had dealt with the question. The right hon. Gentleman had scarcely made his statement when there appeared a Minute from the Governor General of India, who held a strong opinion in favour of a local force, and who stated that, even if it were not kept up to an equality with the Royal troops in India, which he thought it ought to be, still he would be very glad to have it on a smaller scale in any numbers the Government might decide. Again, it appeared from the papers before them that the opinion of Sir Patrick Grant, which had been relied on in favour of a local force, had reference to the then condition of the Indian Government, and that when the Government was changed, he thought there came a necessity for a great change in the Indian army. So with regard to Sir William Mansfield; he had always been opposed to the policy of maintaining a European local force, and only advocated it for a time as a matter of expediency during the period of transition. Any change, therefore, that had occurred in his opinion was merely to the extent that, what he formerly thought should be deferred, he now thought should be carried out at once. He (Sir Edward Colebrooke), however, would admit that some of the highest military authorities in India bore out the view taken by the right hon. Gentleman—Lord Clyde, for instance. Now, no one had a higher respect for the authority of Lord Clyde than he (Sir Edward Colebrooke) had; but it was scarcely necessary to remind the House that not merely in matters of opinion but in matters of fact, and especially in regard to the extent to which the disaffection in the Indian European army had spread, the highest military authorities were at issue. Sir James Outram, for example, who had been quoted, stated that the grossest exaggeration prevailed as to the facts, and he had expected the right hon. Gentleman would have taken an opportunity of refuting them in his place in Parliament. Under these circumstances he contended that the House ought to have some more satisfactory evidence as to the facts before they were called upon to pass such a measure as the present, otherwise they would be practically legislating in the dark. As he had said, he entertained the highest respect for Lord Clyde, but his opinion showed a bias, and moreover displayed a spirit of injustice towards the officers of the local army, which, painful as it was to him to have to say it, materially diminished the weight of Lord Clyde's opinion. He brought serious charges against the officers of the Bengal army—that they were incompetent to the work thrown on them of organizing the local corps. He perfectly concurred in the opinion of Lord Clyde that it was an error to send regiments of raw recruits out to India; but then he went on to say that when they came out the officers were found to be incapable of organizing them, and that even in the old regiments the men had no confidence in their officers. Now, it ought to

be considered that these officers were placed in a position of great difficulty, for they had no old soldiers mixed with the recruits, nor had they any non-commissioned officers to assist them. Captain Eastwick said that these recruits were drawn from a class which, in civil life, were accustomed to strikes and combinations, and Colonel Carmichael Smith, who had command of one of these regiments, said that he had no non-commissioned officers and only one drill instructor. Therefore, it was unjust to draw conclusions unfavourable to a local corps in India from the exceptional position in which these troops were placed. It was said, indeed, that these charges extended to the old corps as well as to the new; but to this he thought the events of the last few years offered a signal refutation. The best test of military conduct was discipline in the presence of an enemy; and he would put it to any one who had followed the history of recent events whether, in the great mutiny, the conduct of the local corps was one jot behind those troops of the regular army upon whom we so greatly prided ourselves, and whom it was proposed in future to entrust with the safety of our Indian Empire. He admitted that in some respects the discipline of these troops was not equal to that of the Line, but the onus lay upon the Government to prove whether the evils that prevailed were not capable of remedy without resorting to the extreme measure this Bill proposed. The gallant officer who was about to succeed Lord Clyde as Commander-in-Chief of the Bengal army, had brought very sweeping charges against the army of India, not confining them to the local troops, but extending them to the officers of the Indian army generally, stating that there was a want of military spirit prevailing throughout. But he (Sir Edward Colebrooke) would observe that all the instances quoted by Sir Hugh Rose referred to evils that admitted of a remedy. Admitting that that gallant officer's statement was correct, that the manner in which officers had been withdrawn from the army to serve in civil employments had deteriorated their character as military men, still he would ask whether the measure which the right hon. Gentleman proposed of establishing a Staff corps would not meet that difficulty. And next he would ask, could they introduce this important change by which officers of the Line were to be withdrawn from their regiments without incurring the same evil? There was another reason why they should not attach too much weight to the authorities on which the Government relied. Sir Hugh Rose confessed that there was a great deal of private feeling and private influence involved in the question in regard to the dispensation of patronage, but he seemed to think that this was confined exclusively to the Indian army — as though the same charge could not be brought against himself and those other authorities who would have the patronage of the army under the altered state of things it was proposed to introduce. He (Sir E. Colebrooke) would ask, then, whether this was not after all a scramble between the two services for patronage? Sir Hugh Rose spoke of the inconvenience of divided authority consequent on keeping up separate armies in India, and that was not the first time when it had been proposed to amalgamate the Native army with the European troops, and to amalgamate the armies of the different Presidencies; but the events of the past few years refuted the grounds on which that proposal was made, and in no case more strongly than in those operations in which Sir Hugh Rose himself so ably commanded, when he penetrated with the Bombay army which remained faithful to its allegiance to the extreme north of India, and contributed in so important a manner to the final success of our arms against the insurgents.

For these reasons, then, he held that Her Majesty's Government had not laid sufficient grounds for these important changes, and therefore, he would support the proposition of his hon. Friend. He would not enter into those grounds of policy and expediency on which it was thought important to maintain a local army on some scale. But he held it was due to the authority of the Governor General that he should have the confidence and support of an army which naturally looked to him as its head. It might, indeed, be said that they ought not to assume that the home Government would ever be so far lost to a sense of duty as to endanger the safety of the Indian Empire by withdrawing a large portion of troops from her shores. On that subject he wished to draw attention to a paper drawn up by one of the ablest of Indian Governor Generals, which was laid before Parliament two or three years ago, and which pointed out very strongly the necessity for the Governor General having a large European force at his command. In that paper the Marquess of Dalhousie

pointed out that there was no fixed establishment for the number of Royal troops in India, and though the Government of India had no reason for supposing that the army would be unduly weakened by the sudden withdrawal of the Royal contingent, yet it was a contingency which could only be guarded against by the maintenance of a local force. The next consideration was not of the same force, but it was not one to be entirely disregarded. He thought it was a serious question whether the whole military administration of India should be united under one head, and subject to a department of which he would only say that it was at present on its trial, and in which the country did not feel confidence. The right hon. Gentleman also said, he wished young men to qualify themselves for Indian service by a study of the Native languages; but the point really to be aimed at, in his opinion, was to endeavour to excite an interest in the people of the country, which could only be acquired by early devotion to the service. He earnestly deprecated any plan by which Native regiments would be officered altogether from the Queen's army. However valuable the Line might be as an adjunct to the local force, it was not the school which could be relied on for training the officers on whom, in their new position, so much would depend. It was only natural that those who were looking merely to a temporary stay in the country should not devote themselves to the study of its people with the care and attention which was requisite. The change contemplated by Her Majesty's Government, according to which the local force would be reduced to a small and inferior establishment, would necessarily deprive the Indian Government of a large portion of the power they had hitherto possessed with regard to appointments to local command. If the Royal army constituted the principal portion of the force in India, it followed that the military heads at home would exercise a large voice in these nominations. It was utterly impossible at the same time to destroy the local character of the force and to increase the power of the Governor-General. He strongly deprecated the proposed alteration, and he should cordially give his vote for the Amendment.

MR. T. G. BARING said, the hon. Baronet who had spoken last virtually admitted that if no other point were involved in this discussion but the efficiency of the British army in India no hesitation could be felt in agreeing to the course proposed by Government. The charge against the Secretary of State that he had not consulted the Council of India so as to enable them to place their opinions before Parliament was a purely technical objection. If the papers presented to the House were referred to, there would be found, in the first place, a Report from the Military Committee of the Council of India, to whom the Report of the Commission upon the reorganization of the Indian army had been referred. They had subsequently put before them the views of Lord Clyde, Sir Hugh Rose, and others whose opinions were entitled to weight, and the observations of Members of the Council on all these confidential papers were laid on the table before the Bill was introduced. Nobody, therefore, could hesitate to say that the House was in possession of the opinion of the Council of India as fully and completely as it could possibly be by any formal resolution. He regretted to hear it said that the Council of India was a mockery, and that this was the greatest blow they had ever received. The functions of that Council were to give advice to the Government and to the country, and as long as their opinions were fully and frankly delivered the form which they assumed mattered comparatively little. This was not the first time a similar blow had been dealt to the Council. The noble Lord the late Secretary of State for India, who passed the Bill by which that body was constituted, arrived at a conclusion on the organization of the army without consulting the Council, and he believed even in opposition to their views. If two successive Governments had considered this formal consultation unnecessary, those Gentlemen in the House who were anxious to support the authority of the Council, and even the members of the Council themselves, must see that a formal expression of their views by Resolution was unnecessary, as long as they had been substantially consulted by the Minister, and as long as an opportunity had been afforded—as he contended there had been in the present instance—of placing their views before Parliament and the country. It was an act of puerility to raise an objection to the second reading of this Bill on a mere formal point of that nature. The hon. Member for Taunton complained that there was not sufficient detail in the Bill. He conceived that it was more convenient and respectful to the House to obtain a decision on the main point in the first instance, and afterwards

to inquire into details; but that no particular objection could be raised to the Bill on that ground was proved by the speech of the hon. Baronet (Sir Edward Colebrooke) who had discussed the details of the plan at some length. The question which the House must feel to be of most importance in this discussion was whether, as was stated, the scheme proposed by Her Majesty's Government would cut off the supply of officers for service in India in various political and civil stations—men who in positions of great responsibility and difficulty had always discharged their duty in an admirable manner. He was at a loss to know on what ground this position was taken up by the opponents of the Bill. Authorities had been quoted at considerable length on this subject. He might also refer to the authority of men really conversant with the feelings and habits of British officers—men like Sir Edward Lugard, who had been twenty-five years in India, and Sir Thomas Franks who had been fifteen years in that country, or Sir Patrick Grant, who had a more general knowledge of the army than most other general officers—to prove that there was no difficulty in getting a supply from British Line regiments to take staff and other employments in the East. He might also ask why so much jealousy had existed among officers of the Line at being precluded from taking these appointments, if they were not ready and anxious to be so employed; but he thought it sufficient to appeal to the ordinary motives of human conduct. What career, he would ask, could present greater inducements to our enthusiastic or ambitious youth than the Indian service? Hon. Members were aware of how Herat had been defended by Eldred Pottinger; how in the late mutiny an entire province had been kept loyal by the efforts of Captain W. Osborne; and how armies were commanded by young men like Sir Herbert Edwardes. Nor could the House be ignorant of all that had been done by Sir Proby Cautley, or by Colonel Cotton in constructing works of public utility in India. With the example of such achievements before them, he was at a loss to understand how it could be contended that young men in this country would not be desirous of taking the appointments in India to which he was referring. The inducements to do so had, he might add, not hitherto existed. Until lately few Staff appointments in India had been conferred upon officers in the Queen's army, but now that state of things was about to undergo an alteration it was only reasonable to suppose, as Lord Ellenborough, who was an advocate of a local army, had stated in his examination before the Commission, that young men would gladly avail themselves of the advantages held out to them. It was, however, argued that officers might be selected to those appointments, but that they would not be fit for their position. Now, what, he should like to know, was the training to which those officers were subjected with respect to whom such an opinion was pronounced? It was service in Her Majesty's infantry, cavalry, and artillery regiments, and it should be borne in mind that from Munro down to Sir Charles Napier, almost every distinguished military authority acquainted with India, with the exception of Sir James Outram, had laid it down as essential that a young officer should commence his training in an European regiment, and there be properly disciplined before being employed with Native troops. That being so, nobody, he thought, would contend that the training received in the Queen's European regiments was inferior to that which officers underwent in the Company's. When young men had received such training and wished to undertake Indian service, they would naturally study the language of the country to which they were going. In looking over the *Army List* the day before, he had met with the case of scarcely a single Line regiment serving in India in which three or four of the officers had not succeeded in obtaining a knowledge of the vernacular, and if that were so he could not understand why there should be any superiority in a Company's over a Queen's officer who had so qualified himself. It was somewhat remarkable that several of the officers who possessed the greatest influence over the Natives had been trained, not in Native, but in local European regiments. Sir Herbert Edwardes belonged to the 1st Bengal Fusileers, an European regiment; and why it should be supposed he would not have been equally serviceable to his country, if trained in the 10th Regiment of Foot, he was at a loss to understand. Major Hodson also had been an officer in the 1st Bengal Fusileers. Lieutenant Colonel Daly, who raised and formed a Punjab Cavalry regiment, was adjutant of a Bombay European regiment. The previous training of these officers was the same as that which they would have received in the Line, and what power the

mere appointment by a Director could exercise, so as to transform the whole nature of those men, and make them different from their brothers who might happen to serve in the Line, it was not easy to conceive. He was, under those circumstances, prepared to maintain that there could be no difficulty in securing a supply of efficient officers in India should the proposal of the Government receive the assent of the House. The hon. Member for Taunton objected to that proposal, and asked whether it was desirable to dispense with a machinery against which the charge of failure could not with justice be advanced. The hon. Gentleman, in putting the question, however, appeared to have lost sight of the fact, that the whole Native army of Bengal had mutinied, that half the local army had quitted India, and that hardly an officer had been examined before the Commission who did not condemn the present system of Staff appointments in that country. Indeed, the actual attendance of officers with their regiments under the operation of that system was purely nominal. Men were taken away from them to do some other service, and then, when raised to the rank of majors or lieutenant-colonels, they in some instances came back—perhaps after an absence of many years—unaccustomed to the command of troops, and unacquainted with their regiments. Let hon. Members for a moment imagine a regiment of British Infantry quartered at Portsmouth, its major being governor of the Isle of Man, its senior captain master of Westminster School, another of its officers at the head of the Irish constabulary, a fourth negotiating the Commercial Treaty in Paris, a fifth a major of Militia, a sixth a County Court Judge and two or three others, employed in the construction of the Caledonian Canal, or engaged in superintending a harbour in Galway, and they would then have some idea of the way in which European officers in India were employed previous to the mutiny. All officers in command of Native troops would, under the plan which had been sketched out by the Secretary of State, henceforward be selected according to their qualifications. An objection had been made, which deserved attentive consideration both from its own importance and the persons who made it,—namely, that the plan would interfere with the powers of the Governor General of India. But that was not the case. In regard to all matters of expense, all matters affecting the disposition of troops and the appointment of officers to high commands, the powers of the Governor General were clear and certain, and they would not be interfered with at all by the measure before the House. With regard to the appointments in India, these would remain precisely as at present. All the Staff appointments would be made in India, and the brigade commands in India. The divisional commands would be made as at present, seven being made from home, and the rest in India. For the future the same proportion would be maintained. At present there was a double Staff to each army. In future there would be but one. In future the Adjutant General would be appointed in this country, the Quartermaster General in India. The arrangements would be perfectly fair and satisfactory to all parties, with respect to the patronage of first appointments. The right hon. Gentleman the Member for Huntingdon had explained to the House that the question of appointments was under the consideration of the Committee; and they should wait till that question was decided. There would be no occasion to make any appointments for a period of two years, in consequence of the diminished number of officers required. He believed he had now touched upon most of the points alluded to in the course of this debate. He had not quoted authorities, because he thought the House would be prepared to accept the position that at any rate authority rested with one side as well as with the other. He might, however, mention one remarkable fact. Lord Cornwallis had been alluded to by the noble Lord the Member for King's Lynn, and again that night by the hon. Baronet (Sir Edward Colebrooke), as a supporter of the maintenance of a local European army; but —would the House believe it?—the letter of Lord Cornwallis which had been read was written in February, 1787, only a few months after he arrived in India. It was notorious that in 1794 Lord Cornwallis placed before the Cabinet a plan in the greatest detail for amalgamating the army. That, however, was opposed by the Court of Directors. It so happened that a very near relative of his own was a Director of the East India Company at the time, and had a share in its rejection. Lord Cornwallis not only proposed that plan in 1794, after the whole of his Indian experience, but in 1797 he was actually proposed to go as Governor General to India in order to carry out amalgamation; his appointment, however, did not take effect, in consequence

of the Court of Proprietors having refused to approve of the instructions which it was proposed to give him. In regard to Lord Cornwallis, therefore, those who asserted that he was in favour of a local European force had not sufficiently considered his whole Indian career. Having alluded to Lord Cornwallis, he might add that the only Governors-General who were chosen from the Indian Civil Service — Sir John Shore, afterwards Lord Teignmouth, and Lord Metcalfe—had given their opinion in favour of amalgamation. He believed the principle of this measure was right, and all the military arguments were in favour of it, while the political arguments against it were either inapplicable or founded upon incorrect assumptions. With respect to the rights of the officers of the Indian army, they were not interfered with. Being secured by Act of Parliament, they would be maintained in their integrity. The feelings and interests of those officers would be consulted. The security of their rights rested in this, that the clauses of the Act conferring those rights were unrepealed. As to the question of expense, he thought, where there was a revenue of £38,000,000, the question of £100,000, more or less, ought not to affect the consideration of this subject. He thanked the House for the attention they had given to him, and he should ask them to reject the proposal of the hon. Member for Taunton, and give this Bill a second reading.

MR. H. BAILLIE said, he felt it impossible to exaggerate or overstate the importance of this question as regarded the future well-being and security of Her Majesty's Indian empire. The question had received a long and mature consideration on the part of the Government. Even before the present Ministry accepted office the Report of the Commission appointed to inquire into the re-organization of the Indian army had been already made; the subject was, therefore, ripe for decision. The Government had taken twelve months to arrive at the conclusion they had presented to the House in the form of the proposed plan, and he must say after so long a period they had arrived at a very imperfect result. He did not complain that they had changed their views and opinions; on the contrary, they were quite right, if they thought they had good reason to do so. What he complained of was, that the House should now be called upon to decide a question where it was admitted that the Government had not yet decided what should be the details of the measure they intended to carry out. The right hon. Gentleman the Secretary of State for India told them that various plans had been submitted to him; but he also stated that he had not yet made up his mind which of those plans he should adopt. Now, he thought it would be neither fair nor just on the part of the House of Commons to leave the fate of the Indian officers wholly and entirely at the mercy of the Government. He did not mean to insinuate that his right hon. Friend was not just as anxious as any man in that House to do ample justice to those officers. But those officers would be much more willing to have their claims settled by the mature deliberation of Parliament than by the pleasure or caprice of a Minister. The hon. Gentleman who spoke last thought the difficulty in satisfying the claims of the Indian officers, if any, was of a minor character. A very different opinion was entertained by experienced Indian officers. As he considered that the House of Commons ought to be placed in possession of the real facts of the case, with a view to forming a correct judgment upon the matter, he would read an extract from a Minute of Sir James Outram, who expressed his opinion that the proposed amalgamation would inflict serious injury on the 6,000 officers in the Indian army; for those gentlemen had entered the service on the understanding that they would be promoted according to seniority; that they would never be superseded in their positions; and under the proposed amalgamation it would be impossible that faith could be kept with them in these respects. Sir James Outram therefore suggested that the whole question should be argued before a competent tribunal before any decision was come to. The question was now before a competent tribunal, and he (Mr. Baillie) trusted that the House would not decide this question by an abstract vote, but would call upon the Government to lay some plan distinctly before them.

Then, having regard to the question how the amalgamation would affect Her Majesty's Indian empire, he could not agree with the Secretary of State that, as regarded the expense, it was a question of trifling importance. He thought the right hon. Gentleman had underrated the costs and burdens that it would cast upon the State, and in this respect he agreed with the Committee of the Indian Council, who were of opinion that the question was not

what was the best conceivable scheme for the military occupation of India, but what was the best that the resources of the country could afford. There could not be a doubt that if this Bill passed a large proportion of the revenues of India would be placed at the disposal of the English War Office, without any check from Parliamentary supervision. That was an important bearing of the measure in a constitutional point of view. The Government had appointed Mr. Hammack, the actuary, to estimate the difference between the cost of maintaining local European regiments and regiments of the Line. Mr. Hammack's calculation was that 1,000 men of the Line would cost the Indian Government £10,000 a year more than an equal number of local troops. That showed a difference of 10 per cent against Queen's regiments, an amount surely not so trifling as the right hon. Gentleman the Secretary of State represented. But the Government had not taken into account the increased cost of transport. A calculation had been made with regard to the expense of transport by Mr. Hammack, from which it appeared that the expense incurred for the transport of Her Majesty's troops from 1852-53 to 1856-57, amounted to £616,032, and that the expense incurred during the same period for the transport of the East India Company's troops amounted to £156,239. The strength of the latter was one-half that of the former, and, supposing that the strength of both was equal, the cost of transport of Her Majesty's troops would exactly double that of the local army. And as the right hon. Gentleman's plan contemplated reliefs once every ten years, instead of once every twenty, or perhaps twenty-five years, as at present, the cost of transport would, of course, be proportionately augmented. Colonel Tulloch, in his evidence before the Commission, estimated, on the supposition that we maintained a Line army of 80,000 men in India, that no less than 29,000 men would be at sea annually, and that the cost would be £450,000, exclusive of officers, for whom the expense was enormous as compared with that for the men. This was an item which the Secretary of State for India had entirely omitted from his estimate of the cost under the new system. But, after all, the great blot in the plan was the facility it would give the Secretary of State for interfering with the resources of India. If they were to judge of the results of that interference for the future by their experience of the past, the prospects of Indian finance were not very assuring. The War Office had been reckless of expenditure when the Indian Government—not the Home Treasury—had to bear the burden. A remarkable example of this was presented by the case of the twelve batteries of artillery of which they heard so much eighteen months previously. During the Indian rebellion the Governor General applied for some additional artillery. His despatch was forwarded to the Secretary of State for War, and the reply was made that twelve batteries should be prepared for service in India. As that was a time of war, no objection was made on the score of expense, but it was found impossible to send the troops overland. The force had to be sent out by the long sea route, and had therefore to wait till the monsoon, which did not occur for three or four months. The original intention of the War Office was that these troops should be paid by the Indian Government from the day on which the requisition for them was first made. This was refused by the Indian Council, and a long correspondence took place on the subject. Before the time fixed for the departure of these troops news arrived that the Indian rebellion was at an end. The Council met, and memorialized the Secretary of State for War not to send out the batteries. The answer was that the Indian Government had asked for the troops, and it must have them; and he believed that but for an accident the Indian Government would have had to pay something like £250,000 for sending these batteries to India, would have had to maintain them there, and to bring them home again. In the meantime, however, circumstances occurred which produced an impression that this country would be hurried into war. The hon. and gallant General the Member for Westminster (Sir De Lacy Evans) gave notice of his intention to move an Address to the Crown, asking that at such a period those troops should not be sent out of the country, and they were not sent; but he believed that that notice did more to prevent their despatch than all the remonstrances of the Indian Government. That was one illustration of the system; another referred to the depôts. Every regiment in India had a depôt in this country which was paid by the Indian Government, but the number of men in which depended wholly upon the Secretary of State for War. The number of men in each of these depôts varied from

100 to 700 men, and thus the Secretary of State for War had at his absolute disposal an army of 16,000 or 18,000 men, as to his management of which no one knew anything. Suppose we had a Chancellor of the Exchequer who was a disciple of the Manchester school, disapproved of large armies and navies, and believed that the country was to be defended by the principles of free trade. He would write to the Secretary for War for his estimate, and having received it he might entirely disapprove of the number of men and reduce the Estimate by 6,000 or 8,000 men. The Secretary would perhaps remonstrate and say that he had sent the number of men that he considered were requisite for the adequate defence of the country. If the Chancellor of the Exchequer were inexorable, as he probably would be, then the Secretary for War could add 100 men to each of the depôts, and thus get his 7,000 or 8,000 men, the expense of whom be defrayed by the Indian Government, and this was a matter in which the Indian Council could not interfere. For anything that the House knew, that might be going on now. At all events, he believed that there were at present more men in these depôts than the Indian Council liked; but, if they remonstrated with the Secretary for War, he would tell them to mind their own business, that he alone was responsible, and he knew how to manage the affairs of his own office. This was a constitutional question, which was well worth the consideration of the House. A good deal had been said about the mismanagement of the War Office, and an opinion generally prevailed that that was one of the worst managed departments of the Government. Indeed, the Secretary of State seemed to share that opinion, because he had both last Session and this moved the appointment of a Committee to inquire into the subject. The impression was derived from reasons independent of the Crimean disasters, and it was believed by many that the mismanagement had arisen from the sudden amalgamation of the Ordnance and War Departments; and yet they were now asked by a Bill which simply repealed two or three clauses of an Act of Parliament to add the Ordnance and Military Departments of India to this already overburdened and inefficient office.

This appeared to be a very simple measure, but, like the Reform Bill, it would be found to be a very comprehensive one. The Government had this Session dealt much in large and comprehensive measures. First, there was a large and comprehensive measure of financial Reform, which was followed by a large and comprehensive measure of Parliamentary Reform; and now they had before them a large and comprehensive measure of Indian Reform. The first two had proved to be failures, and he predicted that this also would be admitted to be a failure, unless the House permitted its common sense to be carried away by the eloquence of the Indian Minister, as it was by that of the Chancellor of the Exchequer. This was called a Bill to repeal the Act which authorized the Government to raise local troops; but had the House well considered the engagements into which it would enter if it passed this Bill? It would engage to maintain an army of 80,000 men in India, no regiment of which should remain in that country longer than ten years. If such a system of relief was applied to the army in India, it must be extended also to the 35,000 men in our other Colonies. The army to be relieved would therefore amount to 115,000 men or more. He should be glad to know whether the Government had calculated the number of men that would be required as a standing army in this country to effect that relief properly and regularly. If they had not, it had been done for them. Sir William Mansfield, at page 175 of the blue-book said:—

"To carry out the system of relief, it will be incumbent upon Her Majesty's Government to raise twenty-five battalions of 1,000 rank and file, as was proposed for the local army of Bengal, in order to liberate Her Majesty's regiments of the Line."

That did not include the reliefs for the troops in the Colonies, which would require 12,000 men more; so that to carry out this scheme the standing army in this country must be increased by 37,000 men. He was one of those who should be willing to vote that number of men, but what would the right hon. Gentleman the Chancellor of the Exchequer say, and what would be the result if the House passed this Bill but refused to supplement it by voting these reliefs? The result would be that Her Majesty's regiments would have to remain in India for twenty or twenty-five years, and would become local corps without the advantages of local service. Then health would be destroyed and the army would become unpopular, for the situation of a soldier in India would, in such circumstances, be worse than that of a negro on a plantation in the West Indies. What he

wanted the House to do was to reject the present Bill, but not to pledge itself one way or other on the question of amalgamation. Let them have the whole plan of the Government embodied in a Bill, and then they might be able to form something like an accurate judgment upon so difficult a subject that all the highest authorities were ranged on different and opposite sides.

He had no doubt that the decision of the Government had been much influenced by the opinions expressed by some of the most distinguished officers in the Royal army—Lord Clyde, Sir Hugh Rose, and Sir William Mansfield. Let the House examine the reasons which those officers had given for their opinions, for the purpose of ascertaining whether the evils and faults which had been pointed out in the Bengal army were the natural and inevitable results of a local service, or whether they might exist in any service under similar circumstances. The principal evil complained of was the want of discipline in the Bengal army, arising, it was said, from two causes—first, from the absence of sufficient power on the part of commanding officers of regiments to punish their men, who had an appeal to head quarters; and, secondly, from the practice which had so long prevailed of allowing so large a number of officers to be absent upon Staff employments, whereby they were prevented, of course, from attending to the discipline of their regiments. Nothing, he admitted, could be worse than the want of sufficient power on the part of commanding officers to punish their men; but why and by whom was such a system maintained? It was maintained by those Commanders-in-Chief of the Indian army who for a series of years were appointed by the Horse Guards, and who were all Queen's officers. Take the case of the last two,—Sir William Gomm and General Anson. Sir William Gomm commanded in India for four or five years, but he never made any complaint, never instituted any inquiry; he was perfectly satisfied with the existing state of things, and when he left the Bengal army he published an address, in which he spoke in the highest and most flattering terms of the splendid discipline of the army he had so long commanded. General Anson was another officer appointed by the Horse Guards. Of that officer he would not express any opinion of his own, but would give that of the man who was, perhaps, more competent than any other in England to speak on such a subject. Sir John Lawrence said:—

"One of the great causes of the little influence of commanders of regiments was the manner in which all real power was centralized at head-quarters. This, again, was the fault of successive Commanders-in-Chief. Look, again, at the officers who were often sent out to command the armies of the different Presidencies; how few were really equal to the post. Can any impartial man cognizant of these facts, deny that such mistakes had not much to do with the late revolt? Look at the character and antecedents of the Commander-in-Chief in Bengal under whom the outbreak occurred; was he a fit officer for the control of the Indian armies, at a time, moreover, when many reforms were necessary? He was fully warned of the feeling of the soldiers on the cartridge question; but what did he do? He simply rebuked the officer who made the report. I know myself that not long before the mutiny he issued an order whereby many Mahomedan soldiers had to leave the army for no other fault but because they would not cut off their beards!"

It was quite evident that General Anson was not acquainted with the customs and habits of his own soldiers. Sir John Lawrence proceeded to say:—

"Some, again, arise from the character of the service in India; and others from the system which has grown up in that country, for which, if any people are more especially to blame than others, it would be the Governors-General and Commanders-in-Chief, who had been all sent out from home, who themselves inaugurated and elaborated the existing system, and who could at any time have altered that system as they found it defective."

The second reason given for the necessity of amalgamating the two armies was the number of officers withdrawn from their regiments for Staff employments. The House had been told by the hon. Under Secretary that a scheme was already prepared for the formation of a Staff corps, to which all Queen's officers who qualified themselves would be eligible, and that when appointed their places in their regiments would be filled up. But if an officer should be found unfit for the staff employment, what would they do with him? They could not send him back to his regiment, and they must employ him in some way. Again, supposing the plan to be a good one, what was to prevent a similar system from being adopted in connection with the local corps? Upon this point Sir James Outram said, in his Minute:—

"I believe that the practice of appointing the lieutenant-colonel of a local European regiment by seniority, without special regard to his fitness; of transferring him from regiment to regiment, so as to prevent his ever being identified with the corps he commands; and of abstracting all the best officers and men for Staff situations, would alone account for a much greater difference of in-

ternal discipline than is alleged to exist—and the only wonder is that any discipline at all is maintained. I feel certain that any officer of experience in Her Majesty's Line regiments would pronounce it hopeless to preserve discipline where such causes were at work to impair it. But not one of them is in the most remote degree connected with the local character of the army—they might one and all be removed to-morrow without amalgamation, and their removal ought to be tried, not for a few months, but for a period sufficient to produce an effect on the discipline of every regiment, before we resort to the desperate remedy of annihilating the local army under pretence of improving its discipline."

It had been stated on a former occasion that the Duke of Wellington was in favour of a local army. He had since referred to the *Despatches*, and, although there was no passage in which the Duke expressed in so many words his preference for a local army, there was undoubtedly a statement to the effect that the troops who had long resided in India were the best and most to be relied upon. The Duke said:—

"Bravery is the characteristic of the British army in all quarters of the world; but no other quarter has afforded such striking examples of the existence of this quality in the soldiers as the East Indies. An instance of their misbehaviour in the field has never been known, particularly those who have been for some time in that country; they cannot be ordered upon any service, however dangerous and arduous, that they will not effect, not only with bravery, but a degree of skill not often witnessed in persons of their description in other parts of the world. I attribute these qualities, which are peculiar to them in the East Indies, to the distinctness of their class in that country from all others existing in it. They feel that they are a distinct and superior class to the rest of the world which surrounds them; and their actions correspond with their high notions of their own superiority. Add to these qualities that their bodies are inured to climate, hardships, and fatigue, by long residence, habit, and exercise, to such a degree that I have seen them for years together in the field without suffering any material sickness; that I have made them march sixty miles in thirty hours and afterwards engage the enemy; and it will not be surprising that they should be respected as they are throughout India."

The Duke of Wellington's opinion was clearly that frequent changes in the Indian troops were not so advisable as was now supposed. No doubt the House attached great importance to the opinion of Lord Clyde, one of the most distinguished officers in the service. Lord Clyde, however, like other men, was liable to be influenced by the prejudices of those who surrounded him, and if it were true that Lord Clyde had said he would not intrust a division to an Indian officer, it was to be lamented for the noble Lord's own sake that he had ever written such a letter. Lord Clyde could not have forgotten that Sir James Outram had commanded a division of an Indian army, and that he was not one of the least distinguished heroes of the late campaign. He could not have forgotten Sir Archdale Wilson, who performed one of the most extraordinary feats of modern warfare in the siege and capture of Delhi, an effort which saved our Indian army, and which was wholly and solely, from first to last, conducted by the engineers and artillery of the local army; the engineers and artillery of the Queen's army having taken no share in it. Then there were the names of Nicolson and Hodson, which, if Lord Clyde had forgotten, would long live in the recollection of their countrymen. Happily, however, this question was not about to be decided by men imbued with professional or technical prejudices, but by those who would come to a decision with an entire absence of all party feeling and an earnest desire to do justice to the Indian officer. The House of Commons would act upon so important a matter, not from professional prejudice, but with a due regard to the great interests of India and of England, involving, as they did, the future tranquillity and security of Her Majesty's Indian empire.

SIR HARRY VERNEY said, that he was sorry to hear this question argued as one of patronage without proper and due regard to the great interests at stake. It was a scandal to the service so to argue it. He could not believe that the Government would persevere in laying it down as an axiom that the Commander-in-chief was to appoint the Adjutant General of the army in India, and the Governor General, the Quartermaster General, but would look at the matter solely with reference to the good of the army and the empire. An important question raised in the debate was whether English officers would accept office under the Government of India. He did not deny that they would accept office. What he doubted was whether they were altogether fit and capable to serve. Mr. Wilson, who could not be supposed to speak from any prejudice against the Queen's army, said:—

"Nothing has struck me more in India than the contrast between officers of the Indian service and officers of the Line in their treatment and manner of speaking of the Natives; what little I have seen fully bears out the distinction drawn by the Honourable the President in Council, and it is clear that such a force, without some new condition and check to enable them to act more in accordance with, and in consideration of, the feelings

and rights of Native gentlemen, must be a most imperfect instrument for repressing the consequences of suspicion and uneasiness with our rule where or when they exist."

It was most important to obtain fit and competent officers for India, because he felt convinced that the retention of India depended more than anything else upon the conduct of our officers, and their treatment of the Natives. At the commencement of the late mutiny he wrote to India to an officer serving under Sir W. Peel, and asked him his opinion as to what was the cause of the late mutiny. He replied that he saw enough to cause a mutiny every day, in the want of consideration shown, by young officers more especially, to the Natives. That opinion was backed by the experience of Mr. Wilson, who had said that he was much struck by the different manner in which Natives were treated by local officers and officers of Her Majesty's army. He did not deny that officers of the Queen's army who determined to make India their home would probably adopt habits of conciliation towards the Natives, but up to the present time the local officers had alone treated the Native inhabitants with a consideration likely to conciliate their affections. The opinion of the Duke of Wellington and Lord Metcalfe had been quoted, but he could not find in their writings any expression of opinion that the two armies ought to be amalgamated, and it was very doubtful whether their opinion was not on the other side. In dealing with the question of expense, it had not been considered that if there were only the Royal army in India a great number of soldiers who went out with their regiments would only have a very short time to serve, and must be sent home in perhaps two or three years at the expense of the State. No class of men could have conducted themselves better or been more useful in India than the local officers, and the reason was evident. They went out young to India, after having received an excellent education in England, and they devoted themselves to their duties as men who were to remain in India, studying the languages and customs of the country and acquiring the confidence and respect of the Native population. The local army of India had received an unanimous vote of thanks from that House after the suppression of the mutiny, and now they were to be treated as disloyal and disaffected soldiers. A great deal too much had been made of what was called the mutinous conduct of the local regiments. For his part, he objected to any arguments being raised on the supposition of disaffection or disloyalty, for he believed there was not the slightest want of loyalty in India, and the Governor General had every faith in the European army. On that ground he thought they were doing great injustice to the Indian army to make any change. No service in the world had produced more eminent men, whether they regarded the political or the civil service, and certainly no body of men had so preserved the affection of the Native Princes. He should by no means wish to see the power of the Governor General to select the best men for the service or to get rid of incompetent men, restricted. It had been said that great Indian authorities had given their opinion according to their interests. He did not believe that statement. The fact was, that all the opinions in favour of amalgamation had been given on this side of the water, and it was evident that officers of the Imperial army had far more interest in the amalgamation than any other class; therefore he thought that their opinions ought to be most carefully canvassed before any such change as that contemplated was effected. The House had it now in its power to arrest a course which he believed would prove extremely prejudicial to the welfare of England, and was directed against a body of men whom he had ever heard to be as loyal, as intelligent, and as upright a set of men as any which had ever been sent out to India. On those grounds he should support the Amendment.

Sir JAMES ELPHINSTONE said the real question was whether acclimatized or unacclimatized men should discharge the duties of the army in India. Hitherto those duties had been carried out by Indian troops, supplemented by the Queen's troops. Eminent men on both sides had given their opinion upon the proposed change. All the officers of the Indian army examined on the Commission had given their opinion one way, and the officers of Her Majesty's army the other. On one side they had the Earl of Ellenborough, Lord Harris, the Marquess of Dalhousie, Sir James Outram, General Jacob; and on the other, Lord Elphinstone, Sir George Clark, Sir Charles Trevelyan, Sir Willoughby Cotton, Colonel Tulloch, and others. As far as he could see the weight of evidence appeared to be in favour of those who advocated the continuance of the present system. The de-

cision of the question should not rest on the opinion of military men; it was a matter of high political importance on which the opinion of civilians was of more value than that of military men. The Earl of Derby's Government inquired into the subject, and came to the conclusion that the present system should be maintained. He thought their opinion was of more weight than that of the Commission. The principal reason given for doing away with the local service was that disturbance which had been exaggerated into the name of a mutiny; but the Royal troops were equally implicated with the local troops in that transaction, for it was well known that they would not have pulled a trigger against the latter had they proceeded to extremities. The men were grievously outraged, and no wonder they committed acts of insubordination; but, as it was well known the Royal troops would not have acted against them had they been commanded to do so, they were equally involved. If they were going to do away with the local troops for the insubordination they fell into, they might on the same grounds have done away with the British navy because of the mutiny at the Nore. The reason why so many of the local troops came home was that there were many young recruits among them who, having seen nothing but rough service, were happy to leave the country; while, on the other hand, some of the older soldiers had saved money which they wished to spend in England. When the Government took the inconsiderate and absurd step of offering those men their discharges, was it at all surprising that the offer was accepted?

One of the objections that had been urged against the Indian army was that the patronage was vested in the Council of India, but in the first place he believed there would be no patronage for the next two years, and if there was any patronage he thought the Council was the best body to dispose of it, with a view to encouraging men to make India their homes, and Indian service the object of their lives. He had never seen men who looked more "abroad" than Queen's soldiers on their landing in India. They did not regard that country as their home, and they never became perfectly reconciled to their position. The officers in particular anxiously looked forward to their return to this country. Lord Canning himself testified that after the mutiny he was overwhelmed with applications from officers to return home. The great danger of the scheme now proposed was that the Governor General would have no local force whose peculiar duty it should be to protect India, and that in the event of any Imperial emergency India would be denuded of troops, as it was during the Crimean war. It might be said that our past experience would lead us to avoid that error in future, but the fact was that we never learnt anything from experience. If the warnings and the demands of the Marquess of Dalhousie had been complied with, and 5,000 men had been stationed between Calcutta and Allahabad, there would have been no massacre of Cawnpore, and the mutiny, if it occurred at all, would soon have been put down. Even now there was a movement in Behar resembling that which preceded the outbreak of the mutiny—a sort of fiery cross was sent through the country, fakirs were found preaching sedition to the troops in Delhi; and yet the Government had never mentioned it. He did not see how trained officers could be provided under the new scheme for filling up the various Staff appointments; and appointments of that character would naturally increase for the future in consequence of the multiplication of irrigation works and other improvements. Then the question arose, how were they to recruit the army? They proposed to have 80,000 European soldiers in India, and he believed, unless the Native army be reduced, that number would be found insufficient. But even if no more should be required, it would be necessary that they should have reliefs to the number of 10,000 men; and there should be large deductions made on account of the newly arrived troops who would be undergoing the process of acclimatization, and who would for a period, perhaps, of twelve months be unfit for service in the field. How were the men to be sent out? Their transport by the Cape would cost £15 per man, and he really believed that it would be found more economical to convey a considerable portion of the Mediterranean force by way of Egypt, and thus afford them the opportunity of becoming acclimatized to a tropical atmosphere. He had been alarmed by a suggestion which had been made by the right hon. and gallant Member for Huntingdon (General Peel), that the salaries of Staff appointments should be revised in order to assimilate them to colonial rates. If that were done those appointments would cease to be competed for by the best men, and the service would suffer.

The main question, however, was the policy of abolishing the local army, and it appeared to him that, without adopting the extreme measure then under the consideration of the House, many improvements might be effected in the working of the present system. The system of landing men in India at all seasons, marching them at once to their stations, caused in itself a waste of money and a loss of life. Instead of quartering them at once in the hot cantonments, as the present practice was, they should be gradually acclimatized by being sent, where that could be done, to the cool tableland of the hills. Their moral condition might, at the same time, be improved by the suppression of canteens, and the establishment of club-houses with libraries, and the introduction of games, to keep them from the demoralizing effects of liquor, which was the bane of our troops in India. Then, again, it would be found that after having spent seven or eight years in India and being accustomed to the attendance of servants, and the luxuries of India, men would not come home to this country very useful or efficient soldiers. That was another item which the Government ought to take into account. They seemed to expect that regiments would be serviceable immediately on their arrival in India, whereas it would be twelve or eighteen months before they would be efficient; and they expected the same thing when those same regiments were taken home *en masse*. Why, if men who had served ten years in India were on their return home marched to Aldershot in this wet weather four-fifths of them would be in hospital in less than a week. With the European troops in India it had always seemed to him a great point that steady and well-conducted men should have some reward to look forward to; and with this view he would appoint Native Instructors to each regiment, so as to qualify such men for the discharge of other duties. In that case they might be draughted into the police, or employed as superintendents of irrigation works and roads, of which, with the railway system now growing up, a great many would be required in order to develop the local traffic. There were a hundred different ways in which Europeans might be advantageously employed in the place of Natives, who were essentially untrustworthy. Our empire in India had grown up under the present system; that system worked well, was suited to the habits of the Natives, and was based on the common-sense principle that you must have acclimatized soldiers to do duty in India. If this principle were departed from, the Government would certainly be driven back to it; and it was much better, now that the Queen was at the head both of the European and Native troops in India, that some plan should be devised for carrying out the views of the late Government, and leaving matters to remain pretty much as they were at present, instead of rushing into a course which was so reckless, and was adopted in a manner so derogatory to the Council of India. If the Bill passed, he looked upon it as a most severe blow to that body. In the Council of India were men of great experience and high character, and why were they not called upon to legislate upon Indian matters? It seemed as though they were eventually to be put aside, and the Government of India administered by the Cabinet, for the purpose of increasing their political influence and their patronage in this country. For these reasons he should oppose the second reading of the Bill.

Mr. KINNAIRD said, he was glad to find that the House was not prepared to pass that measure with the rapidity which might at one time have been expected. The question at issue was one of the gravest that could be submitted to them. The right hon. the Secretary of State for India had stated that it was an Imperial question, and he (Mr. Kinnaird) believed that that was the right hon. Gentleman's excuse for not taking the opinion of the Indian Council. It was, indeed, an Imperial question, but it was not therefore to be determined chiefly with reference to the interests of the Empire in Europe, but to its interests in Asia. We talked of India sometimes as if it were but a little colony; and indeed on this very question of the army some would reason upon it as if it affected a little island like Ceylon, instead of a country which it was an anomaly to call a country at all. If the whole of Europe were conquered by an island at our antipodes, such as New Zealand, and the people there were to talk of Europe as a "country," and say that it was anomalous to have anything but one army for New Zealand and Europe, it would be a parallel case. He thought, therefore, that those who dwelt so much upon the anomaly of our present system had forgotten the still greater anomaly of this little island ruling over nearly a quarter of the human race—

holding in subjection 200 millions of people, speaking thirteen different languages. Of course, any system suited to such a state of affairs might be expected to be anomalous. But they were told that high authorities maintained that it was no longer safe for the Empire to have a separate local European army for India. Now, Lord Clyde might be a great authority, and so might others quoted; but for such a question to be settled on the testimony of four or five officers, whose prejudices would naturally incline to one Royal army, and whose letters were not even given *in extenso*, was not very satisfactory. Great reliance was placed on the occurrence of a so-called mutiny in the Bengal local corps. But was not that altogether an exceptional case? Was it not a fact well known in India that Lord Clyde and Sir William Mansfield considered the claim of the troops to a fresh bounty on being transferred from the Company to the Crown a just claim? Did not the noble Viscount the Prime Minister himself appear once to entertain a similar conviction? It was not alone in Bengal that Englishmen combined when they thought their just rights were being tampered with. What did the sailors on board the *Princess Royal* last December do? And who were most blamed by the public? True, the men were punished, but the officers were blamed. And he knew it to be the opinion of able men that if the Bengal local corps had been wisely handled that army would not have so far dissolved itself. Moreover, the Report of the Royal Commissioners in 1858 was calculated to create excitement in that army. The delay that had previously occurred in settling the whole question of the army had already produced discontent among officers and men, which this Report aggravated. But before this, the local European troops of India had acquired a world-wide renown. Who repaired the disasters which occurred under a general of the Royal army in Affghanistan? Who but Nott, Pollock, and Sale—all Indian officers? When the mutiny broke out, who was summoned to Lucknow, the post of danger, but Sir Henry Lawrence? Who guarded the frontier, and kept in check dangerous tribes, but Sir Herbert Edwardes? Did hon. Members suppose that success at a post like Peshawur did not demand long Indian experience? Who turned the tide of battle at Delhi but Nicholson, another officer of this now disparaged army? It was very easy by a Bill of two clauses to abolish an army which would carry with it imperishable fame, but it would have been more satisfactory, he thought, before voting for its abolition, to know what was going to take its place, and not to turn over this question wholly to the Cabinet and the Horse Guards. Was the system of promotion in the army at home so admirable that there was little left to be desired? Did our system stand the wear and tear of war in the Crimea? What happened with regard to the commissariat? A distance of seven miles placed between the army and the ships sufficed to starve the horses and reduce the men to grievous want. Did the commissariat so break down in India? What security was the House taking that by the abuse of patronage, incompetency should not reign in some of the Indian war departments? Had the House at least the consolation of knowing that it was not taking a leap in the dark, and that the wisest counsels had been brought to bear on the decision taken in this matter? When the Government of India was placed under the direct control of the Crown, they had been told that India was so peculiar, that Her Majesty's Secretary of State for India must have the assistance of an Indian Council, composed in part of men whose lives had been spent in India, and the Government might well be proud of some of the men who adorned that Council. Yet, in a question in which was bound up the security of India, the Council had been, as such, altogether ignored. True, his right hon. Friend (Sir Charles Wood) had told the House that the Members of the Council had been consulted individually, but that was not the way in which Parliament or the Cabinet was consulted; but, as he understood his right hon. Friend, the Council collectively had not been consulted on the Bill till the Cabinet had decided that it should be proposed to Parliament. Might he be allowed, then, to ask what was the use of that Council? Surely it would be better to have the aid of its Members in Parliament than consign them to such an unworthy position. Many of the gentlemen composing the Council were men of high authority on Indian matters, and he believed they were unanimous against the Bill. He hoped they would be allowed to enter a protest in writing, and that the House would have the advantage of reading the protest before the Bill reached a further stage. This question deeply concerned all the Native troops and the intercourse with Native courts. At present the local European

troops gave dignity to the Native troops, and formed an intermediate link between them and the troops of the Line. But when this link was broken up and gone, would they work well together? for it was impossible altogether to dispense with Native troops of some sort. In the case of a European war, was there any security that this country would not again have recourse to foreign mercenaries to supply the lack of English troops? Would those mercenaries be sent to India, or would the country be satisfied to rely on them for home service and denude itself of English troops for India? This was a very possible contingency. Was it wise to leave such a mass of provinces as composed India entirely dependent on the Imperial army; and, at a moment when this country had just recovered its sway, to rely upon an untried staff to supply successors to that noble list of men who had adorned the annals of English rule in India, beginning with Clive and ending with Henry Lawrence? For the reasons he had stated he should give his support to the Amendment which had been proposed.

MR. VANSITTART said, he regretted he could not support the Amendment of the hon. Member for Taunton, as he was fully convinced of the necessity of an effort being made to bring the allowances, pay, and promotion of our two European forces serving in India into something like harmony. In order to allay the heartburnings that now existed, no prolonged delay in the settlement of this important question should be allowed to take place. Moreover, as the local European army had been partially dissolved by its own misconduct, though it might have received provocation in the first instance, the time appeared to be singularly favourable for considering whether it would not be desirable to amalgamate the two forces into one. With reference to the feelings of deep dismay with which so many hon. Members—who, no doubt, possessed great practical knowledge—viewed the abolition of a local European army, they should bear in mind that many great authorities, who at one time espoused that system most warmly, now with equal warmth advocated the necessity of a fusion of the two armies. Undoubtedly, the greatest argument in favour of a purely local force was that it served as a preventive, a guarantee against India being denuded of European troops, at the caprice or ignorance of the Indian Home Minister, as was the case previous to the outbreak of the late mutiny. But that danger might easily be obviated. All that was necessary was to ascertain the precise number of European troops necessary to be maintained for the security of India. He still adhered to the opinion he had formerly expressed that the number should be 80,000—50,000 for Bengal, Behar, the North-Western and Central Provinces, Burmah, Oude, and the Punjaub; and 15,000 for each of the minor Presidencies of Bombay and Madras. Having fixed the number, let it be ratified by an Act of Parliament, which should also limit the periods of service—say, seven, ten, or fourteen years—after which period the battalions ought to be relieved in regular routine. That arrangement would not only insure the retention in India of the prescribed number of Europeans, but would also get rid of a local force, which had been heretofore bolstered up by peculiar privileges denied to the Royal army—a force which had always been more or less discontented, and had occasionally broken out into open mutiny and insubordination. The names and opinions of many very distinguished officers had been quoted in the course of the debates on this question, but there was one whose name and opinions had not been brought under the notice of the House—Colonel Vincent Eyre, of the Bengal Artillery, and well known for the bravery and skill he displayed in relieving the Arrah garrison, in the Behar province, and for his subsequent exploits in Oude and Rohilcund. Colonel Vincent Eyre published an admirable letter in *The Times* last winter on the question, in which he advocated an extension of the system of raising additional battalions to the twenty-four already added to the Royal army, so as to have a highly efficient army for both home defence and India. "By this reciprocity of interests," said the gallant Colonel:—

> "Both countries will be gainers. India would gain a constant succession of young soldiers, ready-disciplined and prepared to do credit to their country and service in the East, while England would obtain for home defence, a constant supply of home-sick, yet still efficient and valuable veterans, experienced in war, with medals on their breasts, and loyalty in their hearts to stimulate their younger brethren, and 'show how fields were won.'"

With regard to the Native Sepoy army, he still maintained the opinion he had given the previous year, that it should be reduced to the lowest ebb consistent with the exigencies of the service, and that on no account should the proportion exceed three natives as to two Europeans. Assuming 80,000 Europeans to be the figure, that

would give us an army of 200,000 men for all India, and which would probably be distributed something in the following manner:—50,000 Europeans and 70,000 Natives for Bengal; and 15,000 Europeans and 25,000 Natives for each of the minor Presidencies of Madras and Bombay. Next to making both ends meet it was indispensable that our attention should be directed to restore that sense of personal security and confidence which prevailed previous to the mutiny. There was no doubt that any civil station could be held in perfect security by a military police force, such as was being rapidly formed all over India, provided a controlling European force were within a moderate distance. It should be recollected that the Native Sepoy army in Bengal alone, regulars and irregulars, before the mutiny broke out, numbered 120,000 men, but with its various contingents it amounted to considerably more, so that, were the arrangement which he had ventured to point out to be made, great economy would be combined with perfect security and efficiency. Entertaining these opinions, and being fully convinced that legislation was urgently demanded upon this, as well as upon several other important questions connected with the well-being of India, which appeared to have escaped the attention of the right hon. Baronet the Secretary of State for India, he should certainly adopt the same course as the right hon. and gallant General the Member for Huntingdon, in giving his support to the second reading of the Bill.

SIR WILLIAM RUSSELL said, as he had recently had an opportunity of seeing the working of the present military system in India, he was anxious to offer a few observations. Reasons might have existed during the reign of the East India Company for the maintenance of a double army, but he was surprised that any person could longer advocate the retention of a local force; in fact, it might have been abolished with advantage at the time of the transference. He regretted to hear the noble Lord the late Secretary of State for India say that he was still opposed to the fusion of the two armies, because, knowing how that noble Lord devoted himself to every subject he undertook to consider, and how carefully he weighed the evidence on each side on every question that came before him, he had been fully prepared to hear him declare that under the circumstances complete amalgamation was necessary. The Bill, however, had reference simply to the non-enlistment of men for the local European force. In dealing with the military part of the question, three arguments were urged in favour of a local force which required notice. The first was the necessity for the men becoming acclimatized; the second, that they would acquire a knowledge of the country and of the habits of the people; and the third, the expense of transport. With regard to the first, he believed the weight of medical testimony showed that the deaths of soldiers were greatly in excess during the first five years of their residence in India; but these took place mainly among the young recruits, and when a whole regiment of seasoned soldiers was sent out the mortality was comparatively small. It was therefore evident that less loss of life would be entailed by sending out a new and healthy regiment than by forwarding detachments of recruits. As to the second argument, he would simply say that it required a very short time indeed for the troops to acquire a knowledge of the habits of the people; and it must not be forgotten that when a regiment left India on the expiration of its term of service it was usual to permit those men who chose to do so to remain, and from 100 to 150 old soldiers often availed themselves of that privilege, who quickly initiated their younger comrades into a knowledge of the habits and prejudices of the people and the precautions necessary to be adopted. As to the third argument, that of the expense of transport, he had always looked on that as the only real and formidable objection; and until he saw the paper that had been laid before the House, showing that the entire expense would not amount to more than £170,000, he was led to believe that it was insurmountable. But on going over the paper he saw at once how the expense would be small, and as now the term of service was fixed at ten years, it mattered very little whether men were taken out as required or whether they went out in regiments to remain for that period. The number of men invalided was much alike in both services. To the arguments in favour of a local force, therefore, he attached very little weight. On the other side it was argued in favour of amalgamation—first, that a local force of necessity acquired strong local feelings and prejudices, and that the sentiment of allegiance to the mother country was less strong as they felt they were separated from it for life, than in regular troops. The late mutiny afforded an instance, though he

was not disposed to urge it so strongly as some hon. Gentlemen had done, because he thought the men at first had right on their side, and that they only put themselves in the wrong by their subsequent conduct. But the second and the chief objection to a local corps was, that it was almost impossible to maintain in a climate like that of India a high state of discipline. It was impossible to give either men or officers a sufficient amount of occupation. They were compelled by the climate to rise before daybreak for drill, after which they were shut up in barracks for something like ten hours, and habits of intemperance and insubordination were thus engendered, which were fatal to discipline—by which he did not mean pipeclay discipline, but that strict and implicit obedience which was absolutely necessary to the existence of an army. This observation applied not merely to the local forces, but equally to the regiments of the Royal Army, which, if kept long in India, much deteriorated in discipline. At the same time, he was bound to bear his testimony to the gallantry of the local corps. He had the honour of fighting beside them, and he knew them to be unsurpassed in gallantry. They had proved themselves on every occasion of the best material. The third reason in favour of amalgamation was that those little feelings of jealousy, which often arose in matters of quarters and other points, would all be dissipated when the two armies were united in one. With regard to the position of the officers, he believed it was often made an argument on behalf of a local army that superior advantages were afforded by the local or special training which they received for the Indian service, and it was urged that great difficulty would be found in inducing officers of the Royal army to qualify themselves for Staff appointments. But this supposition was disproved by the facts, for since Staff appointments had been thrown open to officers in the Royal army five or six were qualified in every regiment, and in his own corps three officers had passed their examination within twelve months, and he had heard by the last mail that one had been appointed to the command of a body of irregular cavalry. It was, therefore, clear that if they held out the prizes of the service to the officers of the army they would find plenty ready to compete for them. He did not see why Her Majesty should have more difficulty in finding such men than the East India Company had. They would come from the same class, and they would be trained in the same college for the service. It had also been supposed the system of promotion in the local corps being by seniority, and not by purchase, would create an obstacle, but it had already been shown by an hon. Gentleman that the system of purchase did actually exist in the Indian army, as the officers were in the habit of paying a certain sum to induce a senior to retire, so that there would be no difficulty on this account, in amalgamating the two services. Then the Secretary for India had effectually disposed of another objection, that the first appointments would be added to the patronage of the Horse Guards. He stated that he understood the views of the right hon. Baronet, the Secretary for India, were that a college should be established for the Indian service, and that officers should obtain their appointments by competitive examination, as his Royal Highness the Duke of Cambridge had consented to give up all claim to the patronage. The fourth objection, if true, was a very serious one, that it would injure the power of the Governor General. But he could not believe that the power of the Governor General would be at all curtailed, as all the prizes of the profession would be left in his gift. The staff and the civil appointments—in fact all the appointments that were usually striven for by officers in India, would be left in his gift, how then could it be said that the power of the Governor General would be diminished? One thing was greatly in favour of an amalgamation of the Royal army. Under the existing system an officer might find himself, owing to his inability to continue in India in consequence of the state of his health, obliged to give up a profession to which he had devoted the greater portion of his life, whereas, if the proposal of the Government were carried into effect, he might serve in Europe and be enabled to recruit his constitution. Next came the question of what was to be done with the Native army, which he hoped the right hon. Gentleman the Secretary for India would keep at the smallest possible amount, for he believed no enemy which we were likely to be called upon to encounter in that country was of the slightest importance, except it were one which we happened to have trained in the use of arms ourselves. Until thus instructed the Natives of India were, in his opinion, most contemptible as a hostile body, and he felt satisfied that we

Sir William Russell

should be contributing to the relief of our own troops by keeping the Native force at a low level in point of numbers, because under those circumstances we should not have so much trouble in looking after it as would otherwise be the case. For his own part, he thought no Native force, under the direction of Native chiefs, could withstand an army of 5,000 Europeans in the field. In corroboration of that view, he might state that he had the honour of serving under Lord Clyde when with a smaller force he had attacked upwards of 30,000 Natives, trained to the use of arms in accordance with the English system. 50,000 Europeans might, under those circumstances, he maintained, be regarded as a sufficient force to hold India in subjection. Passing from that point, he wished for a moment to refer to the statement which had on a previous evening been made by the noble Lord opposite (Lord Stanley), who expressed an apprehension that if the proposed amalgamation were carried into effect the officers of the Native army would be looked down upon as inferiors by those serving in the Line. Now, he could not imagine that such would be the feeling with which men who were called upon to pass an examination, and who must possess certain high qualifications for their position, would be regarded, and while entertaining no fears upon that score, he should ask the House to bear in mind that one of the great advantages which the contemplated amalgamation would confer was that in the event of a European war we should be enabled to command a supply of Staff officers who were accustomed to move large bodies of troops from India—the field in which the Duke of Wellington had learnt two of the most important lessons in the conduct of a campaign—the keeping up a commissariat and the transport of troops. As to the opinions of the officers of the Indian army with reference to amalgamation, he could only say that up to the rank of major, he believed, they were unanimous in its favour, while above that rank they were nearly equally divided on the subject. Those officers were, he might add, a highly educated body of men. Their gallantry was beyond all praise, and they would, under those circumstances, be received by the officers of the Queen's troops as comrades of whom they might well be proud.

SIR MINTO FARQUHAR said, he believed this Bill was not brought forward as a party question, but, though introduced upon the responsibility of the Government, they left the question to the impartial feeling of the House. He would, therefore, disclaim all intention to treat it in a party spirit. At the same time he felt bound to express his surprise that on a subject of so important a nature, the right hon. Gentleman had not taken the advice of his Council. He had heard many reflections and remarks on the conduct of the right hon. Gentleman on that point out of doors. It was true that by the Act of Parliament constituting the Council it was not made a matter of compulsion that the right hon. Gentleman should take the advice of his Council; but still he was bound to say that when Parliament did constitute a Council, it was naturally expected that the right hon. Gentleman would take its advice; and he believed the public at large would have considered it much more satisfactory if he had done so. He would ask the right hon. Gentleman himself whether—having such men sitting in Council with him—men who, though they had passed the greater portion of their lives in India, he would venture to say were of European renown—men who had devoted their lives to the interests and welfare of India—he would ask the right hon. Gentleman whether it was not puerile to contend that they had been consulted, because the House had the means of knowing their opinion on the subject. It appeared, however, that the opinions of all were opposed to the present scheme, and that probably was the reason why the right hon. Gentleman had not consulted them on so important a subject as the amalgamation of the local army in India with the Line. But, passing from that point, he should wish briefly to refer to the speech of the right hon. Gentleman opposite (Sir Charles Wood) when introducing his scheme to the notice of the House. That speech, he must confess, he had heard with great surprise, for he had heard the right hon. Gentleman make a statement on the 10th of August last to which it was diametrically opposed. On the 10th of August the question of insubordination, which was now made the ground of the present charge, was perfectly well known to the right hon. Gentleman, and if there was any ground for the charge, he was surprised that the right hon. Baronet had not made it then, instead of putting it forward ten months afterwards. It should also be borne in mind that the right hon. Gentleman was himself the Minister who, in 1853, in-

creased the limit of the local force from 12,000 to 24,000, and who, still later, proposed to extend that limit to 30,000. But that was not all. Last year he called attention to the Report of the Commission for the reorganization of the army, and stated that though the majority were in favour of amalgamation, he thought the weight of authority was with the minority, especially as that minority included Sir John Lawrence. As to the subject of economy, the right hon. Gentleman talked very lightly of the sum of £100,000 or £150,000 being spent additional in consequence of the amalgamation; but the right hon. Gentleman ought to remember that he was dealing with the revenues not of England but of India, where this burden would be severely felt. Another reason the right hon. Gentleman formerly gave for a local corps was the inducement it held out to well educated young men to devote themselves to India as a career in life—that it led them to give themselves up to the study of the languages and habits of the Natives, and thus fitted them not merely for military service, but for other duties, which were indispensable to the Government of India. He had then gone on to speak of that insubordination among the local troops which he now made the groundwork of the contemplated amalgamation, observing, that although it was a serious occurrence, yet it was not sufficiently grave to alter the determination at which the Government had at the time arrived. The right hon. Gentleman on that occasion especially mentioned that many of the troops were young, and had but recently been enlisted in the manufacturing districts, and that the mutiny should rather be described as a strike; and, even after that, the right hon. Gentleman was decidedly of opinion that the local force should be retained. He (Sir Minto Farquhar) recollected that the right hon. and gallant Gentleman the Member for Huntingdon (General Peel) followed, and with the utmost frankness declared himself unfavourable to the local army. The right hon. Gentleman the present Minister for War afterwards spoke, and in reference to the observations of the right hon. Gentleman the Member for Huntingdon, said that the gallant General appeared in a double character—as a member of the majority of the Commission on which he sat, and as Minister of Her Majesty's Government. It appeared to him (Sir Minto Farquhar) that the right hon. Gentleman opposite had also assumed a double character—that of opponent of a principle which he had a short time before advocated. The Report of the Commission itself showed that the local force was much less expensive than the Line; that for every addition of 1,000 of the latter, there would be an additional expense of from £6,000 to £9,000 a year. It had been said that India ought to be governed upon the same principle as all our other Colonies. But how was it possible to compare an empire of 200,000,000 of Native inhabitants with our other Colonies, which were actually colonized by Englishmen, and the legislative assemblies of which were elected by Englishmen? It had been shown in reference to the comparative mortality of the different troops that India was much more favourable to the health of the local troops than to the regular army. In Whitelock's army, during the mutiny and whilst on its march, the rate of mortality in the local troops was only 3 per cent, whilst it amounted to 11 per cent in the regular troops. It might be said the local troops were not so smart, or well set up as the Royal troops, but was there any proved deficiency in their fighting qualities? Had they ever been wanting in action? Every one who had read the history of India, every one who had watched the late mutiny, must agree that no force could distinguish themselves more than the local troops in India had done. As to the charge of insubordination, a certain amount of excuse must be made for them. They were placed in a most peculiar position, being under an impression that they were entitled to bounty or discharge on being transferred from the East India Company to the Crown. A discharge was given to them subsequently, and he was not surprized that so many of them should, under the circumstances, have taken advantage of it; but their conduct was hardly a sufficient reason for imputing to them so grave a charge as insubordination. It was quite true this Bill was a very simple one, but under the cloak of simplicity it often happened that there was a shadowing forth of different and far wider schemes. If the House determined to carry this Bill, he trusted, whatever its ulterior objects might be, at any rate they would have the advantage of seeing and giving their opinion upon them. The right hon. Gentleman the Secretary of State for India in his speech the other night had quoted great authorities against maintaining a local European force, but those authorities were all

before him when he proposed a scheme of an opposite character. Even Mr. Wilson was not in favour of this plan, and Earl Canning, in a despatch which had recently arrived, after having the opportunity of consulting Lord Clyde, Sir Hugh Rose, and the other authorities referred to by the right hon. Gentleman, condemned the course which had now been adopted. He was ready to give the right hon. Gentleman credit for the sincerity of his motives upon this question, and for the manliness with which he confessed his change of opinion. Having, however, given full consideration to the subject—having carefully read the papers laid before the House in relation to it, and consulted many of those most competent to form a judgment upon the matter, he must say that it was not in his power to follow the right hon. Gentleman in the change of opinion which he had candidly avowed in relation to this measure.

COLONEL PERCY HERBERT said, he should endeavour to deal with some of the objections urged by the supporters of the Amendment against the scheme of the Government. The first and foremost of those objections was the expense. The House was in possession of papers in which that question was discussed at some length by Mr. Hammack and Sir Alexander Tulloch. He would not weary them by recapitulating the figures, but would draw attention to one point which was important. Mr. Hammack struck out the expense of the original transit of the troops to India. Sir Alexander Tulloch very fairly objected to that omission. Mr. Hammack replied that, as he was acting according to his brief, he did not think it necessary to make any alterations on that score. But it was obvious that the House must consider it. It was not a question of finding a local army which they sought to reconstitute, but of establishing a new army in place of the Royal army which already existed and was serving in India. That army must be raised in this country. It must be trained for many months, if not for one or two years, before it could go out in a state of efficiency, and the whole expense of training must be borne by the Indian revenue. In the meanwhile another army must be brought home, also at the expense of the Indian revenue, and this was the plan proposed in the financial interest of the Government of India. In the morning's paper he saw a plan by Major General Hancock, late Adjutant General of the Bombay Army, who proposed to break up, by a system of volunteering, a number of regiments in India, and to draw largely upon the resources of the Royal army at home for the purpose of sending out drafts of trained soldiers. The proposal was to take three-fifths of the men from the regiments now serving in India, and to fill up those regiments from regiments at home, and also to put the Royal officers by wholesale upon half-pay at the expense of this country. If the scheme had been propounded by a clerk in one of the departments, who thought that soldiers, like bricks, could be built into any shape, he should not have been surprised, but he was astonished that any officer should have proposed such a preposterous scheme. Umbrage was taken at the depôts being on a different system to that formerly adopted. Now all they wanted was to have troops in the best state of efficiency in India, and, if it could be shown that the depôt system of the Company was the best, by all means let it be adopted. But he was inclined to believe that to take out raw and undisciplined soldiers, and thereby injure the efficiency of regiments already in India, would not be cheapest, but most expensive in the long run. The efficiency of an army was not to be tested by statistical returns, but by the fact whether the Government could rely on their obedience and discipline in the hour of trial. Let them then consider whether a local army or the Queen's troops would best support that test.

He next came to the question of the supply of officers. Nearly all the hon. Gentlemen who had spoken had treated the matter as if it was a question of the total destruction of the army of the East India Company. But the plan of the Government affected only that portion of the army which was composed of European troops; and the Bombay army, including twenty-five Native infantry regiments, and the Madras army, including fifty-two Native infantry regiments, were not interfered with. The officers required might be drawn from either of those establishments, and they had also the whole of the Royal army from which to choose. What was the system? A young man went out, ignorant of the country, of the effect which the climate would have on his constitution, and of the advantages and disadvantages of the service, except as far as they were represented to him by his friends. But how would the matter now stand? It was proposed that an officer serving in India,

having made himself acquainted with the Native language, and knowing whether he could stand the climate or not, should be enabled, with his eyes open, to elect whether he would remain in the Royal army, or whether he would take permanent service in India. An hon. Member asked, how would they get rid of people who were inefficient, supposing they were on the Staff? It was proposed to take them on probation, and if, after one or two years' trial they did not find out whether they were fit for the service, they would not be worse off than they were now, when they took them for better for worse, with no probation and with no power of getting rid of them. The hon. Member for Portsmouth (Sir James Elphinstone) said that the European regiments which arrived from this country were not efficient. He could not help remembering that regiments which had very lately arrived from this country in considerable numbers formed part of Lord Clyde's and Sir Hugh Rose's forces, and that the operations undertaken with them were thoroughly successful. He had not heard any fault found; but, on the contrary, he had heard some regiments mentioned in the highest terms which only left this country at the commencement of the mutiny. The hon. Member for Perthshire (Mr. Kinnaird) drew a comparison which rather amused him. The hon. Member went as far as New Zealand, and he said that it would be a great anomaly if New Zealand, having possessions in Europe, held those possessions by a New Zealand army. It might be an anomaly; but if he were living, when the New Zealander stood upon the ruins of London Bridge, as a military man he should recommend it. If New Zealand ever did hold possessions in Europe, they might depend upon it she would do it by a New Zealand army.

There was another point which was rather invidious, but which had been urged more than once in the course of this debate. A string of names of gallant and distinguished officers, servants of the East India Company, had been read out, and it was said, "Would you destroy an army which furnished such men as these? Are you going to brand this as an army not to be trusted?" He was the last person to dispute the honour, the credit, and the glory of these men, but there were other names of equally distinguished officers, not belonging to the Company, constantly cropping out in the page of history. The hon. Member for Perthshire stumbled on the names of some Royal officers in reading out a list of those of the Company. The case of General Elphinstone had been alluded to, and it had not been fairly put before the House on another occasion. It was true that the Government of the day and the Horse Guards were responsible for sending General Elphinstone to India. He believed it was a bad selection, not from any fault of the General, but from his physical inability. Still it must be recollected that it was very difficult then to find officers of the rank of Major General who were not too old for service, and it was also frequently the case in the Indian army. There had been cases of officers removed from command during the mutiny of 1857, and for no other reason than physical inability, and they were not appointed by the Horse Guards or the Home Government. A point which was quite lost sight of was, who appointed General Elphinstone to command in the field? The Government of India, and the Government of India alone. The Government at home might send out a man to serve in India, but with the exception of the Commander-in-Chief they had not the power to nominate him to command a field force. That must be done by the Governor General.

He was very glad to hear that the proposal of balancing one army against the other had been abandoned. It had been said that the Queen's troops would not have acted against the local European force if the mutiny had continued. As a soldier, he ought to hope that, if that last and most fearful trial were put upon the Royal army, its sense of honour and its loyalty to its Sovereign would make it perform even that painful duty in the strictest manner. But God forbid it ever should undergo so severe a test as to be called upon to act against men wearing the same uniform, and having the same blood in their veins. He must almost apologize for terming what had happened in the local army a "mutiny," but when soldiers "struck" with arms in their hands and ammunition in their pouches he thought "mutiny" a more appropriate name for such a proceeding than "strike," and it was moreover the name by which military men described it. What would have been the position of the Indian Government if on that occasion the whole, or even the greater portion of the army, had been composed of local troops? The Government in that case must have either coerced, disbanded, or given in to the men. If the Government

Colonel Percy Herbert

had yielded, was it to be supposed that no fresh question as to pay and allowances would ever arise between the soldiers and them? And if the men found in one instance they were so strong that the Government was bound to yield, would they not combine again to carry their point? If the Government yielded to another combination, the victory of the men would the next time be still more certain; the Government would absolutely lose its independence, and the army would necessarily become its master instead of its servant. In the Royal army, on the other hand, if insubordination did occur, they could remove the mutinous regiment from India altogether. That idea was scoffed at as absurd the other night, and it was said they could equally remove troops from one quarter to another whether they belonged to a local or a Line force. But, surely, to remove men from one part of India to another, thereby diffusing instead of stopping the disease, was very different from removing them from India altogether, and sending them to a place where, a new system being in force, the amount of pay and allowances could not be disputed, and where, consequently, the whole question would entirely drop by the withdrawal of the one or two corps who might have been disaffected.

Another objection which had been urged was that England could not afford to maintain so large an European army in India. That argument either meant that the population could not stand the drain upon it caused by such a force, or that the country could not bear the expense it would entail. Now England never yet had paid a shilling for the army employed in India, and he trusted the House of Commons would take care it never should. Straws had often been thrown up to see how the wind blew there, but he hoped they would never consent even to guarantee any loan for India. India derived great advantages from British rule in the tranquillity and the security for life and property it enjoyed; and, if well governed, it was perfectly competent to pay to the last sixpence the cost of its own administration and the interest on its own debt. Then, with regard to the alleged drain upon our population, how on earth it could make any difference whether the European troops sent to India belonged to the Line or to a local force was to him utterly incomprehensible. The real question was one not of the amount of force, but of its organization. The House had to say whether it would have the army which, by the evidence before them and the admission even of the advocates of a local force, was the best disciplined of the two; and which being therefore the most efficient, was the cheapest the State could employ. On another subject a great misconception seemed to prevail. It was thought by some that the whole patronage of the army was to be transferred from the Indian Government to the much-dreaded Horse Guards. No doubt the ensigns of the regiments would be nominated, in the ordinary course of things, by the Commander-in-Chief. But the appointments to the Staff—which did not mean merely the Quartermaster-General and the Adjutant-General — but the civil appointments, the commands in the irregular corps, and all the plums held out to encourage officers to serve in India would remain precisely as at present in the hands of the local authorities. It was not now intended to give any portion of that patronage, military or civil, to the Home Government. Then, to conclude, nothing, he believed, restrained the turbulent races of India from oppressing their less warlike neighbours except a knowledge of the power of the British Government to repress and punish such attempts. And because its ability to do this depended on the efficiency and fidelity of its Native army; because they had no such security for maintaining the fidelity of that Native army as the presence of a disciplined European force, ready to obey the behests of the Government and enforce its orders and regulations; because, by the proposed organization, the discipline of that European force would be upheld at a higher point than either had been or reasonably could be attained by a local European force; because by this measure they would render combination against the Government far less likely to arise, and much more easily to be dealt with if it did occur; because if they guarded the Government of India from that greatest danger no combination among the Natives, no rising or rebellions, would ever shake our power; because if they were to secure to the people of India the benefits of British rule, the authority of the Government must not only be supreme, but undisputed; because he believed the Bill of Her Majesty's Government would conduce to these ends he should give it his cordial support, and vote against the Amendment of the hon. Member for Taunton.

[*First Night.*

MR. BUXTON: We now feel the disadvantage, Sir, of having excluded the Members of the Council of India from Parliament. The consequence is that, instead of their opinions on a matter of such importance being stated by themselves, with all the authority of their great Indian experience, they have to be expressed for them by those who, not having been in India, cannot have much weight with the House, whatever study they may have given to this question. But although they are silenced, I trust the House will bear in mind that this scheme for doing away with the local European army is condemned by every one of the fifteen Members of the Council of India at home, men of different professions, drawn from all parts of India, only alike in this, that they have been all selected for their great ability and experience. The scheme is condemned by the Council at Calcutta, and by no one more than Mr. Wilson, in whom the Government place such unbounded confidence. It is condemned by the Earl of Ellenborough, by the Marquess of Dalhousie, by Earl Canning. It is condemned by Sir John Lawrence; it is condemned, and that, as we saw the other night, after profound research and reflection, by the noble Lord the Member for Lynn (Lord Stanley), than whom no statesman shows higher judgment or sagacity. More than this, the right hon. and gallant General opposite (General Peel) told us the other day that not only the noble Lord but the whole of the late Government were called upon to form an opinion on this question, and were decidedly in favour of a local European army. More than that, we know that only last Session—only a few months ago—the Secretary of State himself and Her Majesty's Government were clearly in favour of a local army, and actually prepared a Bill for largely increasing its amount. To those, who, like myself, feel it unpleasant to oppose the present Government, it is a great satisfaction to remember that the opinion that we still entertain was held within a few months both by the late Government and by the one which displaced them. The question then is whether anything has occurred to warrant a change of opinion. It appeared from the speech of the right hon. Gentleman the Secretary of State the other evening that this strange and sudden change of opinion was mainly due to the mutiny of the local European troops. On that point Earl Canning remarks:—

> "I hold that there is much to be said against the bringing together, in this remote dependency, of one vast English army, pervaded by an identity of feeling and interest, and likely to be swayed in the same direction by any accident or influence."

To precisely the same effect the Military Committee of the Council of India observe:—

> "It (the mutiny) supplies a powerful argument for the maintenance of a mixed European force, because it is most desirable that the soldiery, in discussing a supposed grievance, should not be able to count upon the sympathy and support of their whole body; and, again, because the Government would have the opportunity of using one part of its European army as a check upon the other;" in short, because this division "would offer the best security against combination."

The Secretary of State did not attempt to meet that remark by argument; but he tried to thrust it aside by stating that it had filled him with astonishment and sorrow. I confess I see no reason for the mournful lamentations of the right hon. Gentleman. It seems to me that the remark of the Committee is full of plain good sense. It is quite true that some day similar discontents may arise in the Imperial portion of the European force. In such a case the gallant Officer opposite has told us just now that, should discontent arise, all that would have to be done would be to remove the disaffected regiments. But suppose the discontent spread through the whole 80,000 men, how would it be possible to send all of them away from India? Surely, if such a calamity were to happen, it would be of essential advantage that the army should be divided into two portions—not in order that one might mow the other down with grape shot, but in order that the sympathies and feelings of the two being different, one of the two might in all likelihood remain loyal, as has happened in this very case. It might be of incalculable value — the very salvation, perhaps, of our dominion in India—in such a crisis to have at any rate, one European army available against any attempt of the Natives to take advantage of our difficulties. That seems to me a most valid argument. I do not wonder to find it emanating from such men as Mr. Willoughby, Sir John Lawrence, Colonel Durand, Captain Eastwicke, and General Vivian. I do wonder, however, that the right hon. Gentleman should have thought fit to speak with contempt of such an opinion expressed by such men.

I think, Sir, that in proposing this change the Government have not really con-

sulted the interests even of the Imperial army. Undoubtedly, to nineteen officers out of twenty it would be the greatest possible relief to have India excluded from their tour of service. Otherwise, their time of absence from England will be greatly increased; and that increase will be spent under a tropical sun, and in a country that is always distasteful to those who have not gone out to it young with the view of making a career there. At the same time, the Governor General tells us that it will be a most serious loss to the Indian Government if in future their officers shall merely go to India for a brief sojourn, instead of, as hitherto, going out to spend their lives and strength there, with their hearts given to an Indian career, and bent on winning all the prizes it offers. Moreover, we are told on the highest authority, and no one has ventured to deny it, that the Native army will feel bitter mortification at so broad a line being drawn between them and the European force. No principle of Indian statesmanship can be more sound or more generally acknowledged than the principle of making no glaring difference between the white and the coloured population; and yet we are now going out of our way to make such a separation between them as never was made before. The gallant General opposite, in his speech the other evening, reiterated the fallacy which has been entirely exploded by the Registrar-General's Accountant, as well as by others — the fallacy that, because soldiers are now enlisted even for Indian service, only for ten years, therefore there will be no great difference in the transmission of regiments whether we have a local or an Imperial force. But in fact, as Mr. Hammack points out, the terms of service of the individual men will expire year after year. Multitudes will be invalided or will perish. All those vacancies, except just at the end of the regiments' term of service, will be filled up from home. In short, there would be almost as great an amount of annual transmission of single men under the one system as the other. But there will be this difference, that under the new system, in addition to those movements of individual soldiers, there will be the transfer of the whole regiment at the end of ten years' service in India. And mark the important consequence. It is this, that besides the passage to and fro of single men, you will every year have to transmit regiments between India and England to the extent (making every allowance) of no less than 12,000 or 13,000 men, whose services during that long voyage will be absolutely lost to the country, although, of course, they will meanwhile be drawing nearly their full-pay. And it is inevitable that the extra expense of those regimental movements must, and will, be a heavy burden to Indian finance. The right hon. Gentleman the Secretary of State, indeed, told us the other evening that he was inclined to think that the extra cost of an Imperial force would not be more than £114,000 per annum, although he allowed it might reach £200,000, but he reckoned that cost on the supposition that the local force would remain only at its present amount. That I believe is not desired by any one. While this question has been pending, the Government have reduced the local force to the lowest possible limit, so that now it does not reach 14,000 men. But Lord Canning's proposition, the one entertained by those who desire the maintenance of a local force, is, that two-thirds of the whole European army, in other words, 53,000 men, should belong to the local force. That is the real alternative. If that alternative should be carried out, the saving by having a local force would be four times that calculated upon by the Secretary of State. In other words, it would amount to between 500,000 and 800,000 per annum. I put it to any one who has studied Indian questions, whether the annual saving of that enormous sum is not of vital importance, especially at such a time as the present. To me it seems in itself a decisive argument against the proposed change.

Again, Sir, great varieties of opinion have been expressed as to the difference in health between a local and an Imperial force. But I find that the accountant employed by the Registrar General, looking at the matter merely in a pecuniary point of view, states that from the large mass of statistics that he has examined, "The results were uniformly in favour of the local troops." In fact, the whole statistics show the deaths to be 17 per 1,000 less in the local than in the Imperial force—a difference, in a body of 53,000 men, of 900 deaths per annum, and, of course, disease in proportion. Weighing these arguments —the security a division of the army would give in case of discontent; the disadvantage of an Indian turn of service to the regular army; the loss of power to the Indian Government; the mortification to

the Native army; the waste of force in the transmission of whole regiments between England and India; the immense additional cost, the increased disease and mortality; finally, the great weight of authority against this proposal—I have felt bound to do my utmost to oppose this measure. Look at the strangeness of the logic upon which it rests. In the last few years we have had two great wars. The system of administration in the one —despite all the zeal and ability of those who had to work it—was such as to ruin our army, to cause infinite anguish at home, and to lower our military *prestige* in the eyes of Europe. The administration in the other, though it came on them like a whirlwind, was found guilty of no delay, of no blunder, of no miscarriage. Whereupon Her Majesty's Government propose to the House of Commons to transfer the army of India from those whose administration had so magnificently succeeded to those whose administration had so magnificently failed. Again, in the same war, the local European force at Lucknow, at Delhi, and elsewhere, performed prodigies of valour. No shadow of a slur was cast on its prowess. It most materially aided in restoring our dominion. In a hundred fights it rolled back the tide of war. It bore the brunt of overwhelming myriads at Agra; it marched with Havelock on Lucknow; it mounted the breach at Delhi; whereupon the Government tell us it is a worthless, undisciplined army, and ought to be done away with. Again, in one point the Indian Government has stood first among the Governments of the world. Somehow that Government has always had the merit—and I know not what greater merit a Government can have—the merit of always putting the right man into the right place: and undoubtedly, to that wise and patriotic exercise of power, our dominion over India has been mainly due. On the other hand the Home Government have also had patronage to exercise in India; and the pregnant fact is that our worst reverses in that country have been distinctly owing to officers appointed by that Home Government. Without going through the painful history of those failures, I will only remind the House of the last and greatest. Who can doubt that if there had been at Meerut, in May, 1857, a man of vigour and decision, the mutiny might probably have been crushed in the bud? Yet the Government, with that terrible experience still flashing in our memories, propose to us to transfer the patronage of the Indian army from those whose exercise of it has ever been so wise, so noble, so successful, to those whose misuse of it has brought shame and ruin. Sir, in sitting down I earnestly ask Her Majesty's Government to state what they propose to do under that head. The gallant General opposite acknowledged the other evening that it would be essential, if this change were made, that all the appointments to commands in India should be in the hands, not of the Commander-in-Chief at home, but of the Indian Government. But we have not had a word to that effect from the Secretary of State for India. I am most thoroughly persuaded that, however advantageous this measure might be in other respects, it will be most disastrous if it is passed without our exacting a distinct pledge from Her Majesty's Government that the appointments to commands in India should not be in the hands of an individual thousands of miles away, overwhelmed with work, and who can have no especial knowledge or interest about Indian affairs, but in the hands of those who are responsible for the tranquillity and defence of our Indian Empire.

MR. HORSMAN: I will not follow my hon. Friend through the arguments by which he has met the statements of his opponents as to the comparative health, efficiency, and cost of a local army and regiments of the Line, nor will I imitate the example set by some hon. Gentlemen who have treated this as an entirely military question. There is no doubt that the question, whether or not we shall have a local army in India is a very important and interesting one, and one upon which authorities have been much divided; but I do not think that that is the first or main question which we have to consider to-night. There are two preliminary questions, in regard to which I have no doubt the House feels as I do—that we have some cause to complain of the course which has been pursued by the promoters of this Bill. In the first instance, we have to inquire whether the House has been fairly treated, whether it has had laid before it all the papers and information that are absolutely essential to forming a fair judgment upon this question; and then we have to ask whether the House is prepared to adopt a course so novel and so unprecedented as that of carrying out a great change, involving so many questions both of principle and of detail, not by a legislative measure well considered and

well matured, but by an abstract Resolution, which is to be the beginning and the end of all our proceedings in regard to it. I do not believe that in the whole history of Parliament there is any instance of Ministers of the Crown making such a proposal. Because the question is one of great difficulty, because it is one of vast importance, because it is one with which the Secretary of State for India has not been able to grapple, because it is one by which he has been entirely beaten, because he cannot devise a measure for safely carrying out these changes which he has the slightest chance of passing through the House of Commons, therefore he says, "I will shirk the House of Commons, I will dodge the House of Commons, I will degrade the House of Commons into abdicating its highest functions. I will get it to pass an abstract Resolution, and all the delicate complications of these mixed political and military arrangements on which depend the good government and safety of our Indian Empire shall be left to the legislation of the Horse Guards"—that is, to the legislation of the department which, of all others, is incompetent to deal with a question involving mixed military and political considerations, which has a direct and special interest in every one of the changes which are about to be made, and which is therefore the most unfit to be intrusted with the task of enlarging and defining the new power which you are about to give it in India.

Two years ago Parliament passed an Act which transferred the Government of India from the Company to the Crown. It was a measure very suddenly determined upon; a hasty, ill-matured, and most incomplete proceeding. At that time we found it impossible to get any explanation upon the most important point which was involved in that change, that which we are to-night considering. The transfer of the nominal Sovereignty from the Company to the Crown was a very simple affair, but the real transference of the Government of India was the transfer of authority over the army. It is the army which, by a combination of military and political functions, governs India. Your Governor General is a great political and military chief; he holds authority, and he is the object of great awe and reverence in India, because he is a great military chief at the head of large armies, and if you divest him of his military attributes, you divest him of that which is his great claim to respect in the eyes of a barbarous people. The whole administration of India is one of mixed political and military character and functions. That runs through all the departments of the Government. It is the growth of a century; it is the subject of various legislative enactments, and it has been cemented by successive Acts of Parliament, every one of which, though they are not before us, we are asked to repeal by this one sweeping clause. The most difficult of all the questions connected with the administration of India, and the one upon which there has been the greatest amount of controversy, is this one of the army. It is the one upon which every military authority has told you that the safety of your Indian Empire depends. It is the one, therefore, which requires the greatest amount of thought, circumspection, and consideration on the part of Parliament, which casts upon Parliament the greatest responsibility, and with regard to which, especially, Parliament cannot delegate its functions to any other department. But, because it is a subject with which the Secretary of State has been unable to cope, which has been too much for the experience of the Indian Council, and of which the united wisdom of the whole Cabinet has not been able to solve the difficulties, we are to commit it to the Horse Guards, and leave that Department to carry out all the arrangements which are to establish what are to be the relations between the Horse Guards and the army and all the various Departments in India, which are to make the Commander-in-Chief independent of the Governor General, to transfer to the military authorities at home the command of a much larger army than that over which they now exercise control, to give the Horse Guards all the patronage and all the influence which the command of that army will involve, and to make its expenditure independent of the control of Parliament; in fact, and in reality, to transfer the supreme Government of India from the Governor General in India to the Horse Guards in London. All this may be very right, very expedient, and very wise; but at this moment we have not before us information which enables us to judge whether it is so or not, and if it be ever so wise or expedient we are not justified in passing this Resolution and leaving the details of the measure to be filled up by any department. Let me show the House how the right hon. Baronet proposes to proceed. In asking leave to introduce this Bill he said—

"The Bill I propose to introduce contains only one simple clause for this purpose; and I have adopted this mode of bringing the question before the House, in order to test its opinion on the principle of the measure without encumbering it with any details that might distract attention from the main question. In the execution of the measure a great number of details will have to be carefully considered; indeed, if the House refers to papers now on the table, it will find among them a letter addressed to me from one of the ablest officers now serving in the Indian army, suggesting the necessity of appointing a Commission or Committee of experienced officers, to go into the numerous and minute details that will arise when the measure is brought into practical operation."—[3 *Hansard*, vol. clix., p. 369.

Now, the House cannot fail to perceive in what a state of helpless and almost ridiculous state of ignorance the right hon. Gentleman is as to what is to follow the passing of the Resolution which is now before us. He says that an officer has suggested a Committee or Commission, but he does not say that the Government approves, or has even considered, that suggestion. If hon. Gentlemen will take the trouble to ransack the blue-book, he tells them they will find in one of its pages that suggestion made by a colonel in the army, holding no official position, and whose name I dare say not half-a-dozen Gentlemen in this House ever heard before; and upon this vague suggestion the right hon. Gentleman proposes that we should make a change which will unsettle and dislocate every administrative department in India, and which will revolutionize the existing system of Government, without our having the slightest idea what is to take its place. He asks us not to encumber him with details. I will show the House immediately what he meant by these details, but does it not at once suggest itself to hon. Members what a novel mode this is, not only of considering the convenience of the Government, but also of saving the time and trouble of the House? Is it not a pity the discovery was not made somewhat earlier in the Session? Suppose the suggestion had occurred to the noble Lord the Foreign Secretary when about to introduce his Reform Bill. What a great deal of trouble it would have saved the House! He might have asked us, like the right hon. Gentleman the Secretary for India, to adopt a Resolution which would merely have affirmed a simple principle—"Whereas it is necessary that Parliament should be reformed, therefore be it enacted that Parliament shall be reformed." That simple Resolution having been passed, it might have been remitted to a Committee, or a Commission—which, I suppose, would have meant in such a case a few elderly Gentlemen of the Whig persuasion—to decide what boroughs should be disfranchised and what should be the amount of the suffrage, and then a Reform Bill might have been carried through both Houses of Parliament and have received the Royal Assent. But although, as regarded the Reform Bill, that might have appeared a very ridiculous proposal, I venture to say that the change which that measure would have made in the Government of England is as nothing compared with the change which this one clause will make in the Government of India.

The Government of India has been one of comparatively slow growth. It has been established by the enterprise and the achievements of heroes in the field, and the wisdom of statesmen in the Cabinet. It is now going to be subverted—and why? Because the right hon. Gentleman has chosen upon this question to show himself in as distinct a contrast as he possibly could to his predecessor in the office he now holds; for the noble Lord who was lately Secretary of State for India brought to the consideration of this question the capacity of a statesman and the courage and conscience of a Minister, and having, after full inquiry, formed his own conclusions upon the subject, he honourably adhered to them; he made the public interest his first care, and he would have resigned office rather than have abandoned the path of duty. I must say that neither in the measure now before us nor in the speech by which the right hon. Gentleman introduced it, is there any evidence of his having grappled with the subject, or of his having had the courage to resist the pressure brought upon him to make this change. He has changed his policy, but, as I shall show, he has placed that change upon the most disingenuous grounds. He sacrifices the position of the Governor General, he snubs the Indian Council, he suppresses the most important information that ought to be laid before us, and he attempts to entrap the House of Commons, under the pretext of affirming a principle, into revolutionizing the whole Government of India.

The proposal which he makes is to repeal the Act which he himself passed last year. The history of that Act is somewhat curious, and I beg the particular attention of the House to it, because I am sorry to say upon one point I have to make a rather serious charge against the right hon. Gentleman. He himself passed this

Act in the month of August last for continuing and perpetuating the local Government of India. When he came into office he found a great preponderance of authority in favour of a local army in India. He found the Governor General strongly in favour of it; he found his council unanimous; he found Lord Clyde and Sir William Mansfield, if he will produce their earlier letters, of the same opinion. He found, moreover, that his predecessor in office had determined upon continuing the local army, and, not venturing to fly in the face of all these authorities, he also declared himself in favour of that army, and introduced and passed a Bill to perpetuate it. But the matter did not rest there. Speaking in the absence of documents, which have not yet been laid on our table, I speak, of course, under correction; but as I have been informed, as soon as the Act was passed transferring the Government of India from the Company to the Crown, a correspondence arose between the Horse Guards in London, the Secretary of State for India, and the Secretary of State for War. The question was, whether or not the Commander-in-chief in London was to have the same authority over all the armies in India that he had over the army in England. That claim seems to have been put forward, if it was put forward, in complete oblivion of the fact that the Governor General represents his Sovereign, that he is at the head of the armies in India, and that if you were to place another authority at their head, with a Commander-in-chief in India independent of the Governor General, and communicating directly with the authorities in England, you would establish not only a divided authority, but a double Government worse than the one you have abolished, and introduce a new military element into the Government of India which in a very short time must become supreme. At last the matter was submitted to the law officers of the Crown, who gave it as their opinion that the Secretary of State for India had by law no power to transfer the armies in India to the authority of the Horse Guards in London. The noble Lord the Member for Lynn (Lord Stanley) acting upon that opinion, retained the control of the armies in India in the hands of the Governor General, and as long as he remained in office he did his duty. But the present Secretary of State for India has this year changed his policy, and, having done so, of course it was necessary for him to give a reason. The right hon. Gentleman has not been slow to give a reason, although he has been very slow in producing the papers that would enable us to test its accuracy. The grounds for his change of policy, as he says, are these,—circumstances have changed since his predecessor and himself determined to continue the local army in India; there has been a mutiny among the local regiments; that has led him to reconsider his decision, and he is now resolved to abolish that local army which before the mutiny he thought should be maintained. I appeal to any one who heard the speech of the right hon. Gentleman whether it was not the mutiny of the local regiments in India that formed the sole justification for the change which he now proposes. But, let me ask, had that mutiny not taken place when he passed his Act last year? Was it not known to the Government, nay, had it not been taken by them into consideration as an element in the passing of the Act which became law under their auspices last Session? Let the right hon. Gentleman speak for himself. In introducing that measure on the 10th of August last year, he said:—

"Recent occurrences in India might produce some effect upon men's minds in relation to the question of maintaining a local force. It seemed to him that those occurrences were of an exceptional nature, and, serious as they were, they hardly ought to alter the decision which had been arrived at upon other grounds. He did not think the circumstances such as to justify departing from the decision of the late and the present Government, to maintain a local force in India." [3 *Hansard*, clv., 1304-5.]

Is it not obvious that when the right hon. Gentleman tells us now that the circumstances of the mutiny have led to his change of policy, those circumstances are merely a weak, and, I think I may say, an unsuccessful pretence? But knowing, when he introduced the present Bill the other day, that his speech of last year was upon record, and that it would probably be appealed to, he felt it was necessary to attribute his change of policy to other circumstances.

It is here that I would ask the attention of the right hon. Gentleman, because I now wish to bring under the notice of the House a fact which I think requires, for the vindication of his own character, a very clear and immediate explanation. The right hon. Gentleman, having last year used the language which I have read to the House, now says that, although he knew of the occurrence of the mutiny when he passed his Act last Session, yet he was only im-

perfectly acquainted with the facts, which he did not think were so grave as they afterwards turned out to be. He then believed it was a mutiny only among the younger soldiers of the regiments, and, when he found the older soldiers were implicated, the matter assumed a more serious aspect, and upon that ground he has resolved to change his policy. I need not stop to comment upon the absurdity of making the most important change that could be proposed in the government of an empire depend upon the fact whether the disaffected in a few regiments are above or under twenty-five years of age. But I must give you the language of the right hon. Gentleman himself. He says:—

"While the question was pending a succession of letters, extracts from which were laid on the table of the House, arrived from India, pointing out how much more grave and serious the conduct of the European troops who had mutinied was than had been supposed in the first instance. The mutiny began to assume the appearance, not of being the work of young men who had just gone out to India, but of an organized combination among their older comrades, and this new aspect of affairs furnished ground for serious consideration."

The knowledge of that fact was the justification of the change which the right hon. Gentleman has now adopted. But is it credible that when the right hon. Gentleman made that statement he was in possession of a communication from Lord Clyde to the Governor General of India, dated, not in the autumn of 1859, but the 9th of November, 1858? The right hon. Gentleman told us that the mutiny in the autumn of 1859 began to assume the appearance of being among the old soldiers, and yet the right hon. Gentleman was in possession of a despatch from Lord Clyde dated the 9th of November, 1858, which I will read to the House. [Sir CHARLES WOOD: From what page are you quoting?] From one of the papers that the right hon. Gentleman has suppressed; and that is part of my case, and if the House will agree to a Committee I will prove that there are a great many other documents equally important which the right hon. Gentleman has suppressed. Lord Clyde on the 9th of November, 1858, despatched a telegram to the Governor General as follows:—

"That which has declared itself in the cavalry regiment of Lucknow has also shown itself among the old soldiers of the Madras Fusileers. I must impress the gravity of this upon your Lordship, and I would urge the necessity of dealing in the matter with the greatest circumspection."

How does the right hon. Gentleman explain this? He tells us that he adopted a change of policy as soon as he found in August 1859, that the old soldiers were implicated in the mutiny, he knowing very well that he had information to a contrary effect, which he takes very good care not to lay upon the table of the House. Sir, a very large conventional latitude is allowed to Ministers of the Crown in the preparation and production of papers. I have often complained of it. I think that latitude is carried too far. But it is permitted, because the House places implicit confidence in the honour and high character of Ministers of the Crown. I think that upon this occasion the right hon. Gentleman has abused that confidence, and that he has not acted fairly by the House, and the transaction is the more grave because, if this Bill is pressed we shall have occasion to show that this is not a solitary proceeding on the part of the right hon. Gentleman. Why are not the despatches of Lord Clyde and Sir William Mansfield before us now? They were laid on the table three months ago. On the 23rd of March they were ordered to be printed, and who can keep them back but the head of the department? Why, then, does the right hon. Gentleman keep them back? Is it because if they were here he could not have delivered the statement he made the other night; is it because keeping back these despatches enabled him to mislead the House; and the probability was that this Bill would have been passed before these papers were produced and read. I state now, in the face of the House and in the face of the right hon. Gentleman the Secretary of State for India, that if these early despatches of Lord Clyde and Sir William Mansfield are printed they will give a new character to that proceeding on which the right hon. Gentleman professes to found this measure. If these papers are produced they will refute the statements of the right hon. Gentleman on many important points. I can also state from my own knowledge that there are other documents which have been laid upon the table of this House and produced as complete which are only extracts — that important passages have been taken out of them. I pledge myself to prove this, and I ask how we can be in a position to pass this measure, when a great deal of the evidence has been garbled, and while the main statements upon which the right hon. Gentleman founds his Bill are proved to have been founded entirely upon an in-

accuracy? I say that under these circumstances we are not in a condition to consider this amalgamation. I decline, without these papers, to consider it at all. I am prepared, when we have the necessary papers before us, to answer the statement of the right hon. Gentleman the Member for Huntingdon (General Peel). I can show that Lord Clyde and Sir William Mansfield said that the men who mutinied had a grievance, and the non-commissioned officers made common cause with the men when they had a common grievance. A regiment of the Line was quartered in the same cantonments, and, if the discontent was so widely spread, why did not these non-commissioned officers of the Line tell their officers what was going on? It is notorious that there is not a regiment of the Guards that would not under the same circumstances have acted in the same manner. The officers of the Line then in India say that, if their own soldiers had at that moment been offered their discharge, so odious was the service in India become, they could not have kept a single private in their regiments.

Why have we not had these papers before us? I complain that in the whole of these proceedings there has been an attempt to surprise the House, to smuggle this Bill through, and to entrap the House into passing an Act without an opportunity of duly considering so important a legislative measure. The intention of the Government to propose this amalgamation was concealed until the latest moment. Within a week after notifying the matter to the Council of India the right hon. Gentleman gave notice of this Bill. He gave that notice the day before Whitsuntide, and brought in the Bill the first week after the Whitsuntide holidays. The Bill was brought in by the right hon. Gentleman on a Notice Day. He introduced it at half-past ten o'clock at night, and spoke until half-past twelve, and then proposed that it should be brought in and read a first time without further discussion. We however protested, and asked for an Adjournment. The right hon. Gentleman pressed for immediate action on the part of the House; but the noble Lord at the head of the Government, with more judgment and consideration, agreed to the postponement, observing, however, at the same time that he was conceding it to a minority. But the section of this House which reads blue-books and examines such questions carefully will always be numerically an insignificant minority. They do not on that account deserve less consideration from the Government; it is this small section which, on occasions of this kind, is the guardian of the public interests.

The right hon. Gentleman ask us to pass the Bill as a question of principle, and leave the details to a Commission floating in the distance. Well, but what are the details of this measure? They are so important that every one deserves to be dealt with as a separate measure, and involves some important principle. What are to be, for example, the relations between the Commander-in-Chief and the Governor General? Is India to be governed under one supreme head or is a double Government to be re-established? If the Governor General is to communicate with the Secretary of State on civil matters, and with the Horse Guards upon the army, shall we not have a divided authority, and how is the Government to be carried on? This is one of the matters of detail. A second question is—are we to have a Native army, and if so, under whose command? Is it to be under the Horse Guards? Then we shall have the whole army under a department that will give its orders 10,000 miles away. If it is to be under the Governor General, you defeat your object, which is to have one army in India. You will have a black army under the Governor General, and a white army under the Secretary of State. There is another most important question. It has been proposed that purchase shall be introduced into the army of India, and the right hon. Gentleman said that he saw no great objection to purchase in the army. But the House of Commons and the public opinion of the country have condemned the system of purchase, and surely those who have objections to the system of purchase ought to have an opportunity of expressing their opinion before it is introduced into the Indian army. Why, the Government only escaped defeat upon a Motion of the hon. and gallant Gentleman the Member for Westminster (Sir De Lacy Evans) condemning purchase, by promising to appoint a Commission, and afterwards proposing to abolish purchase in the higher grades. The principle of purchase may therefore be said to be condemned by Parliament, and it ought not to be introduced into the Indian army without the fullest consideration. Then we come to the question of patronage. We are about to place in the hands of the Commander-in-Chief a much larger army than he now commands, with

all the accession of patronage connected with it. Constitutionally this is a most important question. The proposal may be right and proper. I give no opinion for or against it, but at least it ought to pass under the cognizance of Parliament. Another important constitutional question that may be raised is that of the expense. Hitherto all the expenses incurred by the Horse Guards and the whole cost of the army have been paid by Votes of the House of Commons, and we are responsible for everything that is done; but now you are going to establish a system under which the expenditure of the army will be regulated at home, while the cost of a large portion of it will be raised by taxes in India. This appears to me to be impolitic, unjust, and, more than all, highly unconstitutional. Look at the effect that would have on the finances of India. In this country we have a Parliament, a press, and the influence of a strong public opinion, and yet, with regard to the expense of the army, we know how difficult it is to keep the Horse Guards in order. But in India, a country 10,000 miles off, with no Parliament, a press less powerful than our own, and no public opinion such as exists among us, what will the state of matters be when the whole expenditure of the army is regulated by the Horse Guards without the check and control of Parliamentary responsibility? The Commander-in-Chief in India communicating with the Horse Guards, may say he wants half a million for barracks in India. Hitherto such a wish would have been communicated to the Governor General, and he would have decided upon it on the spot; but now it will be sent to the Horse Guards, and from there the Commander-in-Chief will have it submitted to the Secretary for India. If he refers the matter to the Governor General, then the Governor General and the Commander-in-Chief may come into collision. If there is at the Horse Guards a person of good head and strong will he will in all probability prevail, and the Governor General of India will have to succumb. But there is another point that may be raised. I have a right to estimate that under the new arrangement you will never have less than at the smallest computation 20,000 men at sea going backwards and forwards to India. These 20,000 men will be paid by India, at a time when recruits are far from being plentiful, and they will have to be paid all the time they are doing nothing but being tossed upon the sea. These are called questions of detail, but they nevertheless involve the important questions whether you are to have a single or a double Government for India; who is to command the Native army; who is to have the enormous patronage that will be created; whether the system of purchase is to be introduced into the Indian army; and whether there is to be an adequate control over the military expenditure. These important changes you have introduced without supplying Parliament with the necessary information, in the face of the opinion of the Governor General, against the unanimous protest of the Indian Council, and against the opinion originally expressed by Lord Clyde and Sir William Mansfield—and all this you do by an abstract Resolution, substituted for a well-considered legislative measure. I will not go into the question of the amalgamation of the local with the Royal army, and I give no opinion upon it, because I say we have not the necessary information. Even if we had the necessary information, this is not the right mode of doing it. If we do it in the reckless offhand manner now proposed, we may be carrying out the accomplishment of the warning that was uttered by one of the greatest and wisest men ever connected with the administration of Indian affairs—I mean Lord Metcalfe—who, considering the uncertainty of our tenure of India, and looking to the change looming in the future, pronounced this opinion:—

> "Our hold is so precarious that a very little mismanagement might accomplish our expulsion, and the course of events might be of itself sufficient, without any mismangement. We are, to appearance, more powerful in India now than we ever were. Nevertheless, our downfall may be short work. When it commences it will probably be rapid, and the world will wonder more at the suddenness with which our immense Indian empire may vanish than it has done at the surprising conquest that we have achieved."

And then followed these very remarkable words, "Government by a Parliamentary majority would make India not worth ten years' purchase." If to-night we rashly and recklessly sanction the exceptional proceeding now brought before us, I believe it will be the first fatal step towards accomplishing that remarkable and wise prediction.

MR. SIDNEY HERBERT: My right hon. Friend who has just sat down stated near the end of his speech that he was not prepared to give any opinion on the policy or impolicy of the proposition for amalga-

mating the local with the Royal army in India, and therefore he confined himself to complaints of the extreme misconduct which the Government have displayed in the introduction of this measure. Now, whatever may have been the malversation of which we have been guilty, I do not think that my right hon. Friend, though he has taken great pains with the subject, has succeeded in being very accurate as to the nature of our transgressions. In the first place, he says the Government have not given information on this question—he used, indeed, a still stronger term, and said they had suppressed information. Now, the Government placed the papers connected with this subject, which were moved for on the 17th of February, on the table on the 22nd of March, and on the 23rd of March they were ordered to be printed. That did not look like a desire to withhold information. [Several Voices: "Where are the papers!"] Ask the officers of the House, who are charged with the duty of getting them printed. Government is not responsible for printing the papers called for by this House. Papers are laid on the table, and those who move for them ought to ascertain that they are printed at the earliest possible period after the order for printing is given. The right hon. Gentleman says we have moved an abstract Resolution. That is a figure of speech which certainly does not accurately represent the state of the case. A Bill was introduced after due notice and discussion. It was read a first time. We are possibly going to read it a second time to-night. After that we shall go into Committee, and I trust we shall read it, in due course, a third time. But by no latitude of construction can that be called passing an abstract Resolution. It is a Bill brought in in the ordinary way, and after a pledge given last year that the subject should be brought under the consideration of the House. It is very questionable whether there is a single change necessary for amalgamating the Royal and local corps which could not have been effected by a change of regulations, without coming to this House at all. But the Government thought it would not be decent or respectful to the House of Commons to make so momentous a change without coming to the House and testing their opinion upon it. Again—and this seems to be the crowning offence—my right hon. Friend says the Secretary for India has committed an outrageous offence because he brought in a Bill last year for the augmentation of the local army to 30,000, and now proposes to amalgamate it with the Royal army. The answer is, that there were good reasons then why that step should be taken, and the fact that it was taken could in no way affect the proposal now made. "But," asks my right hon. Friend, "how was it that when you first knew all the circumstances connected with the mutiny the change now contemplated was not proposed? The answer is, that it would not have been wise or expedient on the first arrival of the news of the mutiny, and when there were many speculations abroad on the subject, to proceed to legislate on this question. He says we knew of the gravity of the circumstances connected with the mutiny as far back as the autumn of 1858. That is a most singular statement, and I will only say that anybody who then knew the gravity of the circumstances must have been gifted with extraordinary foresight, for the mutiny did not take place till the spring of the following year. In the autumn of 1858 it is true there were discontent and disturbance and alarm, but no mutiny. The mutiny followed the issue of the General Order of the Governor General on the 8th of April, 1859. My right hon. Friend is, therefore, taken to task, because he did not decide upon the character of the mutiny before the mutiny took place! Then, with regard to the mode of proceeding adopted by the Goverment, if the Government had produced a plan for working out the details to which the right hon. Gentleman has referred, including everything connected with promotion, patronage, expense, and so on, would it not have been said that we had acted disrespectfully towards the House of Commons, and that we had it in view to withdraw from the consideration of Parliament many questions involving important principles? My right hon. Friend says we are going to regulate the expense of the Indian army at the Horse Guards. I find all his alarms are based upon imaginary intentions on the part of the Government, which I think, if he had listened to the speech of my right hon. Friend the other night, he would have discovered had no foundation. He says we are going to regulate the expenditure of the army in India, which is to be defrayed out of taxes raised in India. How is that process to be accomplished? We cannot send a man to India except upon the requisition of the Indian Government. They can refuse any extra pay or allowances—they can refuse to receive any rank of

officers they please. The Government here often presses matters which they consider to be necessary for the comfort or efficiency of the soldier, and sometimes those demands are yielded to and sometimes they are not. The Horse Guards has no more power over the expenditure of a single sixpence for the Queen's army in India than it has over the expenditure of the standing army of any European Power. Then, my right hon. Friend says the Commander-in-Chief in India will write home to the Commander-in-Chief here for half a million for barracks. The Commander-in-Chief seems to live in an atmosphere redolent of suspicion; but my right hon. Friend only describes the dark surmises of his own imagination. He says the Commander-in-Chief may be a man of strong will, who will get hold of some inferior creature and make him Secretary of State for India, who, under the influence of his superior intellect, will require half a million for barracks for the Queen's troops. Now, I cannot conceive how any man, however determined to pick holes, could light upon anything so absurd. I will ask my right hon. Friend this question. Can the Commander-in-Chief now write home for an additional expenditure? He cannot. Then what additional power will the Commander-in-Chief have under this Bill? Not a jot. Then, my right hon. Friend says that the Commander-in-Chief in India will be independent of the Governor General. There is nothing in this measure to alter in any way the relations between the Commander-in-Chief in India and the Governor General. The Governor General is a despot in India, and as long as we intend to maintain our rule in that country, he must have a supreme control. It would be an act of madness to deprive him of the power of using that great army in India, which, unfortunately, from the tenure by which we hold that country, is not only a military, but a political weapon.

I pass now from the speech of my right hon. Friend, and will say a few words upon the general subject. Of all subjects which have ever been brought under consideration, I never met with one upon which it was more difficult, after great labour and application, to arrive at a satisfactory conclusion. I frankly own I have arrived at a conclusion slowly and reluctantly. My bias was in favour of retaining a local army. I believed that a local army would have ties in India which a Queen's army could not have; I believed that a local army would supply for the public service and civil professions men better instructed than the Queen's army could furnish. I believed it important that we should preserve to the Indian Government a class of men who had long filled Indian offices. I have heard it said that the patronage of the Council was diffused among the middle classes; but none of those who have stated that have defined their meaning of the term "middle classes." I thought it was necessary to keep the officials of that peculiar service, derived, I believe, originally from Scotland, but who had become Indian from their long acquaintance with Indian subjects, who brought up their children in the same way to regard India as their home. I confess I have arrived at the conclusion that upon most of these points the measure of my right hon. Friend does afford a satisfactory solution. My right hon. and gallant Friend opposite (General Peel) said that, having been upon the Committee to inquire into the amalgamation of the two armies, he was struck with the fact that the opinions expressed were so strong and uniform, that whether it was a Queen's officer or a Company's officer he knew exactly what his evidence would be. What is the value of evidence so biassed by preconceived ideas? The evidence made this impression on my mind—the witnesses appeared to be so full of prejudice and bias that, whenever I read the evidence of a witness on one side, I felt inclined to adhere to the opposite view. I have endeavoured to find independent authority. My right hon. Friend read the other night a passage from a letter from Lord Wellington to Lord Melville, in which he said, in his opinion, there should be but a King's army in India. He said the European army in the East Indies should be the King's army, and that the three Presidencies should be separate and distinct, and that the Native troops should form the Company's army. It was objected that that proved nothing of the Duke of Wellington's opinion; that the Duke said both armies should be the King's, but he did not say that one of them should not be local. The noble Lord opposite (Lord Stanley) said the authority of the Duke of Wellington was admitted by all, but that the passage which had been read did not imply an opinion in the exact sense for which it had been used. But did the Duke of Wellington never express an opinion as to a local force? I find in his evidence, given in 1828, when he was Prime Minister, many years after he had been in India,

he referred to this subject. It is singular that the Duke of Wellington then spoke sentiments which now are rife in every one's mouth, but which were not then generally entertained. He was asked, "Would not the cost of our army be reduced if our Colonies, instead of having King's troops sent out to them, were to have local corps consisting of Europeans?" He said:—

"I must say that I would earnestly recommend that such a system"—namely, the retention of troops in the Colonies for the purposes of police colonial troops, and their being recruited with men in the same manner as the East India Company's regiments so as to avoid the expense and inconvenience of reliefs—"should never be adopted in this country. The difference in the state of the King's troops in the East Indies from that in which the East India Company's European Infantry is known to be, is conclusive against it, in my opinion, but I would refer also to the Colonial African Corps. The British army cannot be made a colonial corps without destroying its character and strength; would it not be a most disgraceful and terrible mode of losing the possession of any part of His Majesty's dominions by means of a mutiny of the officers of a local or a colonial army employed to garrison it? Yet that is what we must look to if the army is to be employed as mere colonial troops and never to quit the Colonies from the day they enter the service. I should, therefore, intreat the Committee to lay that plan aside altogether."

He goes on to say,—

"I should say that the state of every description of troops depends in a great measure upon its officers. It does not signify what the immediate private character of the men is, they are made to behave well as soldiers, even though possibly they may not be the best moral characters that can be found. It is very extraordinary, and I can only attribute it to their being confined there for their lives that it is so; but it is very extraordinary that the same description of officers who form the Sepoys into remarkably good troops, cannot form the European Infantry to be at all equal to the other troops."

The Duke goes on,—

"I should say that I am quite sure that the putting the British army on the footing of a colonial corps would be very injurious."

That is testimony clear and explicit, and even the ingenuity of my noble Friend will not prove that it does not apply to this question. The right hon. Member for Stroud says that Lord Clyde is an advocate for the retention of a local army. That is not so. Sir William Mansfield was opposed to a change, but his opinion has been altered by the experience of the trying times of 1859. Many persons have spoken with great lightness of the mutiny among the European troops. I admit there is a great difference to be made between the men who originated the mutiny and those who accepted their discharge when it was offered to them. But the noble Lord the Member for Lynn (Lord Stanley) said the mutiny was quite exceptional. No doubt it was, for whoever heard of a mutiny that was not exceptional; or of an army in which mutiny was chronic? Hon. Gentlemen have treated this mutiny too lightly. The country was fresh from a mutiny of another kind, and then you had a well drilled, well armed European force threatening to rise too, there being evidence, through intercepted letters, that they had made communications inviting the Sikhs to join them in driving the Queen's army out of India. Luckily the mutinous force was not a large one; but imagine what would have been the case if the local army had been two-thirds and the Queen's one-third of the whole body of troops in India—if, instead of 10,000 of these misguided men coming home and receiving their discharge, you had had double the number of troops abandoning your service in this way. No, Sir! You cannot over-rate the gravity and importance of mutinies by armed men.

We have heard much as to the indiscipline of the local force. Now, I am not going to enter into the disputes or the jealousies which exist between the Queen's and the local armies. So strong are they that even we civilians, though not mixed up in these transactions, insensibly fall, when discussing them, into a tone of no very good feeling one towards another. I have heard insinuations made by those who advocate amalgamation against the local, and by those who oppose amalgamation against the Queen's troops. If we choose to listen to insinuations against either, we may, perhaps, blacken both, but we shall not advance the question at issue. Both armies have covered themselves with glory, and it is not necessary now to look to the weaknesses of either. But I have in my hand a statement which seems to go far to account for the indiscipline of the local force. It says:—

"The cause of the inferiority of discipline in the local European corps is patent. It originates in the system of the service, and will exist so long as the system is maintained."

An officer in command of Natives has to do with a class of men who are apparently the most docile soldiers. He does not himself enter into minute details in the management of his corps, because if so he would offend the prejudices of his men. He therefore leaves all these to the Native

non-commissioned officers. But that is not a school in which an officer can learn afterwards to manage the material which is found among the Anglo-Saxon race. English soldiers are not so docile; they are not so easy to lead; they are far more difficult to drive, and of course such officers are unable to conquer the good-will of the men placed under them. Now, in the Queen's army the case is quite different. I believe the public generally have very little idea of the relations which exist between officers and men in the service. The officer is seen with his men on parade, and when the parade is over he walks away, and it is supposed that his connection with them begins and ends there. But that is no measure of the relations between them. The non-commissioned officers of the army are admirable, but the officer does not trust to these alone. You find the most intimate connection existing between officers and men, and constant kindnesses proceeding from the one to the others. When a soldier is ill, or his wife is ill, the officer is sure to attend to their wants and to alleviate their sufferings, or if married his wife attends to the soldier's wife. There thus grows up a family feeling in regiments which must be unknown in Native corps, though these are the schools in which officers are formed who afterwards are to deal with English soldiers. If that be the case, I say we need not cast blame upon Indian officers because they are unable to discipline English troops. It is the natural result of a system which is not their creation, but is the creation of the Government under which they serve. Sir Hugh Rose writes to me a letter which is too long to read, but in which he speaks of a report of the Adjutant General showing that ninety-six officers from Bombay regiments above the numbers allowed are serving away from their regiments on the Staff and on civil appointments. How is it possible that efficient discipline can be maintained in the face of such a system? The same thing happens with regard to the medical department. Men get other appointments; the Postmaster General, for instance, is a medical officer; and their regiments are left without their proper share of officers. The regiments are stripped of their best men, and are left with what is here called "the refuse."

It has been said by some hon. Gentlemen in the course of this debate, "But you will never get Queen's officers to take the place of the local officers." Now, Earl Canning has written a Minute on which great stress has been laid; but if I wanted to argue for the non-continuance of the local army I do not know that I could desire to have a better brief. The largest admissions are made in this Minute, and are reasoned out in the most conclusive manner. What does Earl Canning say in the very first paragraph as to the necessity of a local force, every man in such a force having his interests bound up in India, and being supposed to be willing to reside there for the rest of his life?—

"In my memorandum of 1858, I stated it 'to be most important that in the event of an amalgamation of the local army with the Line being found to be too difficult for adjustment, too expensive, or for other reasons not advisable, some arrangement should still be provided by which the local European army should be made to feel that it is composed of the same Staff, and is in all respects in an equally honourable position with the Line;' that it was 'very desirable that officers should be enabled to pass from the one into the other, though here also the difficulties are not slight; that there should be a clear understanding that the senior officers, whose service and ability may render them fit for such marks of Her Majesty's confidence, shall be permitted to serve Her Majesty out of India as well as in this country; and that divisional and brigade commands should be distributed between the two armies in a fair proportion.'"

There is an admission which goes to the root of the whole question. He does not want the Queen's to occupy the position of the local army, but that the local army should be allowed to take the position of the Queen's. He expresses his fear that men who come accidentally to India—and I will presently show how far the word "accidentally" applies to the question before the House—that such will never have the same interests in India as officers of the local force; and then he proceeds:—

"I know of no mode of effectually or speedily training the local European troops to the required degree of efficiency, which is more likely to be successful than that of obtaining for a time from the Line regiments, whether serving in India or elsewhere, the assistance of officers of experience. No doubt this measure will be, to a certain extent, distasteful to the officers of Her Majesty's Indian forces, and not without some unpleasantness to the officers of the Line selected for the purpose, and much tact and mutual consideration will be requisite on both sides. But if the army of the Line will lend to the Indian army officers of sufficient standing and experience, and if such Indian officers as are about to be attached to the new local European regiments are admitted to learn their duty with Line regiments until their services are required with their own corps, I believe that the measure may be carried out with good prospect of success."

I was struck to-day by reading in *The*

Times a letter from General Hancock. He had been shocked by the notion advanced by my right hon. Friend (Sir Charles Wood) that to build up a very large local army to take the place of the Queen's army, and then to destroy the Queen's army to make room for the local force, would be a very difficult and expensive operation. General Hancock says, "Not at all;" and he proceeds to do this very thing. He says all the Queen's regiments must allow their men to volunteer into the local regiments; that cannot be done in sufficient numbers from India; the regiments at home must supply the requisite number for this new local army, and if you have any officers undisposed of by that arrangement they must be placed on half-pay. The arrangement is the most satisfactory one in that sense that I ever saw; but I must say, if it is to be done only at the trouble and expense and with the jealousies and the heartburnings to which such a plan would give rise, he would be a very bold man who should seriously bring forward such a proposition. Sir Charles Trevelyan states his belief that the Queen's officers would very soon apply themselves to languages in order to fit themselves for Indian life and obtain places hitherto held as a monopoly by the local force. He says that even now the European Line regiments could furnish many able officers for the Staff, notwithstanding the absence of all facilities and encouragement; but if such appointments were open to Line officers on their attaining a certain proficiency in Native languages, his opinion is that young men would crowd into the Line regiments serving in India, in order to push their fortunes in that country. But the answer generally given to this was—and it showed a magnificent disregard for facts—"The Queen's officers will never cultivate the study of languages." Won't they? The other day I asked a gentleman who has recently returned from India, and who has great powers of perception, what was his opinion on this subject, and he said "I was more engaged in military operations, but the opinion I formed was that so long as there exists in India a local army propped up and buttressed by it having all the prizes of the profession and a monopoly of place, it will be held in high esteem; but, if once you break down this monopoly, and throw the field open by allowing Queen's officers to compete for these places, then a small local army will necessarily fall into disrepute." I believe that is perfectly true.

At this late hour I will not go into all the points which have been raised, but the hon. Baronet behind me said there is a great advantage in having a local army, because they became acclimatized to the country. Now, what is this theory of acclimatization? It is this; that a man who arrives in India and suffers from illness in the first year, recovers by continuing to dwell there, and becomes habituated to the climate and turns out a healthy and strong man. Now, the greatest authority on Indian and tropical diseases (Mr. Martin) scouts such an idea, and he takes the case of a certain number of ensigns—and everything that applies to the officers applies tenfold to the men, whose habits are more intemperate, and who take less care of themselves. With regard to ensigns he says, that they come out about eighteen years old; and that the mortality as respects them is 23 per 1,000. With regard to lieutenants, who on an average are of three years' more residence the mortality is 27 per 1,000; with regard to captains of from 12 to 13 more years' residence, 34 per per 1,000. And so it goes on. Diseases originating in carelessness and youthful intemperance can be cured by care, but the physical degradation produced by long and constant exposure to the climate cannot. The following table exhibits the rate of mortality per 1,000 of troops in tropical climates, from the 1st of January, 1830, to the 31st of March, 1837, and how far acclimatization acts:—

Station.	18 to 25.	25 to 33.	33 to 40.	40 to 50.
Jamaica .	70·	107·	131·	128·
Mauritius	20·8	37·5	52·7	86·6
Ceylon .	24·	55·	86·4	126·6
Bombay .	18·2	34·6	46·8	71·1
Bengal .	23·8	50·3	50·6	83·3

What, then, is the meaning of this theory of acclimatization? It means that if a thing is unwholesome to the constitution, then go on with it. Now, if that theory is good as regards climate, it is good as regards food; and so, with like reason, you might be told that if you eat food that is bad for the human stomach you should go on eating it. Indeed, there is no knowing to what extent the application of such an absurd theory might be carried. With regard to the comparative healthfulness of the Queen's troops and the local troops, I went into the question some years ago, but I found the statistical records relating

to it so confused that it was impossible to arrive at the exact truth, owing to the circumstances that some of the troops were in the field and others in cantonments. It generally happens too that the local forces are gradually reinforced by recruits, who fall easily into the settled habits of that branch of the army, whereas Queen's troops arriving all together are less accustomed to the climate and to the necessary habits of life. My impression therefore is that if there is a difference, it is on the whole in favour of the local troops, and not of the Queen's troops.

There is one important feature with regard to the Staff corps which should be clearly understood. If you have one Staff corps for the whole army, every man who fails to pass through his probation will return to the army, while the officer who goes through his probation satisfactorily is struck off the strength of his regiment, his place is filled up, and he becomes a local Indian officer. India is then his home, and the place to which he looks for promotion and reputation; and under the old system no officer was more thoroughly localized than would be the officer I have just referred to. He will be an Indian servant to all intents and purposes, receiving promotion in the Staff corps alone, and not sharing promotion in the regiment he has left.

Then it is said that this great evil will arise, that India at any moment might be denuded of troops by their withdrawal for home service. I do not myself see in what respect there will be a difference from the present system under which the number of European troops in the service of the Indian Government is fixed at 15,000 men. The argument is founded on the statement that India was deprived of troops for the Crimean War to an extent that endangered the security of the country at the breaking out of the mutiny in 1857. The fallacy of this is shown by the following figures:—the number of European troops in India in 1854 was 47,146; in 1855 the number was 46,093; in 1856 the number was 45,104; and in 1857 the number was 45,522; so that the difference between 1854 and 1857 was 624 men. The mutiny broke out in May, 1857, before the draughts for the year had arrived, but if the draughts were counted there would have been in India on their arrival about 1,000 men more than in 1854; and besides that, some of the troops had been sent to Persia. The troops on their way to China were also diverted from that expedition, and went to reinforce the garrison in India, so that it could not be said that India, at that period of her utmost need, was deserted or neglected by England.

In answer to the statement that Queen's officers would not take pains to learn the Native languages, in order to obtain local employment, I will read the following statement in reference to Queen's officers: On the Staff, 92; irregular cavalry, infantry, levies, and police, 41; public works, 4; civil employ, 8; total, 145. Besides these, there are a number of regimental officers who have qualified themselves in Native languages. This shows that there is no indisposition on the part of the Queen's officers to make themselves fit to hold important offices in the country. Under the old system you gave a monopoly to a small local army. You took away from the regiments of that army all the ablest men you could find, until you came down to what Colonel Jacobs called the refuse; the most intelligent officers of the Queen's service could not be taken for these political offices, and they had no encouragement, therefore, to qualify for offices which they had no chance of getting. My right hon. Friend the Member for Stroud says the Horse Guards are going to take all the patronage—but what is the patronage? There is no change going to be made in the distribution of commands in India. What exists there now will exist then. There is no change going to be made in the purchase system. My right hon. Friend says that while this House and the country are dead against the purchase system, Her Majesty's Government are going to introduce it into the Indian army. I cannot say that I have ever seen this House very warm against the purchase system; but I can assure my right hon. Friend that he is entirely mistaken. [Mr. HORSMAN: I quoted the Secretary of State's speech.] Yes, no doubt, but not accurately. The Secretary of State for India stated that there was to be no purchase system introduced into the amalgamated regiments; but, strictly speaking, he was not quite accurate, because a purchase system does exist in the Indian army, and to the extent to which it exists it will continue. Of course, the officers will carry with them their own habits and regulations and rights. The existing rights of the Indian officers are guaranteed by Act of Parliament, and until they die out you cannot introduce the

purchase on the Queen's system into any of those regiments. In the Indian army, as it stands, every man, poor or rich, is compelled to purchase, or to join the others in purchasing; for if he would not do it promotion was stopped in his regiment, and although the required sum might be made up by the rest without him, he would be placed in such a position that he would prefer to yield to the system. It could not, however, be intended, if faith were to be kept with Indian officers, to introduce anything like the system of purchase which prevailed in the Queen's army. Indeed, I do not wish to see the Queen's system of purchase introduced into those regiments at all. Under the Act of 1858 one-tenth of the nominations at the disposal of the Indian Council are appropriated to the orphans of officers of the Indian military and civil services, and of Queen's officers serving in India, and under the new system of course similar advantages will be secured to them in the same proportion. It will be for the Government to ascertain the number of these, and to give to an equivalent number the same advantages which they now enjoy. For that purpose it will be necessary to retain a certain number of regiments without purchase, because to put a young man who has received assistance from the State in the way of education a first commission without purchase and so on into a regular Queen's regiment, would place him at a much greater disadvantage than if he were put in an Indian regiment where there was no purchase right through.

I should be the last person in the world to attribute to the Indian Council or to the Commander-in-Chief that in viewing this great question they had been biassed by the wretched consideration of having the disposal of a few first commissions. The Duke of Cambridge, in his evidence on the subject, said, "For God's sake, whatever happens, don't give this patronage to me. I know what complaints will be made, and I would rather be without them." There is no great favour in getting a first commission—any person with decent references can go to the Horse Guards and get his name put down. As far as the patronage question goes, therefore, I think we may dismiss it altogether from our minds, but I do not wish to dismiss it, because I wish to explain exactly what it is that we wish to do. My right hon. and gallant Friend the Member for Huntingdon (General Peel) alluded the other night to the evidence given by the Duke of Cambridge. His Royal Highness expressed his opinion that the whole system of nomination was a bad one; that it was very disagreeable to himself; that all the officers ought to enter he army through one college, and that instead of going to Sandhurst, as they do under the present system, they should receive their general education elsewhere, and then go to Sandhurst later for a professional course before entering the army. That plan would dispose of the whole question of nomination; but at present, as long as a young man can get a direct commission by purchase he gets it cheaper than by going to Sandhurst, and the consequence is that there are many vacancies at Sandhurst and not applicants enough to fill them. But a young man who comes fresh from some cramming tutor and answers a few unintelligible questions, is not in the same position as a young man who has gone through a regular professional course and who becomes immediately available for regimental duties. I think the opinion of the Commander-in-Chief is a sound one. I made a similar proposition some years ago when out of office, and I should be very glad if I could be the means of carrying it out. But Sandhurst would not be large enough for the purpose. You would have to take Addiscombe as well, and with a mixture of the two establishments you would be able to get all your young men into the army with a professional training. Until you have got these establishments ready—and it will take some time—what will you do? I should say, why make any change at all in the *interim?* If vacancies arise in the Indian regiments, I think the Secretary of State and his Council are fairly entitled to recommend to the Commander-in-Chief the names of those whom they may think fitted to fill them up. I hope this will satisfy my right hon. Friend that the Horse Guards are not grasping at patronage. An objection may be raised that the Council are independent persons, that they are not responsible to Parliament, and that we are placing in their hands patronage which ought to be exercised by the Crown; but if you turn to the 36th clause in the Act, you will see that the Secretary of State has a veto on all nominations, so that in fact you have a Minister responsible for all that is done.

As for the statement that the officers of the Indian army and of the Queen's army are taken from different classes, I do not believe a word of it. If you except to the term "middle classes" I should say that

both services were officered mainly from the professional classes. The great mass of the Queen's officers are certainly taken from those classes—though you may have a few noblemen's sons among them, especially in the cavalry regiments. My noble Friend the Member for King's Lynn (Lord Stanley) said the other night that it would be impossible to get these men to go to India, and he argued that it was a matter of policy to attract men of birth into the army, even if it involved a slight lowering of the intellectual standard. For myself I do not think you have any right to attract any class of men into the army except those who will make good officers. My noble Friend is a very good specimen of his order, but he certainly did not speak up handsomely for it when he argued that a lowering of the standard of examination might be necessary to attract them into the service. But the fact is that examinations are no more favourable to poor men than to the nobility. They are favourable only to wealthy persons who can afford to give their sons an expensive and a special education. I will say this for the upper classes, that there is nothing you can ask Englishmen to do which they will not do as readily and as well as any other class. The gallant Officer (Colonel P. Herbert), who spoke from the opposite benches to-night, and who has seen service at the Cape of Good Hope, in the Crimea, and again during the Indian mutiny, is a specimen of the class to which he refers, who did not enter the army as a mere holiday pursuit.

In spite of that contempt which was poured by two hon. Gentlemen behind me on the argument that it would be enormously expensive to create a local army as large as has been asked for by Lord Canning and others, I will ask the House to consider what are the facts. The members of the Indian Council and the authorities in India who are for maintaining a local army, have declared that it would be useless to do so if that local army lost its predominance. Formerly the Queen's army was the larger force, and the local soldiery a mere adjunct. If you are to maintain a local army, they say, these proportions must be reversed. I think they are wise in their generation to make the demand; but, if you accede to it, in what manner is it to be carried out? You have made the experiment of creating a small local army, and it has signally failed. I say that has signally failed, because on the first occasion on which a disagreement arose as to terms it mutinied and placed you in a most disastrous position. You say the Queen's army would act in the same way under similar circumstances. But what happened the other day? Some regiments were detached from India to go to China, under the command of Sir Hope Grant, and for some inexplicable reason they proceeded to pay the officers on a scale calculated according to Indian allowances, because they were drawn from the army in India, but did not pay the soldiers in the same manner. The men remonstrated, but they had confidence in their officers; the officers said that the thing could not be right, and that they would see how the mistake had arisen. There was not a sign of mutiny. They consented cheerfully to receive the reduced rates, though they knew they were entitled to more; a board of officers communicated with us on the subject, and we at once said that the thing was a complete error, and that the men should receive the money to which they were entitled. But in the interim there was not a murmur—very possibly dissatisfaction existed, but there was nothing like a threat, nothing like disturbance; the men had confidence in their officers, and they remained true to their colours. You have tried the experiment of a local force on a small scale, and because it has failed you now want to introduce it on a scale still larger; you created a magnificent army to put down the Indian mutiny, and you say—"It has been successful—let us destroy it." Is it acting sensibly to shut our eyes to the experience of the last few years?

It is said, again, that the difference between the forces is entirely fanciful; that one class of army will cost just as much as the other; and that the advantages are in favour of a local force. Yes; but the maintenance and creation of an army are two different things. Let us see what would be the cost of reducing the Queen's army from two-thirds to one-third of the whole. I am not speaking now of what the cost would be ultimately, if you were to capitalize it, but of what you would have to pay in the first year. You would have to give in half-pay to officers £221,000; gratuities to non-commissioned officers and men £295,000; and pensions to men £75,000; making a total of £591,000 for the first year. And that outlay would be, not for creation, nor for greater efficiency, but for the purpose of destruction and di-

minished efficiency. Again, in forming this local army, what do you do? You assemble a force consisting of young men, without cohesion of any kind; and how are you to officer them? Will you bring home officers from India to drill them, when, as you already know, they are unable to do so; and will you, for that purpose, insist that, to their great injury and dissatisfaction, they shall give up the posts of honour and emolument which they hold in India? What would be the character of this new army that you wish to raise? The tradition of a successful mutiny would be perpetuated among the men; and would become their charter. Every man, on every occasion that he had a grievance, however small, to complain of, would remind his comrades of what had happened in 1859. If they were two-thirds, instead of one-third, India would be at their mercy. I did not come to this conclusion speedily or willingly. Even if it were possible to create a local force, and to maintain it perfect in efficiency, and with traditions marked by loyalty to the Sovereign, the financial difficulty stands in the way, and cannot be got over. You are asked to spend £295,000 a year for the purpose of destroying an army, and I know not how much of Indian finances to reconstruct a force which, in a moment of the utmost danger, proved faithless to its colours, and threatened the security of India.

MR. RICH moved the adjournment of the debate.

VISCOUNT PALMERSTON: I hope the House will come to a division, as the subject has been fully discussed. I shall certainly oppose the Motion for adjournment.

SIR HENRY WILLOUGHBY said, he hoped the House would consent to the adjournment of the debate. The question was one of the most important which could be submitted to the consideration of the House of Commons, and the Government had not placed on the table those papers which the House was entitled to see. He had reason to believe that the Indian Council unanimously adopted a different view from that taken by Her Majssty's Government, and on the India question the opinion of that Council, which had been appointed to look after the concerns of India, and the members of which were specially excluded from that House, was at least entitled to be heard. The speech of the right hon. Gentleman (Mr. Sidney Herbert), however able, he believed was capable of receiving an answer to several of its most important details. The House was bound to see that good faith was kept with the 6,000 officers and 15,000 or 16,000 men who still remained of the local force; and he believed that much of the trouble—for he declined to call it a mutiny—connected with these troops had originated in the want of attention of a former House of Commons. If any man more than another was individually responsible for the consequences it was the noble Viscount, who had declared that the Europeans in the Company's service were entitled to be considered in the change. The noble Viscount certainly intended nothing unfair or unjust, and he remembered that at the time he perfectly concurred with him. But it certainly was surprising that for the mere consideration of £2,000 or £3,000 matters should have been suffered to proceed to such extremities.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 83; Noes 262: Majority 179.

Question again proposed, "That the word 'now' stand part of the Question."

MR. DANBY SEYMOUR said, he hoped that, as important papers relating to the subject under discussion which had been moved for had not been laid upon the table, the Government would not at once press the second reading of the Bill to a division. He begged to move the adjournment of the House.

VISCOUNT PALMERSTON: The Gentlemen who still wish to state their opinions should recollect that there are other stages of the Bill upon which they can have a full opportunity of stating all they can have to say upon it. I should hope that hon. Gentlemen would consent to the second reading.

MR. HORSMAN: We want the papers. The papers were moved for on the 17th of February.

MR. SPEAKER: The question is, that the Bill be read a second time.

MR. HORSMAN: They were laid on the table on the 23rd of March, and it is now three months since, and we have not had those papers which it is absolutely essential that we should have; and I think with those facts it is utterly impossible for the Government to press the decision. I am satisfied that Gentlemen ought to persist, and I know they will persist; I, for one, will not agree to the Motion being put.

SIR JOHN PAKINGTON said, he was

one of those who voted in the minority, hoping that Her Majesty's Government would, in a matter of this importance, give every hon. Member an opportunity of stating his opinion,—but he wished to explain that he had so voted solely on that ground, because, on the merits of the question itself, he was quite prepared to support Her Majesty's Government. At the same time he thought that the Government ought, for the sake of satisfying hon. Members' minds, to accede to the request for the production of the papers before pressing the second reading.

COLONEL SYKES said, he had asked for papers in reference to Indian financial matters some time ago, but they had not yet been produced. In their absence he confessed he was unable to discuss the present Bill in a satisfactory manner.

VISCOUNT PALMERSTON said, he presumed hon. Members would not agree to the adjournment of the House, as that would throw back all the other business on the paper. The objection of his right hon. Friend would be equally good next night as then, unless he meant that they should not read the Bill a second time till the printer had produced the whole voluminous mass of papers on this subject. Did his right hon. Friend mean to postpone the second reading until such time as it would not be received by the House of Lords? As far as his right hon. Friend was concerned, the papers would not enable him to add at all to the lights of the House, as he had already spoken on the second reading; and therefore his argument did not apply to the second reading. He might wish to postpone the future stages of the Bill till he had an opportunity of reading these voluminous papers, but the papers could afford him no additional arguments on the second reading.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:* Ayes 51; Noes 229: Majority 178.

Question again proposed, "That the word 'now' stand part of the Question."

MR. HENNESSY moved that the debate be now adjourned.

MR. BLACKBURN seconded the Motion.

VISCOUNT PALMERSTON said, he knew very well that a small minority at that hour of the night could prevent progress. [*Cries of* "Go on!"] He was not surprised at the feeling expressed by the majority as to the conduct of the minority, who, feeling they could not impede the measure, only wished to delay it. Still he would recommend the House to adjourn the debate until the next day.

GENERAL PEEL said, he could not see that any object would be attained by the adjournment of the debate until the next day, the object being to obtain the papers. He would recommend the withdrawal of the Motion, on the understanding that the papers should be produced before the next stage.

MR. HORSMAN said, the Bill consisted of only one clause, and they would not have the opportunity of a full discussion in Committee. He did not wish to delay the Bill, but he thought it a hard case that the papers were not in their hands.

SIR CHARLES WOOD repeated that all that depended upon him and his department had been done. These voluminous papers had been laid on the table three months ago. He was not responsible for their not being printed.

SIR CHARLES NAPIER asked who was responsible.

SIR CHARLES WOOD said, the printer of the House.

MR. A. MILLS repudiated the charge that the minority sought only to delay the Bill. He would use every effort to prevent further progress until the papers were produced.

Motion made, and Question put, "That the Debate be now adjourned.

The House *divided:* Ayes 43; Noes 190: Majority 147.

Question again proposed, "That the word 'now' stand part of the Question."

MR. A. MILLS moved that the House do now adjourn.

VISCOUNT PALMERSTON said, if it was a mere question of how long the debate should be kept up, he would be willing to sit up as long as any one; but it would be most unjust to the Speaker, and to hon. Members who wished to attend the morning sitting, to go further to-night. He should, therefore, on that ground, and that ground alone, advise the House to accede to the adjournment of the debate.

MR. NEWDEGATE said, the House would be quite justified in calling the printer to the bar, on account of the extraordinary delay in the printing of the papers relating to this question.

SIR GEORGE LEWIS said, that any complaint on that score should be addressed to the Members of the Printing Committee, who had the control over the printing of

the House. It was not the business of the Government to superintend the printing arrangements.

SIR BROOKE BRIDGES said, he hoped the Government, for their own credit's sake, would use their influence with the Printing Committee to expedite the production of these papers.

MR. DANBY SEYMOUR asked whether the Secretary of State would lay upon the table the Minutes of the Indian Council on this matter.

SIR CHARLES WOOD said, he could not at that moment give an answer to this question.

MR. HORSMAN said, he could not see how the discussion on the Bill could be resumed until the papers were before the House.

Motion made, and Question, "That this House do now adjourn," put, and *negatived.*

Question again proposed, "That the word 'now' stand part of the Question.

Debate *adjourned* till *to-morrow.*

House adjourned at a Quarter after Two o'clock.

HOUSE OF LORDS,

Friday, June 29, 1860.

MINUTES.] PUBLIC BILLS.—1ª Isle of Man Harbours; Universities and College Estates; Naval Discipline.

2ª Endowed Charities; Local Boards of Health, &c.; Spirits (Ireland) Act Amendment.

TROTMAN'S ANCHORS.—QUESTION.

THE EARL OF HARDWICKE wished to ask a question of his noble Friend the First Lord of the Admiralty on a subject of much importance in the navy. The Secretary of the Admiralty was reported to have said, in answer to an inquiry made of him in "another place," that Trotman's anchors were not in general use in the navy, because they were objected to by the profession generally; and there were very few officers who did not object to use them. He (the Earl of Hardwicke) was there to deny that; and he would show their Lordships in a few words that Trotman's anchors had undergone great trials by order of the Admiralty, and with the most successful results. The results were given in an official paper, which he at that moment held in his hand. The Secretary of the Admiralty was further reported to have said that officers might, if they chose, have this anchor; but he (the Earl of Hardwicke) had before him the records of instances in which officers had applied for it and had not got it. The late Sir William Peel applied to have one of them for his frigate. He was answered in an official letter, which stated, "Trotman's anchor may be supplied if in store, but no new anchors can be ordered, as the establishment of anchors is complete." As Trotman's anchors were not then in store, and there had never been any in store since, it was of course impossible that captains could get them. That was an answer to the statement of the Secretary of the Admiralty that officers might have them if they liked. Where did their Lordships suppose the only Trotman's anchor now in the navy was to be found? To the bow of what ship did it hang? It hung to the bow of the ship the welfare of which every one of them had more at heart than that of any other vessel afloat—namely, the yacht of Her Majesty Queen Victoria. That was the only Trotman's anchor the navy had ever had, and that one had been tested aboard the Royal yacht to the extent of more than once breaking the cable. He should now go to what was stated in the report of those gentlemen who were appointed to test the several kinds of anchors submitted to the Admiralty. Those gentlemen gave a summary of the results of these experiments, which showed the Admiralty anchor to be the worst of all, and Trotman's to be the best. When the comparative values came to be collected, the Admiralty anchor was found to stand at 18·17, and Trotman's at 23·30, the latter being higher than any other tested. The Admiralty anchor, taken as the standard at 1, was worst but one of all those which were tried. Trotman's was 28 per cent better. The result of all the experiments was that Trotman's was the best under all the trials, which were very long and numerous. He thought the statement about Trotman's anchor being objected to by officers in the navy arose from that anchor having been by some officers confounded with Porter's. But the report of the trials stated that, when competing with Trotman's, Porter's anchor failed to bite till it had slipped along the ground to a length of fifty feet, while Trotman's bit at once. The principle in which Trot-

man's anchor was constructed enabled it to bite readily, and to maintain a very firm hold on the ground. He was sure that a statement of these facts would induce the noble Duke to do justice in this case—justice, not to Mr. Trotman, but to the service generally. He should now mention a fact which went far to show the great merits of this anchor. There was a shank-pin which was put in under the crown, and in consequence of the crown being secured in that way a doubt had existed as to the strength of the anchor. An accident had, however, proved its wonderful strength, and that it did not depend upon the shank-pin. The pin was lost from a model which he now held in his hand, and a common quill toothpick was inserted in its stead in order that the fluke might not be lost. Any of their Lordships might catch the fluke under a board, or any other substance, and they would find that the model would not give way at the place where the toothpick served the purpose of a shank-pin. [The noble Earl illustrated his remark by producing a small model of a Trotman's anchor, and subjecting its holding powers to several tests.] That was enough to convince him that notwithstanding this joint the strength of Trotman's anchor was as great in the crown as that of any other anchor of a different construction. For sake of form he should conclude by asking the noble Duke opposite whether he had any intention to order Trotman's anchors to be supplied to the ships in Her Majesty's navy.

THE DUKE OF SOMERSET said, that one would have supposed from the speech of the noble Earl that great blame was to be attached to the present Board of Admiralty for not having given a fair trial to Trotman's anchor. It was not the present but the late Board, however, which he had now to defend in regard to this matter, and he hoped that, should occasion arise when he quitted his present position, some noble Lord opposite would perform the same kind office for himself. It was a very remarkable fact that this anchor, if it held nowhere else, had, at least, very strong holding ground in the lobby of the House of Commons. That was where it bit best, and in that respect it certainly excelled all other anchors. Of course, therefore, he had not long been in office before this anchor was brought under his notice. He inquired what course the former Board had pursued in regard to it, and found that a long correspondence had taken place between Mr. John Trotman and Mr. Corrie, the Secretary to the Admiralty. In February, 1859, Mr. Corrie wrote that the Admiralty held that Trotman's anchor, while undoubtedly an improvement, was but a slight modification of Porter's anchor, which had been condemned in Her Majesty's ships notwithstanding that it had been most extensively tried, and of which there were many remaining in the dockyard. "It is true," Mr. Corrie added, "that in Trotman's anchor the size of the projecting part of the fluke is increased so as to cause it to bite the ground, but that does not alter the principle of the anchor, which holds well when once it gets into the ground, but no one can tell, when it is let go, whether it has taken the ground or not." Then, again, in March, 1859, Mr. Corrie wrote to say that the Board were willing to test the anchor on board two of Her Majesty's ships, if anchors were supplied for the purpose. Mr. Trotman replied that he considered the experiments made in 1852 sufficient to prove the merits of his invention, and "respectfully declined to become the victim of any procrastination." In April, 1859, Mr. Corrie wrote, in answer to another letter from Mr. Trotman, that the Admiralty were still prepared to afford a fair and impartial trial to the anchor on board one or more of Her Majesty's ships. All this took place before he (the Duke of Somerset) came into office. It was said that this anchor was found to be so good; but what had happened in regard to the *Great Eastern?* As soon as she was launched application was made to the Admiralty for an Admiralty anchor. They would not trust her to Trotman's anchor. The *Great Eastern* afterwards went to Holyhead. She then had only Trotman's anchor on board, and that broke in the gale. So far that was not very satisfactory. For himself he was quite unprejudiced, and was uninfluenced one way or the other. He was not defending the acts of the last Board, but before an anchor was dropped some proof of its failure ought to be given. Their Lordships would remember the great hurricane in the Black Sea. He was told that not one of Her Majesty's ships dragged her anchor, while some of the merchant ships went ashore. He had heard, although he did not vouch for the truth of the statement, that Trotman's anchor was on board some of the ships that went ashore. Before, therefore, the Admiralty could be called upon to adopt Trotman's anchor, they had a right to ex-

pect that it should be fairly tried. It was not right for inventors to come to the House of Commons with their inventions, and canvass Members, calling upon them in the morning, and waiting in the lobby for them in the evening, and converting the House of Commons, in fact, into a great advertising van for their inventions. The Government were asked why they did not take up such or such an invention; the public press called attention to the matter; and by these means a great effect was produced adverse to the Government. He considered that this was not fair to the Government, and that it ought to be left to the Departments to try the merits of these inventions. It would have been easy for him to fall into the complaint against the late Board, to say that Sir John Pakington had committed a great fault in not trying the anchor, and then to call upon their Lordships to remark how superior was the present Board. But the other course was, he thought, far more fair to the Department. The late Board would not incur the expense of discarding the anchor now in use in the navy, and adopting this particular anchor. All sorts of new inventions were every day brought to the Admiralty, but it was not the business of a public Department to be continually putting the public to enormous expense in trying new experiments. He had no objection to Trotman's anchor. From what he had seen of it, that anchor seemed to him to have many advantages, and to be very ingenious. He had asked professional persons, however, not connected with the Royal navy, what they thought of Trotman's anchor; to which they replied, "It is an excellent anchor to put away in the hold—it takes so little room." Now, it was not a great recommendation of an anchor to say that it was good to put away in a hold, and he had not heard any officers of the navy say that they would trust Her Majesty's ships to this anchor. It was said that one merit of Trotman's anchor was its lightness; but a large ship-of-war required a heavy anchor. The very weight of the anchor was a great advantage in mud, and if Trotman's were adopted it would be an advantage to have the anchor made of greater weight. He hoped that for the future that and the other House of Parliament would not give so ready an ear to the plans of inventors, but that professional questions would be left to professional men. With regard to the expense, Trotman's anchor was cheaper, because it was of less weight than the Admiralty anchor. If, however, the weight were increased the cost would be proportionably greater than the Admiralty anchor, as Trotman's anchor contained a hinge, and was therefore more complicated in its manufacture.

THE EARL OF HARDWICKE could not but regard the reply of the noble Duke as very unsatisfactory. He held in his hand a Parliamentary document—not an advertising placard—of the cost and relative merits of the Admiralty anchor and Trotman's, every word of which was authentic and reliable. The noble Duke said it was right that Trotman's anchor should not be adopted without trial. But the trial had been made on the most extensive and expensive scale, before a competent Committee; and the result was that Trotman's came out supreme as the best of all the anchors that had been tried. If the noble Duke thought the merits of this anchor as doubtful as he affirmed, why did he persevere in perilling the safety of the Queen on this anchor alone? Would the noble Duke ask Captain Denman whether he shared his opinion about this anchor? After what the noble Duke had just said, he should expect that an Admiralty anchor would be substituted for Trotman's to-morrow. The noble Duke said this was a doubtful anchor; and yet he allowed the Royal yacht, with Her Majesty on board, to ride at that anchor. Unless that anchor were changed to-morrow—well, he was going to say something unparliamentary, but he would not. The noble Duke said that the *Great Eastern*, in the gale at Holyhead, broke her anchor. There could be no greater proof of the holding power of an anchor. If the noble Duke had told him the *Great Eastern* "drove," he would admit that the safety of the ship might have been imperilled by her anchor. When an anchor broke, however, it was the strongest instance of its holding power, and the noble Duke had therefore pronounced the greatest possible encomium upon Trotman's anchor.

COMMANDERS OF PACKETS BETWEEN HOLYHEAD AND KINGSTOWN.

VISCOUNT DUNGANNON asked the First Lord of the Admiralty whether the Appointments to the Command of the new Steamers about to convey Passengers and Mails between Holyhead and Kingstown have been all filled up; and whether it is correct that Two Appointments to those

Vessels of Commanders have been made whose Age is far advanced, and whose state of Health was such as to preclude their being able during the last Winter to cross over in person with the Packet Boats under their direction? The subject was of the greatest importance to the public generally, but more especially to that particular portion of it that was perpetually crossing and recrossing the Channel. Their Lordships were aware that it had been for some time in agitation to construct vessels to perform the passage of a larger size than those formerly employed. Three of the new vessels were now completed, and would commence running, he understood on the 1st of August. He had been given to understand that the direction of two of the vessels had been given to officers whose age was very advanced, and whose state of health precluded them very often from going over in person with the vessels under their charge. He believed these officers to have great nautical knowledge and long experience; but their ages were very advanced; and one of them during the whole of last winter was, he was credibly informed, unable to go across the Channel in person with the vessel under his command, while the other was also laid up for several months. These new vessels would move with far greater speed than those formerly on the station; it was well known that frequently there was a very heavy sea between Holyhead and Kingstown; and on approaching the coast of Ireland the Channel presented a very crowded appearance, so that there would be a hazard that these large vessels, going with increased speed, would experience collisions. It was obvious, then, that the commanders should be persons not only of nautical experience and science, but men in the full vigour of health and strength. Yet he understood that both the commanders he had referred to were past the age of 70. Considerable anxiety had been manifested on the subject, and he should be glad to hear from the noble Duke opposite how far the information which had reached him on the subject was correct.

THE DUKE OF SOMERSET replied that the Admiralty had nothing whatever to do with the appointment of the officers in question. The Company appointed their own officers, and he had no right to call on the Company to tell him what officers they were going to employ. He should be very glad if these appointments were in his gift, but they were not.

Viscount Dungannon

VISCOUNT DUNGANNON thought that at any rate he might have been informed where to apply in a matter of this kind. The safety of the public was completely in the hands of the Company, and it was a notorious fact that the two officers, though experienced and skilful, were of such age and in such a state of health as rendered it improbable that they would be able during the winter to take charge of their vessels.

THE DUKE OF NEWCASTLE said, the Government had no right to interfere with the transactions of a private Company, and the Company, having the contract of the boats between Holyhead and Kingstown stood precisely in the same position to the Admiralty that any other Company stood in, and the Companies appointed their own commanders. The action and pressure of the public, he thought, would be sufficient to cause them to appoint proper officers.

LORD REDESDALE said, the noble Viscount was right in calling the attention of Parliament and the public to the matter; and, as the Company received £200,000 a year for the postal service, some questions might be asked them by the Post-office authorities.

VISCOUNT DUNGANNON said, he should sincerely regret if no means could be found to remedy the evil.

ENDOWED CHARITIES BILL.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said, that formerly the funds of small charities were greatly wasted in litigation, and as a check Charity Commissioners were appointed—learned, assiduous, and able men, the Chief Commissioner, Mr. Erle, being almost as great a lawyer as his brother, the Lord Chief Justice of the Common Pleas. Still it was found that there were many matters of great importance which properly fell within the province of the Commissioners, in which they were at present unable to act; and many more of a merely formal character, which nevertheless necessitated an application to the Court of Chancery, at an average expense of £50 for each application. By this Bill it was therefore proposed to give to the Charity Commissioners power, under certain restrictions and conditions, to make such effectual orders as might at present be made by a Judge at Chambers, or by the

County Courts or district Courts of Bankruptcy for the appointment or removal of any trustees of an endowed charity, or the removal of any schoolmaster or mistress or other officer, or for dealing with the property of the charity. Their power was to extend over any endowed charity the income of which did not exceed £50 a year; but not to charities whose income exceeded that amount without the consent of the majority of the trustees. Much litigation had arisen in compelling discharged schoolmasters to deliver up the schools and buildings; and a clause therefore enabled the magistrates, in the case of the proper removal of any schoolmaster or mistress, or any officer, or any recipient of a charity, to give possession of any buildings or other property held over. A clause also facilitated the removal of schoolmasters by the trustees, with the approbation of the Commissioners, and of the visitors, if there were any. He believed the Bill deserved the approbation of their Lordships. and he hoped they would assent to the second reading.

Moved That the Bill be read 2ª.

LORD BROUGHAM entirely concurred in the panegyric which the noble and learned Lord on the woolsack had pronounced on the Charity Commissioners, and felt sure that the Bill would receive the unanimous assent of their Lordships.

LORD CRANWORTH congratulated his noble and learned Friend on the introduction of so excellent and useful a measure. The fact that the annual amount transferred to the Charity Commission had risen from £1,000 the first year to £129,000 in 1859, and that no less than £600,000 now stood in the name of that body, proved the confidence which the public reposed in it.

LORD CHELMSFORD concurred with the object of the Bill, that of saving the expense which was now uselessly imposed upon small charities by their being compelled to go to the Court of Chancery. The Bill, however, gave additional powers to the Charity Commissioners, and he should like to know whether the Charity Commissioners were to have any powers beyond those now possessed by the Court of Chancery.

THE LORD CHANCELLOR: No.

LORD CHELMSFORD: Then there could be no objection to what was proposed; for it would be simply saving the expense of going to the Court of Chancery; but he had thought it right to watch carefully to see that no powers should be conferred on the Commissioners which was not now possessed by the Court of Chancery.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday next.*

THE MARQUESS OF CLANRICARDE: *moved*—

"Select Committee be appointed to inquire how far it may be practicable to afford better Shelter for Shipping upon our Coasts than is at present afforded by the Adoption of some Plan for the Construction of Breakwaters and Harbours less costly and better adapted for certain Localities than the System of solid Masonry hitherto in use; and whether any such Plan appears likely to be also serviceable for the Improvement of our National Defence."

The Lords following were named of the Committee:—

D. Somerset.	L. Colchester.
E. Shrewsbury.	L. Ravensworth.
E. Caithness.	L. Somerhill. (*M. Clanricarde*).
E. Hardwicke.	
E. Stradbroke.	L. Wynford.
L. Colville of Culross.	L. Stanley of Alderley.
L. Mont-Eagle (*M. Sligo*).	L. Aveland.

House adjourned at Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 29, 1860.

MINUTES.] PUBLIC BILLS.—1° Game Certificates, &c.; Dominica Hurricane Loan; Postage (Army and Navy); Medical Act (1858) Amendment: Court of Queen's Bench Act Amendment.
2° Local Government Act Amendment.
3° Municipal Corporations (Ireland) Act Amendment.

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.

COMMITTEE.

Order for Committee read:

House in Committee, Clauses 27 to 31 *agreed to.*

Clause 32 (Landlord

MR. LONGFIELD said, that in the absence of his hon. Friend (Mr. Hennessy), he wished to propose an Amendment. The Bill in its present form applied only to tenants from year to year. That, he thought, was limiting too much the scope of the Bill, and narrowing its beneficial character. Everything was to be done by agreement, and it was desirable to promote such arrangements between landlord and tenant, as tending to a good understanding between them. It was desirable to enable landlords and tenants to carry out improvements in regard to land not

included originally in a lease. Cases would arise from time to time in which a tenant might wish to drain and otherwise improve a portion of land not included in his lease, and a slight change in the wording of the clause would enable him to do so. If such a power were given, the industry and wealth of the country would be greatly promoted. He, therefore, proposed that in part 3, the word "tenant" should mean all occupying tenants, holding from year to year, or under written leases or agreements (not containing stipulations as to the execution of any improvements) for a less term than three lives, or for thirty-one years.

MR. DEASY said, he did not see any objection to the clause, since nothing was to be done without agreement. He would propose, however, that the Amendment be not introduced at present; but if he found that there was no objection to it on the part of the Committee, he should be willing to insert the Amendment on bringing up the Report.

MR. LONGFIELD said, he would withdraw the Amendment for the present.

Clause *agreed to;* as was also Clause 33.

Clause 34 (Definition of "Improvements").

MR. MONSELL proposed, that the tenant should be entitled to receive a lump sum, instead of an annuity, from the landlord.

MR. CARDWELL opposed the Amendment.

Amendment, by leave, *withdrawn;* Clause *agreed to.*

Clause 35 was also *agreed to.*

Clause 36 (Consent of Landlord).

MR. BLAKE said, he thought that the tenant should have power to make improvements in spite of the landlord, in case the latter should refuse to give his consent, and that he should receive compensation for those improvements in the same manner as if they had been effected by previous agreement. He, therefore, proposed to add at the end of the clause words which would secure the tenant from eviction after commencing improvements except for nonpayment of rent (unless the Chairman considered there was unnecessary delay in the completion of the improvements), until the expiration of the longest period named for such improvements and building leases.

MR. CARDWELL said, the Amendment of the hon. Member was perfectly foreign to the object of the Bill, which was to secure certainty of compensation by way of annuity. The Amendment, indeed, would be fatal to the working of the Bill.

Amendment, by leave, *withdrawn.*

MR. GEORGE proposed the insertion of words giving power to the landlord when works of improvement were proposed by the tenant to execute them, and to charge the tenant with interest at 5 per cent on the outlay, to be recoverable in the same manner and along with the rent, or to agree with the tenant.

MR. DEASY said, he did not object to the principle of the Amendment, but he would suggest that it should be carried out in a somewhat different manner, and observed that he would prepare a clause on the subject, which he hoped would meet the approval of the Committee.

MR. GEORGE said, he would not press his proposition on the understanding that the hon. and learned Gentleman would bring it up embodied in a new clause.

LORD NAAS said, with regard to the suggestion for securing the tenant from eviction while carrying on an improvement, he thought that the tenant should be required to say beforehand within what time the improvement should be completed, and that during the interval he should be secured from eviction.

MR. CARDWELL said, he approved of giving the tenant such a security, but he thought it would be better to do so by a separate clause.

Clause *agreed to.*

Clause 37 (Statement of Expenditure to be lodged with the Clerk of the Peace),

MR. MAGUIRE said, the clause as it stood at present was to the effect that the owner might, within three months after the service of a notice to improve from the tenant, serve the tenant with a notice in writing, stating that he disapproved of the proposed improvement, or of any part thereof; and the tenant who had received such notice should not be entitled to commence any improvement from which the owner had so dissented. That clause, even in its present form, was an improvement upon the original proposal of the Bill; but he feared that even as the clause now stood, it would give a sanction to a denial of all improvements on the part of a very large section of the Irish landlords. There was a certain class in Ireland who had the absurd apprehension that the tenant would be likely to improve them out of their property; there were many landlords in Ire-

land who would deny that the land wanted improvement—who could not be brought to see why the tenant should need a comfortable house instead of a cabin—who would not admit that the soil required thorough draining, and would perceive no necessity for the making of a road; the fear of the expense would deter landlords sometimes from allowing the tenant to improve, and would urge them to act upon the very letter of the clause; there were landlords in Ireland, and not an inconsiderable number, who refused to grant leases because they wanted to have their tenants in their own power for political purposes; there were landlords who were actually envious of their tenants, and did not desire to see them prosper. That might seem to many a strange assertion, but he had known cases which rendered it incontrovertible—cases which he could bring before the notice of the House, and which had been substantiated upon oath in courts of justice. Thank God, such cases were not the majority. But, although the intention of the present Bill was to induce every man who had a desire, the hands and the means to work, to put forth all his energies for the improvement of the country, it must be remembered that in its present form it was a purely permissive Bill, and only a certain number of persons might adopt it. Believing then that there were landlords who would not avail themselves of the Bill, and who ought to avail of it, he begged leave to propose an Amendment which would make it, to a certain degree, compulsory upon them to do so. If the tenant were really anxious and able to improve the land, to build a better house, to erect out-offices, why should the landlord receive a legislative sanction in refusing to allow him to do so? Such a power conferred upon the landlord would be a terrible barrier to improvement, which never ought to have the sanction of the House. Was the tenant to be allowed to make improvements which would be unsuitable to the farm, and to compel his landlord to pay for them, in case of eviction? By no means—the improvements must be shown to be suitable, beneficial and necessary to the agricultural operations of the farm. If, in such a case, the landlord were still so foolish as to resist the improvements, let him be dealt with as if he were an idiot or a lunatic. Let the Legislature step in between him and his own folly, and tell him that he should not prevent the tenant from performing that improvement, which would result in the benefit of the landlord's own property. He appealed to the House on behalf of the general interests of Ireland, because he knew that there was a deadly stream of emigration increasing every day, and which without exaggeration, was taking away the bone and sinew of the country. He wanted to give those who remained at home a stake in the country—something to defend, something to attach them to the institutions of the land. If the House refused to give that security they would but perpetuate a spirit of discontent, and, as a man anxious to preserve peace in the country, he warned them that they would not be legislating in a wise spirit. It had been sometimes urged upon him by friends that the effect of the Amendment he proposed, would be, that the landlord would, where any difference arose, proceed at once to evict the tenant. But there could be only very few men who would thus dare to outrage public opinion by punishing a man simply for his desire to improve the land. Even admitting that there were found a dozen or twenty such cases in Ireland, yet hundreds of thousands would on the other hand be benefited. They were on the horns of a dilemma, but while one horn was very small, the other horn was very great. One would at worst but gore the individual, while the other would gore the nation. He asked nothing against the rights of the landlord, or the rights of property. The landlord's rights must be co-existent with the improvement of the property, and the increase of the productive powers of the land. The hon. Member concluded by moving his Amendment.

Amendment proposed,

"In page 10, line 41, to leave out from the word 'thereof' to the end of the Clause, in order to add the words 'if, upon the hearing of the case before the Chairman, it shall be proved that the proposed improvements are not necessary, or that they would be prejudicial to the estate, the tenant shall not be entitled to commence such improvements; but in case the Chairman shall decide that the proposed improvements are necessary, useful, and beneficial to the estate, the tenant shall be enabled to proceed with the improvements in the same way as if he had received the assent of the owner."

MR. POLLARD-URQUHART entreated the hon. Member, if he wished to give the Bill a fair chance of passing, to withdraw his Amendment, for he was convinced that with such a clause it would never pass the other House.

MR. DARBY GRIFFITH said, he thought the Amendment was based altogether on a wrong idea of the rights of property. It would have the effect of changing the possession of property from one class of hands to another.

MR. DEASY said, this Amendment was an important one, and its success would involve the entire destruction of the Bill. It was precisely the question that had proved fatal to all the Bills that had been introduced on this subject. It proved fatal to the Bill introduced by the Government of the Earl of Derby, to the one introduced by the Government of the Earl of Aberdeen, and also to the Bill brought in by the present Government of Viscount Palmerston. He believed that if the Amendment could be carried into effect it would operate to the disadvantage of the tenant. The Bill applied to tenants at will, and the moment a tenant made the attempt to carry out improvements contrary to the will of his landlord the latter would at once use the powers which the law gave him, and proceed to eviction. He believed it would be impossible to pass any measure that would give a compulsory power to the tenant over the landlord.

MR. MONSELL said, he could not agree with the view taken by the hon. and learned Gentleman (Mr. Deasy), of this Amendment. The Bill of the Earl of Aberdeen's Government was thrown out not because it contained a clause of this nature, but because it contained a clause for retrospective compensation. The Report of the Devon Commission recommended the principle embodied in the Amendment, and the Earl of Derby himself supported it with all his eloquence in the other House, and therefore the weight of authority was in favour of the Amendment. He did not believe that any portion of the landlords of Ireland would act as the Attorney General had stated—cruelly evict tenants that wished to make improvments contrary to the will of their landlords. Such a statement was no better than a slander on the landlords of Ireland. After all, according to the Report of Dr. Phillimore, the proposed Amendment was a part of the Roman civil law in use in several countries on the Continent.

COLONEL DICKSON said, he supported the Amendment. He did so as the representative of an agricultural county in Ireland, and had no fear that he would be regarded as acting contrary to the interests of the landlords. By a previous clause the landlord had the power of making improvements himself, and why should it be regarded as an interference with his rights to give the tenant the power of making those improvements which his landlord refused to carry out? He believed that an overwhelming majority of the Irish landlords wished to give leases to their tenants, but at the same time he was ready to admit the truth of what the hon. Member for Dungarvan (Mr. Maguire) had stated, that there were landlords, chiefly small proprietors, who refused to give leases from the fear that they would lose their influence over their tenants. The land should not be allowed to remain entirely at the caprice of some individuals, who might be averse to improvement. However, as he had opposed the proposal which made the chairman of Quarter Sessions the arbiter on other matters included in the Bill, he could not assent to that portion of the Amendment. He would suggest that the Landed Estates Court be the tribunal to decide, and he would then give his cordial support to the Amendment.

MR. BUTT said, the rest of the Bill, as compared with that Amendment, was utterly insignificant. The rest of the Bill was the landlords' Bill — this was the tenants'. This very Amendment, which to some hon. Members seemed now so objectionable, was no result of proletarian popular agitation. It was one of the results of the Devon Commission, and was embraced in a Bill introduced in the other House by the Earl of Derby in 1846, and in another introduced into the Commons by the Government of Viscount Palmerston. Opposition was not to be anticipated in the other House. If opposition there was it would be in the House of Commons, not in the House of Lords. Suppose a farm which was not so productive as it might be; the landlord was unable or unwilling to expend the necessary capital to make it productive; the tenant offered to do it himself; but, on acccount of some fancied rights of property, the landlord was to be allowed to prevent its being made as productive as it might be made for the general good of the country. He would ask whether hon. Gentlemen opposite who supported the Earl of Derby's Government were prepared to vote against the Amendment, which embodied the principle contained in the Earl of Derby's Bill. The hon. Member for Wexford (Mr. George) supported that Bill. Would they now find him acting the part of an opponent

of the Amendment proposed by the hon. Member for Dungarvan; and was the noble Lord (Lord Naas), whose name was on the back of the Bill of the Earl of Derby's Government, prepared to oppose the Amendment? The emigration of the Irish had been spoken of. It had been urged that it was not owing to evictions. Agreed; it was not owing to actual eviction. But it was owing to the consciousness of the existing want of security to the tenant in the occupation of his land; and unless some such security was given as was contemplated by the Amendment before the Commitee he was of opinion that the present emigration would end in the extinction in Ireland of the old Celtic race.

SIR JOHN WALSH said, he was perfectly sure that the insertion of this Amendment would be fatal to the Bill, and the hon. Member for Dungarvan might as well move the rejection of the Bill on the third reading as propose its introduction. The principle of the measure was, that the landlord should have a voice in all the improvements that were made, and the Amendment, therefore, was in direct violation of that principle. He had been amazed at the vagueness and generality of the language used in regard to what we called improvements. The truth was, that many things which were called improvements would greatly deteriorate a property. What were called tenant-rights in Ireland meant, in the estimation of many of the tenants, nothing more than a subdivision of their farms among their children, and a return to that system which had plunged Ireland into the gulf from which, to a great extent, it was now emerging. The effect of the Amendment would be to compel the landlord to employ his capital in carrying out works of which he did not approve, and which would prevent him executing improvements that he believed would be really beneficial. Though he disapproved of the Bill as a whole, he thought that the clause which gave the landlord the power to control the improvements to be made involved a very valuable principle, and he trusted that the Amendment now proposed would be rejected by the Committee.

MR. VINCENT SCULLY said, he would beg to impress upon the Conservative landlords that there would not be the least danger in concurring in the Amendment with a little alteration, which he understood the hon. Mover would have no objection to make. The Amendment would not interfere with the rights of property, and would to a certain extent, if carried, settle the question for the present at least in the minds of the Irish people—an effect that would not be produced by the Bill in its present form, in consequence of the power given to serve a counter-notice. The Attorney General for Ireland said that the introduction of the Amendment would ensure the rejection of the Bill in "another place;" certainly it would if it would interfere with the rights of property; and, therefore, he wished to impress upon the Conservative landlords that it would not have any such effect. He suggested the Amendment of the Amendment by the introduction of a provision giving the landlord an option of making the improvements if the assistant barrister should decide that improvements were necessary.

MR. GEORGE said, the hon. and learned Member for Youghal (Mr. Butt) had attempted to cast an imputation on his consistency in connection with this question. He knew nothing in the history of the hon. and learned Member's political consistency in that House, or in his political morality that entitled him to catechise him (Mr. George) on his political conduct. The hon. and learned Member alluded to the measure which was brought forward by the ex-Chancellor of Ireland and the right hon. Gentleman the Member for the University of Dublin (Mr. Whiteside) when they were connected with the Government of the Earl of Derby. He begged to state that he gave that Bill his general approbation; but that he guarded himself at the time against being supposed to favour all its details. He held an independent opinion then, as he did now, upon the important question submitted to the consideration of Parliament. He, for one, objected to the transfer of the control of his property from himself to the Chairman of Quarter Sessions. He was averse to being dragged, at the instigation of his tenant, before an assistant barrister, there to produce his title deeds, and to show the reason why he did and why he did not grant a lease, or assent to projected alterations which might or might not be improvements. He trusted, therefore, that the Government would adhere with fidelity to the great principles of the Bill; but if they agreed to the Amendment he did not think they could carry the measure by any majority in that House, and from previous experience they might expect that it would not be approved of elsewhere.

Mr. CARDWELL said, he had no complaint to make as to the manner in which the hon. Member for Dungarvan had brought forward his Amendment; but he thought it exceedingly doubtful whether his proposal would be one advantageous to the tenant. If they continued the power of eviction, every compulsory power they gave to the tenant over the landlord, would operate to the injury of the former. It was of no use to refer to former Bills. This they must make up their minds to, if they wished the present Bill to pass—they must avoid compulsion and retrospection. Where there was a willing landlord and a willing tenant, improvement could take place; and where a limited landlord was unable to make improvements, the clause set him free from the fetters of settlements, and gave him the power of a fee-simple landlord; it gave to the family that benefit of the settlement, and gave to the present occupier the benefit of the freehold. It would also render it impossible in future for a tenant who was evicted to lose the benefit of the *bonâ fide* improvements that he had made. These two advantages would be gained by the Bill, and he earnestly pressed the Committee not to destroy these principles by the introduction of a compulsory power over the landlord by the tenant.

Lord FERMOY said, he did not believe that the landlords of Ireland were such bad men or such fools as to evict tenants because they were anxious to improve their estates. He would support the Amendment, notwithstanding that some Members seemed to think it would endanger the Bill in that place where there was very little redemption for anything that was good.

Mr. CONOLLY said, that as a landlord he should most cordially vote for the Amendment. He would compel the landlord, in certain cases, to make improvements; and, in doing so, he would not be doing him any injustice. He knew there were landlords who would prefer to sit down with their hands in their pockets, and very little else in their pockets besides their hands, rather than comply with the just requirements of the tenant. In supporting the Amendment, he was not acting against the interest of his class; because, if they understood their interest, they must see that the improvements of their estates would be for their advantage.

Sir WILLIAM SOMERVILLE said, he thought there was nothing in the proposition of the hon. Member for Dungarvan that should excite alarm in the mind of the most sensitive stickler for the rights of property. His right hon. Friend (Mr. Cardwell) had not stated that the introduction of the Amendment would be fatal to the Bill, and therefore he would give it his support.

Question put, "That the words 'and no tenant,' stand part of the Clause."

The Committee *divided:* Ayes 140; Noes 48: Majority 92.

House resumed.

Committee report Progress; to sit again on *Tuesday* next, at Twelve of the Clock.

GAME LICENCES (SCOTLAND).

QUESTION.

Mr. FENWICK said, he wished to ask the Lord Advocate, Whether a Licence is required for the Sale of Game in Scotland; and, if not, whether there are any reasons why the Law should not be assimilated to that of England on the subject?

The LORD ADVOCATE said, there was no Licence at present required for the Sale of Game in Scotland. He could not see any reason why the law on the subject should not be assimilated to that of England.

LANDED ESTATES COURT (IRELAND).

QUESTION.

Captain STACPOOLE said, he rose to ask the Chief Secretary for Ireland, Whether the Irish Landed Estates Court now employed the Ordnance Department exclusively for all its Surveys and Valuations, and whether at a higher rate of remuneration than used to be paid to the professional gentlemen previously employed for that purpose?

Mr. CARDWELL stated that the Judges of the Landed Estates Court finding that the plans on which the titles sought to be established were incorrectly and imperfectly made out under the former system, had recourse to the Ordnance Department for assistance. The total cost of the plans was now 4*d.* per acre, but the charge in the aggregate was less than under the former unsatisfactory mode of preparation.

VOLUNTEER CORPS FOR IRELAND.

QUESTION.

Colonel FRENCH said, he rose to inquire, Whether the attention of the Law

Officers of the Crown have been called to the 42nd *Geo.* III., c. 66, which enables the Government to accept the services of any corps of Volunteers which it is proposed to embody; and whether, in their opinion, it will be competent to form Volunteer Corps in Ireland.

MR. DEASY said, the attention of the law officers of the Crown had been directed to the difference in the law respecting Volunteer Corps in England and in Ireland. It was their opinion that, although the Crown was enabled to accept the services of the Volunteer Corps in Ireland, no power existed either to regulate or control those corps when once levied, and even the Commanding Officer was equally destitute of authority. All the Crown could do was to disband the corps, and to compel them to return their arms and accoutrements into store.

SUPERANNUATION OF DOCKYARD LABOURERS.—QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the noble Lord the Secretary to the Board of Admiralty, Whether it is true that certain dockyard labourers have been refused superannuation, and on what grounds that refusal has been given? He also wished to know what steps the Board of Admiralty have taken since the passing of the Superannuation Act last Session, to place the admission of labourers on such a footing as to secure for those permanently employed the benefits which the Act intended to confer upon them.

LORD CLARENCE PAGET said, it was true that seven dockyard labourers had been discharged without receiving superannuation. The Act of 1859 did not give retiring allowances to those who were not previously entitled to it, and the ordinary labourers in dockyards had not been entitled to superannuation since 1833. The Admiralty had no intention of proposing any alteration of the law.

EUROPEAN FORCES (INDIA) BILL. QUESTION.

COLONEL SYKES: I beg to ask the right hon. Baronet, the Secretary of State for India, Whether the Papers of which the want was so much felt during the debate of last evening are now forthcoming; and if not, whether he can explain the cause of the delay in their production?

SIR CHARLES WOOD: I felt it my duty last night, in consequence of what occurred during the debate, to make inquiry into the circumstances connected with the papers relating to the mutiny of our army in India, a portion of which I now hold in my hand. They are very voluminous, and some of them have not yet been printed. I referred for information on the subject to the Military Secretary of the Indian Department, and I have found the circumstances to be as follows. My hon. Friend the Member for Perth (Mr. Kinnaird) asked me early in February, whether there would be any objection to the production of these papers, and I said that he was perfectly welcome to them, if they were moved for as an unopposed Return. My hon. Friend accordingly made a formal Motion for them on the 15th of February. They were prepared in the military Department of the India House, and they were given to the private Secretary of my hon. Friend on the 20th of March, and on the 22nd. of that month they were laid on the table of the House, and ordered to be printed. They were afterwards sent for verification to the Military Secretary of the Indian Department, and I am sorry to say that some delay took place in revising the papers. The Military Secretary thought that he was going on fast enough, as long as the other papers were not sent to him, while we waited to forward the further documents, until he returned the first portion revised. The whole series of Indian papers amounts to about 800 pages, but there was a portion of them referring to the case of Sir Charles Trevelyan, which being a personal question, we thought it desirable should be pressed forward as much as possible. This is the course that has been pursued, and this has been the cause of the delay. I do not wish to blame either the printer or the Military Secretary, although like the Earl of Chatham and Sir Robert Strachan, they certainly have been waiting for one another. But at this present moment there are about 500 pages printed, and there still remain 300 pages to be printed, and I may add that the matter was not brought to the notice of my hon. Friend the Under Secretary of the India Board, until the 27th ultimo, when he received a note stating that an hon. Member of the House had been inquiring about the papers, and the steps which he took upon that information evince every desire on our part that

the printing should be proceeded with as rapidly as possible. The Military Secretary is, in common with the Council, entirely opposed to the amalgamation, and the House will easily judge that if there has been any delay on their part, it has been quite unintentional, and has certainly not been with the view of furthering the course that I have proposed.

On the Motion for the Adjournment of the House to Monday next,

VISCOUNT PALMERSTON: I wish to take this opportunity of stating briefly the course which we propose to take with reference to the order of business for to-night and the early part of next week. Objection was taken last evening to going on with the discussion upon the Bill for the Amalgamation of the European forces in India, upon the ground that papers which were said to be necessary to the formation of a proper opinion on the subject, had not been placed in the hands of hon. Members. I hope, however, that my right hon. Friend, the Member for Stroud (Mr. Horsman), will waive his objection to going on on Monday with the discussion on the second reading of the Bill, provided a portion, if not the whole of the papers, are in the hands of hon. Members on Monday morning, and on the condition that the Committee on the Bill should be put off until the whole of the papers are in the hands of hon. Members. If that should be agreed to, of course the order for to-night will be put off till Monday. I am sorry to say that my hon. and learned Friend the Attorney General is confined to his house by indisposition, and therefore is not able to be here to-night to go on with the Bankruptcy Bill, which is the next order of the day. I should hope that under these circumstances the House will agree to going into Committee of Supply, to enable my right hon. Friend, the Chancellor of the Exchequer, to proceed with such Estimates as he is prepared to go on with.

MR. HORSMAN: —As I understand that we shall have the greater portion of the papers relating to the Organization of the Indian Army in our hands on Monday morning, and that the Bill will be read a second time on Monday evening, with the understanding that the Committee on the Bill shall be postponed until we have the whole of the papers in our hands, I think it would be better, for the convenience of the House, that we should defer the Debate until Monday. But I think it is necessary to state what the papers are which we require, and in doing so, I must beg to call the attention of the House to the very singular statement which has just been made by the right hon. Gentleman, the Secretary of State for India. He told us this morning, two or three times over, that the delay in the production of these papers did not rest in any way with his department. He said that he had presented these papers three months ago, and that the fault of their non-production lay entirely with the printer, and another Member of the Cabinet got up and stated also that it lay with the Printing Committee. I am informed that the right hon. Baronet has been going about the House, from one hon. Member to another, asking them to put a question to him on this subject, so as to anticipate any statement that I might make. I have heard to-day that those papers were sent to the printer, but that the right hon. Gentleman has had them taken back from the printer to the India Department, and that they have been in the right hon. Gentleman's department ever since, and unless I am incorrectly informed, at 1 o'clock this morning, when the right hon. Gentleman said that those papers had been for three months with the printer, and that no fault was attributable to him in the matter, those papers were still in his department, and had not been returned to the printer. Now, is that true, or is it not? If it is true, then I say an amount of carelessness has been displayed, which is scarcely credible on the part of a Cabinet Minister, for last night he sought to carry the House with him, by stating, three times over, that these papers had been three months out of his hands, and in the hands of the printer, and that the fault of their non-production rested entirely with the printer, when at the very moment he knew that they were in his hands, or in the hands of a subordinate of his department. Now, I ask again, is that true? I have not had time to make myself perfectly certain upon all the details, but I have reason to believe that these are the facts of the case, which the right hon. Gentleman has now attempted to anticipate by saying that the question was one which lay between the Military Secretary and the printer. But now, passing from that point, I wish the Government and the House clearly to understand why we want those papers, and why we consider them as a necessary preliminary for the

Sir Charles Wood

satisfactory discussion of the Bill. Last year the Government introduced a Bill to maintain a local army in India, and this year they have introduced a Bill to repeal the Act of last year, and the Secretary of State, in introducing that Bill, stated to the House, as a ground of justification of that change of policy, that circumstances had since August last come to the knowledge of Her Majesty's Government which were not known to them last year. But, Sir, I endeavoured to show the House last night, from a telegram which I read, addressed by Lord Clyde to the Governor General in 1858, that those circumstances were known to the Government at the time, and therefore that change of policy appears to have been based upon something which they have not thought fit to explain. I also stated that I had reason to know that the right hon. Gentleman had not dealt frankly with the House, as to certain other papers which had been presented; that he had given to this House papers professing to be complete, but which were only extracts; and that important portions had been omitted from papers which he professed to give entire. It was quite open to the right hon. Gentleman at once to have refuted that statement, and to have challenged investigation upon it; and so far from expecting that he would have voted for closing the debate last night, before he gave an explanation, I should have thought that he would have been the first person to have insisted that a division on the second reading should not be taken, until an opportunity for explaining these matters had been afforded to him. But the right hon. Gentleman remained perfectly silent—glued to his seat—and thus, in the opinion of many hon. Members of the House, he thereby allowed judgment to go against him by default. Under such circumstances, I felt myself justified in insisting that that Bill should not proceed until we had the papers before us, to enable us to judge whether the reasons on which this change of policy was justified, had any existence except in the right hon. Gentleman's imagination, or were based upon more substantial grounds. Now, Sir, I wish further to say that, when the papers are produced, I trust that they will be the real thing for which we ask, and that the right hon. Gentleman will produce the real papers that we desire. The right hon. Gentleman has just told us that they contain 800 pages of printed matter, and he said last night that when produced, they will not afford us much assistance. Then the delay has occurred from the encumbering of those Returns with an enormous mass of matter which no one desires to have, but there are important and interesting documents which we do desire, and we do expect to have—we wish to have all the early despatches of Lord Clyde and Sir William Mansfield—we wish to have a continuous and unbroken narrative of all those circumstances which have been miscalled a mutiny in the European force in India. I moreover understand that within the last day or two, protests from various Members of the Council have been lodged with, and are in the hands of, the right hon. Gentleman. If so, I trust that those papers will be also produced, and I trust that they will be the real papers that we ask for, because I must say, after what I showed from my Lord Clyde's telegram last night, and after the statement of the right hon. Gentleman himself this morning as to the papers having been so long out of his possession, and the fault being in the office of the printer, I think that the House is justified in looking with great vigilance indeed, to all the proceedings of the right hon. Gentleman with regard to this matter.

MR. ARTHUR MILLS: I only wish, Sir, to express in one word my entire satisfaction with the proposal of the noble Lord at the head of Her Majesty's Government with respect to proceeding with this Bill. I think it is a most satisfactory arrangement, and I can only say, with regard to the proceedings that took place this morning, that if any suggestion had been made that those papers should be guaranteed to be before the House when we go into Committee, I should have been quite ready to have assented to the second reading of the Bill last night; but the circumstances certainly were rather peculiar. There were many hon. Members who would wish to speak, and whom I am sure the House would have been glad to listen to. Certainly on this very important subject it did strike me as most desirable that no impression should go abroad that at a time when public apprehension was relieved in a great measure in reference to our great Indian Empire, public interest in our Indian Empire and in its prosperity had been abated. I will only add the expression of my hope in confirmation of that which has been said by the right hon. Gentleman who has just spoken, that those papers, be they memoranda, or Minutes, or

protests, or by whatever other name they may be called, of the Members of the Council, will also be laid upon the table of the House, because I think that they would contribute very greatly to elucidate the question at issue, and enable us to form a correct conclusion upon it. I must say, and I beg to be excused for making this observation, that it has been said with regard to myself, and others who have taken a part in this question, that we have ventured to volunteer statements that are unsupported by personal authority here and in India, and that we are certainly in a minority in this House. I should state that the views which I entertain have been supported by three successive Governors-General of India, and they are supported by many of the Members of the Council; and, therefore, it is not correct to say that we are obtruding opinions which are not seconded by those in authority, both in England and in India.

COLONEL SYKES: With regard to the Returns granted by the House to my Motion two of them are very important. I have made frequent inquiries with reference to them in the Journal Office, but I can obtain no information about them, and they are not forthcoming. I trust therefore before we are called upon to express an opinion with regard to the second reading of this Bill, those Returns also may be added to the Order of the House.

SIR FREDERIC SMITH: I am unwilling that this discussion should close without making an observation with regard to a gentleman whose name has often been mentioned by the right hon. Baronet the Secretary of State for India. I have long been in official communication with the Military Secretary for India, and I am quite certain that no man in this country is more deserving of the confidence of the House of Commons. He is a most honest, upright, zealous, and indefatigable public officer, and I am quite certain that if any delay on his part has taken place in the production of those documents to the House of Commons, it has been entirely the result of his scrupulous anxiety to have them presented to the House in as perfect a form as possible.

SIR CHARLES WOOD: I had not supposed that the right hon. Gentleman (Mr. Horsman) would have rendered it necessary for me to refer again to the statement which I made last night. What he stated last night was, that I had suppressed the papers, obviously because I did not wish the House to be in possession of them at the time when I brought forward my Motion for the amalgamation of the Indian army. It was not a charge of neglect in my Department, as I should have expected, but it was a charge of wilful supression of truth on my part, and of withholding from the House information which might enable it to come to a conclusion different from that which I recommended. My statement was not that they were out of the hands of my Department, and that I knew nothing about the papers, from the time that they were laid upon the table of this House. What I did say, what I did deny, and what I deny again, is that by any act of mine, direct or indirect, I kept back those papers from the House—and in the strongest terms that I can do so, consistently with civility to the right hon. Gentleman, I beg to say that the charge is totally unfounded. The fact is, as I stated last night, not that the papers were all sent back to the India Department, but that the proof sheets were sent from time to time to Colonel Baker for revision, and, as has been stated by an hon. and gallant Member on the opposite side of the House, he is the most honourable and scrupulous, and one of the best public servants with whom I ever was acquainted. His opinion on the subject of the Indian army is opposed to mine, and no one therefore would suppose that he was actuated by any other motive in the world in keeping these papers back, except for the purpose of insuring their accuracy. I have indeed heard that those revised proofs, to a certain extent, have been perused by others. I am not sure that some hon. Gentleman may not have received information of the contents of these papers—but certainly it was not on my part, in any way whatsoever, that the least delay has occurred, in the production or the printing of those papers. Now, Sir, the right hon. Gentleman says that I shrank from the discussion last night, by voting against the adjournment of the Debate. Certainly I should rather say that those who shrank from the debate were those who voted for the adjournment. I was perfectly ready and anxious that the debate should have gone on last night, and I should have been prepared to take my part, and to justify any portions of my conduct which might have been assailed by the right hon. Gentleman—but it is rather too much that he who voted for the adjournment of the debate, should now

turn round upon me, and accuse me of sitting quietly by, without giving explanations which I was perfectly willing to do, and of allowing judgment to go against me by default. According to the invariable practice of the House, the hon. Member who moves a Bill waits for the close of the debate to hear the different arguments which are adduced against the measure, and according to that rule, I was waiting for the close of the debate, and it was the right hon. Gentleman who urged the receipt of those papers, and the hon. Members who voted for the adjournment of the House, who prevented me on that occasion from taking that part in the debate which I otherwise should have done. The right hon. Gentleman now complains of my overlaying these Returns by unnecessary details. He must know, as the House knows, that the Department is bound to answer the Order of the House; and if my hon. Friend the Member for Perth moved for certain papers, it was our duty to return those papers however long they might be. Her Majesty's Government have no wish to withhold those papers, although they do not think that they will throw much light upon the question; but the hon. Gentleman having moved for them, we felt that we had no right to resist the production of those papers. If, therefore, the right hon. Gentleman the Member for Stroud should find that they are more voluminous than he thinks convenient, all I can say is, that I beg that he will not throw the blame on me. The papers that were moved for were produced, and are now in course of being printed, and they will be placed upon the table of the House; and if any delay has occurred, all that I beg to say is that I am not responsible for keeping back those papers. The right hon. Gentleman has made another charge against me of garbling papers. Perhaps I may be permitted to state what the fact is upon that matter. The papers which are now on the table of the House were extracts from private letters. I thought it desirable that my colleagues in the Cabinet and the Indian Council should see these private letters, and they were printed confidentially for their use. Three Members of the Council prepared confidential memoranda on those extracts, and they also were printed for the use of the Council. Before they had been printed a week, my hon. and gallant Friend the Member for Aberdeen (Colonel Sykes) moved for the production of those papers, and I stated to him at the time that it seemed to me to be a most unheard-of proceeding that he should move for confidential memoranda of the very existence of which he had no right to be aware.

COLONEL SYKES: I did not know that they were confidential.

SIR CHARLES WOOD: My hon. and gallant Friend has said that he was not aware that they were confidential; but how the fact of the existence of those confidential memoranda was communicated to him I cannot say. I can only say that I objected to their production. I stated, and I repeat it again, that I thought they were not papers which ought to be laid before the House. Indeed, Sir, even if I had wished that those confidential memoranda should have been laid before the House of Commons, it was obviously impossible that those papers could be laid upon the table of the House without the letters on which they were founded; and before I could lay them on the table of the House, I was obliged to telegraph to India to ask the permission of Lord Clyde, Sir William Mansfield, and Earl Canning, to lay upon the table of the House such portions of those papers as I thought desirable. There were some expressions in the letters which had been laid before the Council, which I did not think advisable, or fair to individuals, to lay before the public, and I omitted them, after obtaining the permission of those who had written them. I have now only to say that the extracts which I omitted were of two kinds — one expressing an opinion more favourable by far to my view than anything I had left, and another an expression to which I suppose the accusation of the right hon. Gentleman refers, an expression of Colonel Durand. That is the only case to which I am inclined to suppose this accusation can refer, and I shall be obliged to him if he will state whether I am right in that. The right hon. Gentleman declines to do so. I will, therefore, state to the House that the only instance to which his imputation can possibly apply is with reference to one of Colonel Durand's memoranda. I will state to the House exactly what those facts are. I have no wish to keep back anything that occurred. In Colonel Durand's confidential memoranda there were two paragraphs which referred to a private letter of Sir Patrick Grant, which I did not think it right to lay before the public. I sent for Colonel Durand, and suggested to

him that it would be better if those two paragraphs were left out, and he said that he had no objection on his part, except for this reason, that though he had kept these confidential memoranda perfectly secret, he knew that they had been shown about to many persons, and he would not like himself to withdraw any paragraph to which he had put his hand, but that the memoranda were in my possession, and if I chose to take upon myself the responsibility of striking out those two paragraphs he had no objection. I said, "I will take upon myself to do that, because, as I do not lay upon the table of the House the private letters of which those paragraphs are part, I think it is better that those paragraphs should not appear." I beg to say that the omission does not in the slightest degree vary, alter, or retract the opinion expressed in the memoranda. I have stated to the House fairly and openly why I left them out. I had authority from Colonel Durand to keep back such portions of private letters as I have mentioned, and it would have been absurd to have left in the hands of the printers paragraphs referring to private letters which do not appear. I do not think, therefore, that I am in fairness open to the accusation of garbling those papers.

Now, Sir, I will not enter into the question of whether I am justified in taking a different course this year from that which I pursued in August last year. I think that the circumstances which I have already stated perfectly warrant that change of course, and I beg to remind the House of this, that when I introduced the Bill in August last, for the purpose of covering an illegality which had been committed by the Government which preceded us, in having a larger local force than was warranted by law, (for by law the limit was 24,000, which limit was exceeded) I stated distinctly the reason why I introduced that Bill, and I stated at the same time—in the middle of the month of August—that the introduction of that Bill was in no way to prejudice the question of the Indian army which we should be compelled to take up this year.

I must beg pardon of the House for having made these statements. It is certainly no fault of mine, but I think that after the right hon. Gentleman last night and to-day has imputed such motives to me, I could not, with due regard to my character as a Member of this House, avoid making the observations which I have done.

Subject dropped.

ST. GEORGE'S-IN-THE-EAST.

OBSERVATIONS.

MR. KEKEWICH said, he rose to call the attention of the Secretary of State for the Home Department to the disturbances which took place on Sunday last in the neighbourhood of the church of St. George's-in-the-East. He had collected a few facts from the public journals relative to what had occurred, but he did not rely on that source of information alone as he had also been in communication with persons who were present on the occasion. He found it stated that great disturbance occurred during the service, but the sermon was not interrupted, but afterwards,

"The mob collected in the yard round the entrance to the rectory, and as the clergy and choristers passed in they were hooted and hustled. Two or three of the choristers attempted to make their way home, and for that purpose went out into Cannon Street, where their appearance was the signal for a terrific uproar. They were followed by several hundreds of people, who hissed and yelled, and threw at them dirt, stones, and anything else they could obtain. Once or twice the choristers, who wore round collars similar to those adopted by Roman Catholic priests, and long coats, made a run for it, but the mob ran too, and increased in numbers at every step."

He (Mr. Kekewich) must correct one statement in that Report, for he was assured by the parties themselves that they wore nothing in any way resembling the dress of Roman Catholic priests. The Report went on to say:—

"On arriving in the Commercial Road an attempt was made to beat the choristers, and a desperate rush was made upon them, but three or four policemen who arrived at the time kept the mob back as well as they could, and the choristers darted down a narrow street. The mob followed and drove them back into the Commercial Road. At this time they seemed undecided as to the course they should pursue, and one of them tried to go back so that he might take refuge in the clergy house in Cannon Street, but the mob refused to let him do so, and drove him and his friends in an opposite direction along the Commercial Road, on reaching the top of which they made another attempt to escape by running down a street at the rear of Whitechapel Church, into the Whitechapel Road. The mob, which at this time consisted of at least 1,000 persons, followed them with loud execrations, and, matters threatening to become serious, two of them took refuge in a coffee-house. Peremptory orders were shouted by the mob that 'the Puseyites should be turned out,' and turned out they were, to be knocked about by their ruffianly assailants."

When the subject was last before the House the Secretary of State, referring to what had occurred within the church, said he did not know whether what had happened could be called an outrage. He hoped the right hon. Gentleman would admit the proceedings of last Sunday were outrageous, and take steps to prevent their recurrence. He (Mr. Kekewich) did not appear for the rector of St. George's, whom he did not know. He believed that rev. Gentleman to be an amiable man, attentive to his pastoral duties, but it was to be regretted that he had not met the irritation that had sprung up in due time, and by conciliatory measures endeavoured to prevent these troubles. He could assure the rev. Gentleman that the people of this country would not brook any departure from the pure and holy system of worship to which they were accustomed, or sanction any forms or innovations which they considered to belong to a religion which was not their own. Having called the attention of the right hon. Gentleman the Home Secretary to the circumstances he would only ask him further what steps he had taken to prevent a recurrence of such disorders.

SIR GEORGE LEWIS: The hon. Member has referred to an article which appeared in the newspapers, professing to give an account of what took place at St. George's-in-the-East on Sunday last. He has not said that he has any additional information.

MR. KEKEWICH: I distinctly said I had been in communication with those who were present.

SIR GEORGE LEWIS: I did not collect that the hon. Gentleman had received any information from those persons, as all he has stated has been extracted from the newspaper report. In one material particular—that relative to the dress of the choristers—he has corrected the account, and, from information I have received, I am led to believe that in other parts it is overcharged. I have here the report of the superintendent of police who was in the church on Sunday last, which I will read to the House :—

"I beg to report that this day's 11 o'clock morning service at the parish church of St. George's-in-the-East was attended by about 160 persons, twenty-five of whom left the church at the commencement of the sermon. The Rev. T. Dove officiated throughout, and, with the exception of a little feigned coughing during the prayer for the clergy, no irregularity occurred. The lecturer's afternoon service was attended by about 300 persons, who conducted themselves in an orderly and attentive manner. About 200 persons awaited the opening of the churchyard gates prior to the 7 o'clock evening service, which was attended by about 1,000 persons. The choristers (eighteen), as in the morning, wore their white surplices, and sat in the organ gallery, and the clergymen, when not officiating, sat within the communion rails. The Rev. T. Dove read or intoned the prayers, a strange clergyman read the lessons, and the sermon was preached by the Rev. Mr. Ward. There was the usual amount of noise from feigned coughing, hissing, and some laughter during the first of the service, although but little interruption was attempted during the sermon. On Mr. Dove ascending the steps of the altar after receiving the offertory, he turned his face towards the east; this caused much hissing and noise, which continued during the benediction. The people next attempted the doxology, which for a time was prevented by the organ, but finally sung; afterwards they all gradually left the church and streets."

That is the report of the police superintendent who was present on the occasion, and the House will observe that the disturbances were confined to unseemly and irreverent noises interposed during the service, and that there was nothing which amounted to a breach of the peace, or the use of any force. I have two other police reports bearing more directly on the statement of the hon. Gentleman. One is the report of the inspector and superintendent, dated June 29 :—

"I beg to report respecting the attached extract from *The Times* of the 26th instant, that on Sunday evening, the 24th instant, about half-past 8 p. m., two gentlemen (supposed choristers) were shouted at by a few boys, who, it is supposed, followed them from St. George's-in-the-East Church to the Commercial-road. The police were on the spot immediately, having been posted at short intervals to prevent persons leaving the church being molested. The crowd increased to about 250 or 300 persons, and when at Church-lane, Whitechapel, the gentlemen who were being followed then ran down Spectacle-alley into High-street, Whitechapel, and the police prevented the crowd from following; but some of them, taking another turning, again met the same two persons in Whitechapel. The police then escorted them to George-yard, up which they went, and the crowd was prevented following any further. No mud or any other missile was seen thrown by the police, nor was there any person assaulted, and no complaint was made by any person to the police of any one being ill-treated."

Here is another report by the inspector and superintendent :—

"I beg to report with reference to the annexed paragraph from *The Times* newspaper of the 26th instant, that none of the clergy or choristers were hooted or hustled in the churchyard near the entrance to the rectory-house on Sunday evening last, nor was there a terrific uproar in Cannon-street-road, nor were three of the choristers hissed, yelled, dirt or stones thrown at them, nor was

there any disorder near the church to justify the interference of the police in arresting any person."

I do not find, therefore, that there is any reason for supposing that any peculiar violence or impropriety occurred last Sunday. The House may, perhaps, wish to know what is the police force now regularly stationed at that church and its neighbourhood every Sunday to preserve the peace. There are ten police-constables in the church, with two sergeants and an inspector. In the churchyard there are two constables; between the churchyard and Wellclose-square there are five; a sergeant and twelve constables are kept patrolling near the church; there is a reserve of one inspector, two sergeants, and twenty constables; and in Denmark-street an inspector, a sergeant, and fifteen constables are stationed, making altogether seventy-three men constantly employed there every Sunday for the special purpose of preventing any breach of the peace. The Commissioner of police informs me that, with the exception of occasions when there are great open-air assemblages, he has not for many years brought together so large a body of police for any purpose as now regularly attend the services at St. George's-in-the-East. Perhaps I may also state, for the information of the House, the instructions under which the police act. I will not go into the details, but here is one sentence:—

"The police are, if possible, to prevent the commission of any assault or other breach of the peace, and apprehend the parties offending. They are likewise to enforce the provisions of the 1st of Mary, cap. 3, an extract from which accompanies this order."

After this explanation I hope the House will be of opinion that there has been no remissness on the part of the Government in giving due protection to those who perform Divine service in this church. It is very lamentable that these irreverent interruptions of public worship should so often occur; but, as I have already stated, I think they do not amount to breaches of the peace. They are interruptions in the nature of noisy exclamations, the responses being made at improper times, and other means adopted by which persons, without showing that they interrupt the service, nevertheless contrive to attain their end. They do not appear to bring themselves within the grasp of the law. At all events, the acts they commit are not such as are cognizable by the police. Subject to that exception, every means has been used by the Government and the Commissioners of Police for preventing the recurrence of these very lamentable and unseemly disturbances.

Sir George Lewis

HOLYHEAD HARBOUR—QUESTION.

MR. STANLEY said, he wished to ask the Secretary to the Admiralty, if he is in possession of any Report or Documents regarding the effects of the severe gales of the 25th and 26th October last on the new Harbour, Piers, and Works at Holyhead: Also, as to the security of the *Great Eastern* and other vessels taking shelter there during that gale, and if any casualties occurred owing to any defect in the construction of the Harbour: And, if he can state the number of vessels taking shelter in the new Harbour during the last two years? The harbour at Holyhead had cost the country a million of money, and the Admiralty ought to state whether they were of opinion that the harbour was, as he believed it to be, a really useful work, or, as the public prints had lately described it, of no service whatever. A journal which they all admired—*The Times*—had on three or four occasions misled the public as to the state of the harbour. The special correspondent of this journal, who was on the spot at the time, and who had described the gale of October 25-26 in a letter of great ability, made this statement:—

"A large part of the breakwater works at Holyhead have been destroyed, and vessels anchored far inside and sheltered, compared to where the big ship lay, have either gone down bodily or been driven high and dry ashore. . . . . Within the very extremity of the breakwater, where one would have thought the Channel fleet might have ridden through any gale, much damage had been done. High and dry ashore under Holyhead mountain lay a fine barque, and around her, in the same predicament, were three smaller vessels. Out in the centre of the harbour the tops of two slender tapering masts showed where Captain Henry's beautiful schooner yacht, the *Mariquita*, had gone down bodily. Immediately behind this last was another and larger vessel, which had apparently only escaped the same fate by driving on the rocks."

Again, in a leading article of *The Times* respecting harbours of refuge there was this passage:—

"The harbour at Holyhead has been altered half a dozen times, each time, it is said on a worse principle than before, and the final result is that last autumn the *Royal Charter* passed it, and was wrecked at night; the *Great Eastern* was all but lost in it; and small vessels were either thrown high and dry, or sent to the bottom."

And, upon a more recent occasion, in the

course of some remarks upon Trotman's anchor:—

"A very practical illustration of the advantages of the invention may be given merely by mentioning that in the terrible storm of last autumn the *Great Eastern* rode securely in Holyhead harbour, held in position by her anchors, and these were supplied by Mr. Trotman. Now, if that enormous surface of metal, acted upon by the furious gale, was held in its place by those anchors, it seems probable enough that under circumstances equally trying they might do the same good service for ships of war."

In "another place" a noble Lord, whose mind had been prejudiced by these statements, had declared that Holyhead harbour was of hardly any use, and did not answer the purposes for which it was constructed. Now, he was an eye-witness of the gale described by the special correspondent of *The Times*, and if the *Great Eastern* ever was in danger it was not from any want of shelter, for she was not in the harbour. She was anchored outside, in the first instance, by a single anchor, and during the height of the gale she was hardly subjected to any sea. Towards morning the wind changed, and she was then swung round clear of all shelter from the unfinished breakwater. About nine or ten she got up her steam and weighed one of her anchors, with the view of shifting her position. She steamed ahead; her anchor, he believed, broke; and he should never forget the sight which presented itself as she appeared to be drifting towards the rocks. Of the vessels inside the harbour not one of the fifty-nine which took shelter there had suffered injury in the slightest degree from the construction of the harbour.

TROTMAN'S ANCHORS.—QUESTION.

MR. MILDMAY said, he would beg to ask the Secretary to the Admiralty, Whether his attention has been called to a letter in the *The Times* of Monday the 25th, signed "John Trotman," stating that no Trotman's anchor has been supplied to the Navy, except the one used by the Royal Yacht; and whether he adheres to his statement that any Officer can have one of these Anchors if he asks for it? Of course anything falling from a man of the noble Lord's high character was of the greatest weight, but Gentlemen in office were occasionally misled by their subordinates, and he had no doubt that was the case in this instance. Mr. Trotman had stated most distinctly that he had supplied no anchors to the navy except that on board the Royal Yacht. The merits of this anchor had been investigated by a Committee appointed by the Admiralty, and they reported in its favour as the best which had been brought under their notice, adding that the anchor used by the Royal Navy was the worst but one of eight different sorts submitted to them. Mr. Trotman had spent £600 in his trials, and it seemed rather hard that the Admiralty, after the result, should neither have reimbursed him his expenses nor compensated him by ordering any of his anchors. The anchors now in use were supplied under a contract of 1841, since which time great improvements had taken place in the forging of iron; the invention of Nasmyth's steam-hammer, for instance, made the process much cheaper; and to give the same price for forging now, as nineteen years ago, seemed almost like paying the same for calico as before the invention of the power-loom and spinning-jenny. A shipbroker, from whom he had made inquiries respecting the opinion of the commercial marine in reference to the anchor, told him that he never chartered a ship without insisting that it should carry a Trotman, though, he added, that the captains were rather unwilling to use them, except on extreme occasions, on account of the difficulty of getting them up again. But that seemed to him to be the best character they could receive, as it showed that they held so tight it was not easy to draw them up. He was informed that every ship in the navy carried four bower anchors, and he would suggest that one of those should be a Trotman, and that at the end of six months all the captains should be asked to send in a report of the manner in which they worked.

LORD CLARENCE PAGET said, that in answer to the question of the hon. Member for Beaumaris (Mr. Stanley) he had to state that though he was not in possession of an official report of the Harbour-master of Holyhead Harbour as to the casualties which occurred in the gale there last October, yet he was able to confirm the hon. Gentleman's account of what took place on that occasion. There was no doubt that some casualties did occur among the vessels lying in the harbour on that occasion, yet none of them were caused by any defect of the harbour or by a heavy sea running in, but by the collisions of the vessels one with another. One vessel came in without an anchor, having lost it off Liverpool, and she ran foul of several

others, and, as might be expected in a heavy gale, they drove athwart others, and they all drove on shore together. The proof that there was no heavy sea in the harbour was that the damage done to these vessels was generally very slight. The only serious damage done was to a yacht, which was run into by a steam-tug, and both went ashore together, and the yacht was considerably damaged. As for the *Great Eastern*, she never was under the shelter of the breakwater at all, for she lay all the time outside the harbour. She certainly was in a state of great danger at one time, not from any fault of the harbour, but from the fault of Trotman's anchor. It was thought desirable at one time of the gale to lift the anchor, in order to shift the vessel into a more sheltered berth. She steamed up to the anchor in order to lift it, but whether there was too much way on, or the anchor was not strong enough, he could not tell, but the fact remained that Trotman's anchor broke. The same thing happened the next day. The vessel again hove up to her anchor (also a Trotman's), and it again broke. He (the noble Lord) was very glad that the hon. Gentleman (Mr. Mildmay) had brought this question forward, because when it was stated that the Admiralty had some prejudice against the use of Trotman's anchors in the Royal Navy, it was right to point out that there was proof that Trotman's anchors could break like any other. He was not prepared to say that Trotman's was not a good anchor, because he had used it in his own yacht, and had found it do very well; but if he were asked, as commander of a large ship, whether he thought Trotman's acted well, he should distinctly say that, apart from its holding qualities, it was not the anchor he should recommend. Holding qualities were but a small part of the qualities required in an anchor; and Trotman's had a vice that was common to the whole family of what were called "tumbling fluke" anchors—namely, that there was a great difficulty in fishing them. He did not know whether the hon. Gentleman would understand what he meant; but when there was any considerable sea there was a great difficulty in applying the fish hook so as to catch the fluke of the anchor. With the common anchor they could catch either one side or the other; but with Trotman's the hook must go into a large ring bolt close to the shank; and it would be a very difficult operation with a heavy sea to

Lord Clarence Paget

effect that manœuvre. Still he was not prepared to say that on that account the anchor was not to be used. Mr. Trotman made application to the late Board of Admiralty, and the late Secretary to that Board replied that the Admiralty had no objection to a trial being made on board of two of Her Majesty's ships if anchors were supplied for the purpose; but Mr. Trotman by letter declined this offer stating that nothing would satisfy him but another Committee. Now, if a Committee on shore, or on the River Thames, were to test the merits of anchors, it might be found, as it had been found before, that anchors which best stood the test in all such experiments were, when brought into practical use at sea, inconvenient and insufficient for their purpose. An idea had got abroad that all Boards of Admiralty had combined against this unfortunate Mr. Trotman, but nothing of the sort was the case, for the Admiralty would be very glad if any captain would take one of his anchors, and it was to Mr. Trotman's interest to persuade some captain to ask for one of the anchors, because it was more likely that a favourable report would proceed from such an officer than from one who had, against his will, a Trotman's anchor placed on board his ship. He had seen Captain Denman, and had asked him as to the different merits of the Trotman's anchors on board Her Majesty's yacht. He ascertained that the anchors of that vessel were very seldom let go. The yacht was generally used in summer time, when the merits of anchors could not be fully tested, and the yacht generally lay at moorings. Captain Denman said that he thought Trotman's anchor, from what he saw of it, a good anchor, but there was the defect in "fishing" it. If that was the case in a vessel like the *Victoria and Albert*, how great would be the inconvenience in a heavy line-of-battle ship? It was because officers disapproved of these anchors that they were not used, and he for one, though he liked Trotman's anchors in a small vessel, should be very sorry to have one in a line-of-battle ship. In one thing Mr. Trotman was deceiving the public—namely, in stating that his anchors were very much cheaper than the Admiralty anchors. Now, he took the trouble to ascertain what was the cost of the anchor supplied to the Queen's yacht. It was an anchor of 47 cwt.,, and cost £119 13*s.* 6*d.* Mr. Trotman, in a letter he wrote to *The Times*, stated:—

"I have further expressed my willingness to

submit to a competent Committee of their Lordships' selection, but whose decision shall be deemed final, a Trotman's anchor of 50 cwt., costing £90."

That would lead the public to believe that these anchors of 50 cwt could be supplied for £90; but as the anchors on board the *Victoria and Albert* of 47 cwt., cost £119, the cost of an anchor of 50 cwt. would necessarily be more, and amount to somewhere about £125, instead of £90. The truth was that Mr. Trotman's anchors were dearer than the Admiralty anchors instead of being cheaper, and were disapproved by the officers of the fleet. Under these circumstances it really was a question whether the Board of Admiralty, with whom lay the responsibility for the security of Her Majesty's ships, would be justified in ordering captains of ships to use a particular anchor against their own will.

SUPPLY.—CIVIL SERVICE ESTIMATES.

Order for Committee read.

House in Committee. Mr. MASSEY in the Chair.

(In the Committee).

(1.) £1,009,778, Packet Service.

MR. COGAN said, he wished to know the reason that the Vote for the contract between Galway and New York was omitted from the items of this Vote. The reason which had been given was, that the contract had not yet commenced; but neither had the increased Holyhead contract commenced, and yet the sum necessary for ten months at the higher rate was included. It was not dealing fairly with the two companies, and, as a right hon. Gentleman had given notice of his intention to divide the Committee on the Galway Vote he wished the Government to explain why it was postponed.

MR. LAING said, he wished to state that the order in which the Votes would be taken would be, first the packet service, then the revenue departments—Customs, Inland Revenue, and Post-office — and afterwards the other civil Estimates, beginning with class one. With regard to the Galway contract, the reason it was not included in the Estimates was that at the time the Estimates were prepared and submitted to the House it had not come into operation. The vessels had not then been tendered for survey. A correspondence was pending between the department and the company as to whether the vessels would be ready by the time specified, and the whole subject was before a Select Committee, who had since reported, although that Report had not yet been printed and circulated. The case of Holyhead was very different. That contract was made a considerable time ago, in pursuance of the investigation of a Select Committee; the steamers were ready, and the only cause of delay was owing to some arrangement respecting the completion of the pier at Holyhead. With regard to the Galway contract, there was no alternative but to postpone it; and, so far from the Vote being prejudiced, it was obvious that if it had been inserted the right hon. Member for Kilmarnock (Mr. Bouverie) would have moved that it be struck out, and that a discussion would have been prematurely raised before the Report and evidence taken before the Select Committee were in the hands of hon. Members, and before it was finally ascertained that the company were ready to perform the service. Those who were most interested in the Vote were of opinion that the question would be more fully and fairly brought before the House by a supplemental Estimate rather than under that Vote.

COLONEL DUNNE said, he wished to get from the Government an assurance that they were sincere in their intentions as to the Galway contract. If the Government acted fairly with the Irish Members they would, on the other hand, render the Government every assistance.

MR. LAING said, he would promise that an opportunity should be given to the House of fully discussing the question of the Galway contract, which would suffer no prejudice from not being introduced into the present Vote. It was impossible for the Government to give a positive pledge as to the course they would pursue in regard to the contract until they had considered the Report of the Select Committee, which had just been presented to the House, but had not yet been printed.

COLONEL DUNNE said, he wished to know whether the Government held this contract to be binding, or whether they understood that question to be under the judgment of the Committee.

MR. W. WILLIAMS said, the vote for the packet service was one of the most important that could be brought before the House, especially as it was increasing yearly. According to an official report, the produce of this department of the postal service was only £400,000, so that the public were taxed to the amount of £600,000 in order to maintain it. He

deemed that system both impolitic and unjust. Other countries which shared in the advantages of our postal service ought to contribute to its maintenance, and in the case of those which would not, either the postal facilities should be reduced or the charges should be raised. The making of these contracts involved not a little corrupt patronage; and he urged the House to adopt the recommendation of one of its Committees, and not allow any such contract to be made without its sanction. He wished to know why the cost of the conveyance of the mails by steam-vessels between Holyhead and Kingstown had been raised from £25,000 last year to £75,750 this year? There was also an extravagant charge of £4,000 for the mails between Southampton and the Channel Islands. The West India mails cost £238,000, a sum which was not warranted by the amount of our trade with that part of the world, and the amount for the mails to the Cape was £32,000, and the conveyance between Point de Galle and Melbourne was £180,000, though he was glad to say that the Government at Melbourne had agreed to pay a large part of this sum. The cost of the mails between this country and America was £175,000, but why could not our Government imitate the example of the United States Government, by which they had recently saved a large sum in the conveyance of mails? He should certainly have divided the Committee on some of the Votes if they had not represented *bonâ fide* contracts.

Mr. H. A. HERBERT remarked that the increase in the cost of the Holyhead and Kingstown service had been recommended by a Select Committee. It was now proposed to vote £75,000 as an increased subsidy for ten months. When, however, the agreement was made with the Railway Company and the City of Dublin Steam Packet Company for this increased service the companies were promised an excellent pier in Holyhead Harbour. The companies had carried out their part of the agreement by the construction of magnificent vessels and by building new engines; but the third party, the Government, had never laid one single stone of the new pier, and consequently the service for which the Vote was proposed could not be carried out in so efficient a manner as would otherwise have been the case. If the present pier, with the alterations proposed, could be made as efficient as a new one, he would not be the advocate of an unnecessary expenditure. He would therefore agree to the Vote upon the Government giving an assurance that if at the end of a short time the proposed arrangement should not be found satisfactory, the original proposal would be carried out.

Mr. COGAN said, he understood that the pier at Holyhead would not be completed for two years. During that period the company would be carrying on the service without being subject to penalties, on account of the failure on the part of the Government to make the stipulated works at Holyhead. He regretted to see that while the amount for the Holyhead service was proposed to be voted, the Galway contract packet Vote of £60,000 was excluded, although that service had already been commenced on the faith of the country, and that shareholders had expended nearly £500,000 upon the building of four large vessels to carry out the mails. While, however, he thought it would be dangerous to break the public faith upon a commercial undertaking he agreed that these contracts ought in future always to have the first sanction of Parliament.

Mr. BRADY said, he thought that the people of Ireland would not have justice done to them if the Galway contract were not carried out.

Mr. DUNLOP said, he was glad to hear so general an expression of opinion in favour of laying these contracts before Parliament prior to their ratification by the Executive, and he should shortly submit a Resolution to the House in accordance with the recommendation of the Select Committee. The present contract expenditure amounted to between £600,000 and £700,000. It was not under the control of the House of Commons, and the Committee were satisfied that the services might be far more cheaply performed. In the instance of Belfast the mails were carried gratuitously, and he thought it possible in other cases to make the same arrangement, as many companies would carry the mails for the honour of their vessels being called mail-steamers. Without entering into the merits of the Galway contract, he would merely observe that the Report of the Committee which inquired into that matter not having been yet circulated, it was impossible for the Government to come to any decision; but he hoped that soon they would be in a position to do so.

Mr. CHILDERS said, he knew nothing of the recent disclosures as to the Galway

contract, but hoped that the question would not be prejudiced by the mere fact of the contract being excluded from this Vote. It was a matter of great magnitude and importance, which he hoped would be seriously considered when the whole question of packet companies could be brought before the House. There was one recommendation of the Committee which he could not agree with. The Committee suggested that with respect to fresh contracts of this character the Government should accept some tender, but that the contract should not be binding until laid for a month before that House. He conceived that such an arrangement would be transferring from the Government to the House one of its most important functions. He thought it would be better, when the engagement was to extend over several years, that the Government should come to that House with a Resolution approving the service to be embodied in an Act of Parliament, and that the contract should be subsequently taken by the Treasury in the usual way. Such a course was adopted in other countries possessing representative institutions, and might well be adopted here. He wished for an explanation of one or two points from the hon. Secretary of the Treasury. He observed that in some instances where Estimates were framed of particular services there was a note that provision was otherwise made for those services; but the contributions which would cover part of the expense of the year would not be received until after the close of the year, and therefore no deduction was made on account of those contributions. That was a very inconvenient and not a very rational course of proceeding. In other parts of the Estimates this principle was entirely overlooked, as indeed it was with respect to some of the services in this very Vote. But as to others the deductions were large and not allowed for. In one instance, the deduction that should be made was £67,000, and in another instance £24,000, making a total of £91,000, which was a considerable sum out of £1,004,000. He also wished to know whether the Government had considered the expediency of taking steps to reduce the rates for the conveyance of mails to those of our possessions which were able to bear a portion of the cost. In some cases, such as Canada, India, Australia and Mauritius, those colonies did defray a portion of the cost, and he could not understand why the Cape and the West Indies could not do the same. He would also call attention to some of the arrangements for postal service between this country and our possessions beyond the Isthmus of Suez. Three or four years ago Lord Canning, then Postmaster General, made an excellent arrangement by which there was to be a fixed and uniform rate to all our Colonies, for letters of a certain weight, and another for newspapers. That arrangement worked well, and foreign countries and distant colonies adopted the plan; but lately there had been a change of policy at the Post Office, and a system had commenced under which in different ways impediments were placed in the way of the transmission of newspapers abroad. For instance, suddenly, and without notice, the rate of postage was doubled for newspapers across the Isthmus of Suez. When this was objected to, in justification of the course taken by the Post Office it was stated that since the completion of the railway, the charge on the public for crossing the Isthmus had been increased. He had moved for a return on this subject, from which it appeared that, instead of an increase there had been really a decrease in the charge to the extent of £20,000 a year; and he hoped that the conduct of the subordinates at the Post Office in putting forward this plea would be noticed by the Treasury; and that the additional tax would be taken off. It had been removed as to the Australian mails, on condition of the Colonies paying an equivalent; but even this, although unjust, had not been done for the India and China mails.

COLONEL SYKES said, he thought that by better arrangements a considerable reduction might be effected in the amount charged for the conveyance of mails between an English port and any foreign country with which an active and a permanent trade was carried on.

SIR CHARLES NAPIER said, it required a considerable number of men to man those packets, and it should be made a *sine qua non* that the whole of the men on board the packets should be reserved seamen, for they could always be found in the event of a war. A naval officer should be attached to the Post Office to see that these packets were properly manned. He did not think there would be any objection on the part of the contractors to consent to a plan for that purpose.

MR. JACKSON observed that the crews

of those packet-ships would always be available for the country in case of any emergency; but he protested against any such interference on the part of the Government with the ships as the hon. and gallant Gentleman had suggested.

MR. E. P. BOUVERIE asked whether the Treasury had made any arrangement as to the future mode of entering into these packet contracts. Much evidence had been laid before the Committee last Session of the irregular course pursued by the public departments on this point. One striking fact was that no contract after it had once been entered into had ever terminated; they all seemed to prove a perpetual monopoly in the hands of those who originally got the grant. Now, that was not a proper state of things. It might be true that the original contractors were, on the whole, able to perform the work most efficiently and economically. But he was confident that there were occasions when these contracts should be thrown open again to public competition; and he thought the House was fairly entitled to expect the Government to give an undertaking that some fresh arrangement would be made for the future. The question was one involving the expenditure of more than a million a year, and after the mismanagement and abuses which the Committee had exposed the House ought to insist on a change in the system.

MR. LAING said, he entirely agreed with the right hon. Gentleman as to the unsatisfactory mode in which these contracts had been entered into in many cases in past times. The system of subsidies had frequently been carried further than was right, and he admitted that when Colonies were in a position to contribute a share of the cost of conveying the mails, as Australia was now doing, they should be called upon for a contribution. In the appendix to the first Report of the Committee there was a Treasury Minute showing that the subjects of these contracts had been fully considered, but as to the mode in which formal effect would be given to the conclusion of the Committee, the best plan would be by the adoption of the formal Resolutions which the Chairman of the Committee (Mr. Dunlop) intended, he believed, to bring before the House. He hoped that such Resolutions, giving effect to the unaminous opinions of the Committee on this point, would be submitted, for they would be found the most efficient remedy for the abuses which had prevailed. Entire publicity should be given to these transactions before they were finally concluded by the Government. The general question of contracts would not at all be prejudiced by taking this Vote, and in the expectation that the whole subject would be brought before the House he thought it better not to pursue the general question further.

With regard to the question of the Naval Reserve, there was no doubt that ships of most of the contract packet companies were manned by a superior class of men, but in the case of some of them it was obviously impossible that the men could find time for training. With the large companies, where long voyages were made, and the vessels remained some time in port, of course the men would have more opportunities. He was glad to say that the Peninsular and Oriental and the Royal Mail Steampacket Companies had shown great liberality, and had given every facility for inducing their men to join the Reserve.

With regard to the postage of newspapers to the Colonies, he quite agreed that every facility should be given for their transmission at as low an expense as would cover the prime cost of conveyance; beyond that he did not think it the duty of the Government to go. The complaint from Australia had instantly been met by a remission of the additional penny, but as yet he had received no representations with regard to India and China. If any were made, they would meet with the fullest and fairest consideration. No doubt, the account would look better if the sums paid by the Colonies for the transmission of the mails appeared on the face of it; but, as all the payments had to be made within in the year in this country, it was necessary to take a Vote for the whole, otherwise there would be no authority to make the requisite payment. The contributions of the Colonies were paid into the Exchequer, and went to swell the account.

As to the Holyhead Pier, he could assure the House that there was no intention on the part of the Government to depart from their obligation to construct such a pier as experience might show to be requisite for the convenience of the Irish service. Some delays had occurred in carrying out the original plan. A short time ago representations were made by the City of Dublin Steampacket Company that the most convenient arrangement would be to alter and complete the present pier, so as to make it a permanent structure, while the railway

company were in favour of the original plan. Under these circumstances, it had been thought desirable to have a short experience of the actual working, and by next summer the Government would be in a position to see how the money could be spent with the greatest advantage.

MR. MONSELL observed that the explanation of the hon. Gentleman was not satisfactory. An additional expense of some £50,000 was to be incurred for the improvement of the Irish service, and it was very doubtful whether all the advantages which the House contemplated in voting that sum would be gained. All the other parties had performed their parts of the contract, but the Government had neglected to carry out theirs. About half an hour would be lost of the hour and a half which the House had calculated on gaining when it consented to this additional expenditure.

COLONEL DUNNE said, he was not satisfied with what the hon. Gentleman had said about the Galway contract. The Irish Members were not content with the statement that that contract should not be prejudiced. What they wanted was to know accurately and definitely in what light the Government viewed the contract, for the hon. Gentleman had given no satisfactory information on the point. He should like to hear him say in so many words whether if the contractors performed their part the Government would consider themselves bound by the contract. A very large proportion of the postage to America came from Ireland. He did not see, when contracts were made for packet service with other countries, the justice of always omitting Ireland. He wished, therefore, to know whether the principle, fairly and honestly adopted by the late Government, of making contracts for Irish service, was to be carried out.

MR. LAING said, that the only answer which he could give to the question of the hon. and gallant Member on the subject of the Galway contract was a very simple and distinct one. A Select Committee had been appointed by the House to report on the contract. Its Report was not yet printed and distributed, so as to be in the hands of the Government and of Members of the House, and until it was it would be impossible for the Government to indicate what course they would take. If any hon. Gentleman persisted in construing that into an adverse opinion on the part of the Government with respect to the Galway contract, he (Mr. Laing) must only say that such hon. Member was, in his opinion, prejudicing his own case very much.

SIR STAFFORD NORTHCOTE observed that the large Vote now under consideration did not represent so much money out of pocket, for a deduction must be made for the postage received and the amount paid by the Colonies. With respect to the Galway vote, there could be no doubt that the contract was made by the late Government in a perfectly legitimate and proper manner. He believed that the service had actually commenced, and that the Company would now be entitled to their money. There was no absolute necessity, however, that the Vote for the money should be taken immediately, and it would be inconvenient to take the Vote now, as the Report of the Select Committee would be circulated in a few days. He entertained no apprehension that the circumstances brought out in the Report would prejudice the parties to that contract, or interfere with the subsidy, but it was proper that the subject should be discussed, and he wished to understand that an opportunity would be given as early as possible, after the Report was in the hands of Members, for a full discussion, which was due not only to the public interest, but to private interests also.

MR. BUTT said, he was entitled to ask the Government to say distinctly whether they were determined to ask for the £60,000, in accordance with the Vote in the Estimates, on the condition of the Galway contractors beginning to fulfil their contract not later than the month of June, 1860?

MR. LYGON said, he noticed an increase of £600 in the Vote for the Dovor contract, which was said to be on account of a Sunday service, and he desired to know on whose recommendation that increase had been made.

MR. LAING said, that the increase of £600 in the Vote for Dovor arose out of new trips for Sundays between Calais and Dovor, which were rendered necessary in consequence of arrangements for considerably accelerating the mails between London and Paris. With regard to the Galway contract, he wished to explain that the Committee on Mail Contracts, who on a previous occasion declined to recommend the suspension of that contract, had been again called together by the Chairman. They went into a further investigation and

made a Report, which was laid on the table, but was not yet printed and circulated. Under these circumstances it was impossible for him at present to give a pledge that the Galway Vote would be brought forward and supported as a Government measure. At that moment it was not possible for him to give any positive undertaking, but at the earliest moment after the Report had been printed and circulated which the state of public business would admit, the Government would consider the subject, and would make up their minds, and a full and fair opportunity would be given to the House of considering this question.

LORD JOHN BROWNE asked whether the first packet had actually sailed in fulfilment of the terms of the contract?

MR. LAING said, he was informed by a telegram received that day that she had done so.

LORD LOVAINE said, he would congratulate the Committee on the official recognition which had at last been given to the contract by a Member of the Government. The system of manning packet vessels by the naval reserves would not be very favourably received. The competition was quite suffiient to ensure a good supply of able seamen.

MR. FRANK CROSSLEY complained of the unbusiness-like way in which these packet contracts were managed. He agreed with the right hon. Member for Kilmarnock (Mr. Bouverie) that, instead of being renewed, the contracts should be allowed to come to an end, and that all of them should be put up to public competition. In that case he believed the charge would soon be reduced.

MR. BEAMISH said, he hoped the Committee, before it voted so large an amount, would receive from the hon. Secretary to the Treasury some more distinct and satisfactory assurance than had yet been given, that whatever might be the tenor of the Report of the Committee the Government would in no way interpose to prevent the fulfilment of the Galway contract, providing the parties were capable of carrying it into execution. The remarks of the hon. Gentleman rather conveyed the impression of a foregone conclusion; but he trusted the English Members would not be led into committing an act of injustice towards innocent parties who had become shareholders in the company on the faith of its receiving the subsidy from Government. Unless the pier at Holyhead were completed it would be put out of the power of the public to enforce penalties against the steampacket companies if they failed in their portion of the undertaking.

MR. CLAY said, he thought that hon. Gentlemen interested in the Galway contract were only manifesting their apprehensions by endeavouring to elicit beforehand from the House a pledge that they would not be guided by, or even wait for, the Report of the Committee to whom this subject had been specially referred.

MR. G. W. HOPE said, he was of opinion that upon every principle of justice the Galway contract ought to be maintained; but that that was not the time for discussing the question, as no satisfactory conclusion could be arrived at in the absence of the Report of the Committee. Putting contracts up to competition was not always the soundest manner of proceeding, for very often it happened that it resulted in one or two great companies getting the contract simply from the fact that there was no one to compete with them. He believed that where there were many competing elements, the putting up of contracts to public competition was sound, and he looked forward to the time when the postal communication with America could be put up to public competition, but that was not the case with regard to the conveyance of mails between this country and other places, especially the East; and he might mention the fact that an attempt was made to throw the conveyance of mails between this country and the Red Sea open to public competition; but after numerous attempts it fell, after all, into the hands of the Peninsular and Oriental Company.

MR. BUTT said, he must again ask for a distinct assurance that, unless the circumstances which had occurred since the 11th of June were such as to justify the Government in retracting their previous proposal, the Galway contract would be brought forward in the Estimates with the full weight of Government influence.

MR. LAING repeated that the circumstances to which he alluded were the reassembling of the Committee consequent on the receipt of fresh information, and the furnishing of a fresh Report, which had been laid on the table of the House, but which had not yet been printed.

MR. E. P. BOUVERIE asked, whether any understanding had been come to with Mr. Churchward about the extra services?

MR. LAING replied, that Mr. Churchward was entitled to payment by the piece for the extra services which he performed for the Post Office. It was found that this came as nearly as possible to £2,500 a year, and it had been thought more convenient, both for the Post Office and the contractor, that a fixed sum should be paid as long as the contract lasted. But it was distinctly understood on both sides that this in no way altered the period at which the contract was to expire, which, according to the view of the Treasury, was in the year 1863.

SIR EDWARD GROGAN asked when the new pier at Holyhead would be completed, and whether the plans had been submitted to the railway and steamboat companies?

MR. LAING said, the plan of the temporary pier had been first suggested by the Dublin Steampacket Company, and approved by the railway company.

MR. LYGON said, that so far from the sum of £2,500 being the amount at which the extra services would be charged if paid for by the job, the fact was that it would cost £3,400. There was a sum of about £900 estimated as the expense of a small steamer running to Calais, which was a matter of dispute between the Post Office and Mr. Churchward, and that was the way in which the sum of £3,400 was made up. Mr. Churchward had commuted the whole of the *bonâ fide* extra services for £2,500 a year, on the faith of the extension of the contract.

SIR STAFFORD NORTHCOTE said, he wished to understand whether the Treasury had, on the one hand, taken advantage of the arrangement made by the late Government with Mr. Churchward to give a certain commuted sum of £2,500 as for extraordinary services, and, on the other, did not allow Mr. Churchward the advantage of an extension of his contract. The late Government thought it desirable to settle Mr. Churchward's claim by a commuted sum, which he had agreed to take in consideration of the extension of his contract. That was the bargain. If both parts of it stood it was a right and good bargain, for the advantage of the country and Mr. Churchward also; but if the Government took one half and not the other, he did not know what to think of it.

LORD LOVAINE said, he could not allow such a statement as that of the hon. Under Secretary to pass uncontradicted. The whole matter was very carefully inquired into, legal opinions were taken, and it was found that Mr. Churchward was entitled to the full amount of £3,400; and that not a farthing could be deducted for the steamer alluded to. There was no stipulation whatever about such a steamer in the contract, and, in point of fact, it was, as had been stated, a commutation of a claim on the faith of the extension of the contract.

MR. LAING said, that the arrangement made by the Post Office with Mr. Churchward was the alternative one either to pay him by the job or at a commuted rate; and, without any pressure being brought to bear upon him, he elected to take the commuted rate. The employment of the small steamer had been dispensed with.

SIR EDWARD GROGAN said, he was sorry to trouble the House again about the Holyhead pier, but as they were now in summer weather—he meant the period when summer might be expected—and in six months the winter would come, when it was most important that there should be good accommodation for the mail packets, he thought it was hardly fair that the Government should be so strict with the steam packet contractors while they neglected to complete the necessary arrangements for the landing and embarking of the mails.

MR. M'CANN said, it was absurd to call it a pier at Holyhead. It was impossible to run large vessels along side of it in any weather.

MR. CORRY said, he wished to know whether the pier arrangement at Holyhead was a temporary one; if so, it was a very good one, but if it was intended to be permanent it was a bad one. There must be a permanent stone pier.

MR. LAING said, the present structure was merely temporary, until it could be decided where it would be most advantageous to construct a permanent pier. He hoped it would be ready by the 1st of August.

LORD DUNKELLIN inquired when the Estimate for Galway would be brought forward.

MR. LAING said, he could not in the present state of public business name a night, but ample notice would be given on the subject.

Vote *agreed to*, as were also,

(2.) £855,200 Customs' Department.

(3.) £1,490,813 Inland Revenue Department.

COLONEL DUNNE asked for an explana-

tion of the sum of £14,000 for the services of the Irish constabulary.

Mr. LAING said, that that sum had been set down in the Estimate in consequence of the transfer to them of the duties of the late revenue police.

Mr. STEUART said, that with reference to the reduction in the expenses of the Customs department promised by the Chancellor of the Exchequer in his financial statement, he wished to ask why that reduction had not been carried into effect.

Mr. LAING said, it was manifest it must take some time to carry the proposed reduction into effect. In the Customs' department the consolidation consequent upon the simplification of the tariff had as yet been put into operation only in the port of London, where a reduction in the establishment of 276 persons and a saving, consequent on the proposal of his right hon. Friend, of £48,471 a year might be expected. The Committee might rest assured that so far as the Government were concerned they would be prepared to give the country the benefit of any saving which might be accomplished in the working of the department.

Mr. HANKEY said, that it was not wise to effect savings in the Custom-house at the expense of the merchants who had to do business there. He understood that the reductions already made had rendered necessary the employment of 300 or 400 additional clerks in Mincing-lane.

Lord LOVAINE said, he thought that the Committee ought to have some further explanation as to how this saving was to be effected.

Vote *agreed to.*

(4). £2,108,581, Post Office.

Mr. BAILLIE COCHRANE asked whether it was intended to appoint any one to replace the Earl of Elgin as Postmaster General, or whether that noble Earl was to continue to draw the salary of that office?

Sir GEORGE LEWIS said, that since the departure of the Earl of Elgin from this country the Duke of Argyll had held the office of Postmaster General and had received its salary. If the Earl of Elgin proceeded to China some other arrangement must be adopted, and a permanent successor to him must be appointed.

Sir STAFFORD NORTHCOTE asked whether the Duke of Argyll had vacated the office of Lord Privy Seal?

Sir GEORGE LEWIS replied that the noble Duke filled both offices, but received only the salary of the Postmaster General.

Colonel Dunne

Vote *agreed to;* as was also (5) £477,838 Superannuations.

House resumed; Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

REGISTRATION OF BIRTHS, &c. (SCOTLAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1, 2, and 3, *agreed to.*

Clause 4, (Repeal of Provisions in ss. 2 and 3 of first-recited Act with reference to Salaries of Registrar General and Secretary).

Mr. DUNLOP said, he wished to leave out the word "hereafter" from the clause.

Mr. DALGLISH moved that the Chairman report progress, and ask leave to sit again.

Motion made, and Question put, "That the Chairman do now report Progress."

The Committee *divided:*—Ayes 12; Noes 75: Majority 63.

Amendment made, Clause, as amended, *agreed to.*

Clause 5 *agreed to.*

Clause 6 (Provision as to Sessional Registers).

Clause *postponed.*

Clauses 7 to 16 *agreed to.*

Clause 17 (As to Remuneration of Registrar).

Sir JAMES FERGUSSON moved the omission of the clause.

Motion made, and Question put, "That Clause 17, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 48; Noes 31; Majority 17.

Clause *ordered* to stand part of the Bill.

Remaining Clauses *agreed to.* House resumed. Bill reported, as amended; to be considered on *Thursday* next, and to be *printed.* [Bill 216].

House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 2, 1860.

Minutes.] Public Bills.—1ª Municipal Corporations (Ireland) Act Amendment.

2ª Inland Bonding; Criminal Lunatic Asylum.

3ª Councillors of Burghs and Burgesses (Scotland).

EDUCATION (INDIA).—EXCLUSION OF THE BIBLE FROM GOVERNMENT SCHOOLS.

MOTION FOR AN ADDRESS.

THE EARL OF SHAFTESBURY said, that his noble Friend (the Duke of MARLBOROUGH) had placed upon the paper a notice of Motion—

"That the British Government in India, as the Representative of a Christian Nation, is charged with the Duty of promoting the Moral as well as the Social Welfare of the People of that Country; and that, in order effectually to further such Objects, it is the Opinion of this House that the authoritative Exclusion of the Word of God from the Course of Education afforded in the Government Colleges and Schools ought, under suitable Arrangements, to be removed; and humbly to address Her Majesty that She will be graciously pleased to give Directions for carrying the above Object into effect—

and he now rose to appeal to his noble Friend to postpone that Motion. He entirely concurred in the principle and in the details of the Resolution, and it was his private belief that it could be carried into effect in India with perfect safety and with great advantage. At the same time he was satisfied that the present was a most inexpedient moment for discussing it, and he said that upon the authority of persons who were perfectly acquainted with India, and were well-affected towards the object of the Motion, and most sincerely desirous of carrying it into effect. He himself desired as ardently as the noble Duke himself to see it carried out, but owing to the peculiar circumstances of India at the present moment, and the unsettled state of men's minds in that country, a discussion of such a question would be most inexpedient, and fraught with no little hazard to our Indian Empire. He, therefore, requested his noble Friend, in the interests of Christianity, in the interests of India, and in the interests of the question itself, to postpone its consideration for the present.

THE EARL OF ELLENBOROUGH begged to add his opinion to that of the noble Earl who had just spoken as to the inconvenient and possibly the dangerous consequences of entering upon a discussion of this question at the present time, and urged upon the noble Duke, as he valued the peace of India, not to press his Resolution for discussion. From all he had heard, from all he had read of, and from all the consideration he had been able to give to the state of India at this moment, he felt himself warranted in saying that it was most critical, and that it would be most impolitic in every way, at such a time, to bring on a debate upon a subject which, perhaps, more than any other, touched our relations with the people of that country.

LORD HARRIS, speaking as one who had some experience of India and the state of public feeling in that country, begged to unite in the request which had been made to the noble Duke not to bring on the Question.

THE DUKE OF MARLBOROUGH said, he had to present 199 petitions from places in England, 206 from places in Scotland, 14 from places in Ireland, and 8 from different bodies in the Metropolis, all praying the House to give effect to the Motion of which he had given notice,

"That the authoritative exclusion of the Word of God from the course of education afforded in the Government colleges and schools ought, under suitable arrangements, to be removed."

He need scarcely say that after the appeals —the strong appeals—which had been made to him from three Members of their Lordships' House, two of them possessing local and practical experience of India, he felt deeply the responsibility attaching to him from the course which he nevertheless felt it to be necessary to pursue. He could truly say that it was not without deep and serious reflection that he took the course which he now felt called on to adopt.

EARL GRANVILLE said, the Order of the Day for the noble Duke's Motion had not yet been read. He thought that the noble Duke was only about to give an answer to the Question which had been put to him, and to present his petitions. He would now beg to add his assurances to the noble Duke that there were the best possible reasons for believing it most inexpedient that any discussion should take place at that moment on the subject of his Motion.

THE EARL OF DERBY said, that perhaps he should have no more weight with the noble Duke than other Peers in the expression of an opinion on the expediency or propriety of bringing forward his Motion; but he could not help saying that he was satisfied that the subject was one which required the utmost delicacy of treatment, and that the discussion of it now was more likely to do injury to the cause which the noble Duke had sincerely and warmly at heart than to gain any advantage for it. He had pressed this view up-

on the noble Duke in private, and he was afraid that he should not be more successful in this appeal to him in public.

LORD BROUGHAM also joined in the appeal for postponement; and intimated that, if the noble Duke persisted in bringing forward the Motion, he should, without entering into any debate, meet it by the Previous Question.

The Order of the Day having been read:—

THE DUKE OF MARLBOROUGH said, that a more painful or a more embarrassing position than that in which he was placed, could hardly be imagined. The notice of his Motion had been on the paper ever since Easter. If the discussion of the subject were so inexpedient, and likely to prove so dangerous, or to embroil matters in India, surely it was the duty of Her Majesty's Government to have informed him of their opinion at an earlier period, when he should have had time to consider the suggestion, and to give their reasons their due weight and influence. But this they had not done. He had presented more than 400 petitions to-night; he believed that altogether 1,500 petitions had been presented on the subject; and the expectations of great numbers had been raised with regard to the Motion of which he had given notice. And now, at the last moment, he was asked to postpone it. He could only respectfully assure their Lordships that it gave him annoyance—great annoyance—not to be able to comply with the request which had been made to him from so many quarters. He had heard no reasons given why the Motion should not be brought forward. The noble Earl (the Earl of Shaftesbury) indeed said he thought the time was not expedient, and requested him to delay its consideration; and a letter from the noble Earl to that effect had been sent to him ten days ago; but beyond this he had received no intimation on the subject from either side of the House as to what views were entertained with regard to it, and what the considerations were on which the opinion was founded, that a discussion of his Motion would be prejudicial. He felt, therefore, reluctantly compelled to proceed. He would endeavour to deal with it in the most temperate manner; he would endeavour to avoid giving offence, even to the most scrupulous; and he could scarcely think that the removal of the restrictions on the use of the Word of God, could be otherwise than blessed by Him whose written will was thus recognized. One reason why a Motion, such as he had put on the paper, should be submitted to their Lordships was, that the late mutiny in India had given to the consideration of every question connected with our administration of that great empire a deeper interest for the people of this country. If there was one thing more than another to which the people of this country were devotedly attached, it was the most perfect, full, and ample toleration; but there was another principle to which they were equally attached, and that was a devotion to the Word of God, and a determination that it should not remain a closed Book to those who had just become our fellow-subjects, but that an opportunity should be afforded to them of reading it. So far back as 1793 the British Parliament laid down the principle upon which the Government of India should be conducted. In 1793 the House of Commons laid down this principle:—

> "That it is the opinion of this House, that it is the peculiar and bounden duty of the Legislature to promote, by all just and prudent means, the interest and happiness of the inhabitants of the British dominions in the East; and that for these ends such measures ought to be adopted as may gradually tend to their advancement in useful knowledge, and to their religious and moral improvement."

That principle was confirmed by another Resolution of the House of Commons, passed in 1813. Since then, however, we had gone backwards rather than forwards. He was prepared to show that the policy which we had professed of establishing religious toleration, and at the same time of adopting measures for the moral and religious improvement of the Natives, had not been carried out. He was aware that an endeavour was made in some quarters to raise an argument to the effect that the Bible was not really excluded from the Government schools of India; but he could prove that such was actually the case at this moment. The despatch which chiefly bore on this subject was that which Sir Charles Wood wrote in 1854. The instructions which Sir Charles forwarded to the Government of India were as follows:—

> "Those institutions were founded for the benefit of the whole population of India; and, in order to effect their object, it was, and is, indispensable that the education conveyed in them should be exclusively secular. The Bible is, we understand, placed in the libraries of the colleges and schools, and the pupils are able freely to consult it. This is as it should be; and, moreover, we have no desire to prevent or to discourage any explanations which the pupils may, of their own free will, ask

from their masters upon the subject of the Christian religion; provided that such information be given out of school hours."

In 1858 Lord Stanley, the then Secretary of State for India, in his Despatch on education, pursued the same strain. In that paper, Lord Stanley expressed his conviction that the proposal to depart from the system which had been established, would be dangerous in a political point of view, and that the past policy ought to be adhered to. In order to illustrate the nature of what went by the name of the "past" policy, he must refer their Lordships to one of Lord Tweedale's Minutes in 1846. In that year a proposal was made to Lord Tweedale by the Madras Council of Education, to promote the establishment of voluntary classes for giving Scripture instruction in the colleges and schools of that Presidency. Lord Tweedale, in his reply, said:—

"To avoid all difficulties on this head, I would propose that there should be invariably two classes for English reading; the one with and the other without the Bible; the latter class to precede the former in their hour of instruction; and those inclined should have the advantage of attending both classes, and in a very short time, I have no doubt, all would belong to the Bible class."

The Court of Directors at home refused to affirm that Minute when it was transmitted to them, and declared that they could not regard it as expedient or prudent to introduce any branches of study into the schools of India, which could in any way interfere with the religious feelings or opinions of the Native population. They further said that the past policy—whatever that was, and that was an example of it—must be adhered to. Now, it could not be gainsaid that under both the past and the present system, the Bible was excluded from the schools of India. That, then, was a sample of the "past policy" of the Government; and he contended that the exclusion of the Scriptures from the Government schools was a real and substantial fact, and one which could not be, with any show of truth, denied. The education conveyed in the Government schools of India was essentially secular; and the teachers did not feel themselves at liberty to form classes for the religious instruction of the Natives. It was said, however, that we had professed "neutrality" as the basis of our Government, and that such a course was indispensable. He wished, however, to impress on their Lordships the impossibility of maintaining the neutrality in that sense on which that course of action was founded. The British colonists settled in India had been constantly increasing in numbers; they carried with them to India British habits and feelings, all which habits and feelings had relation to Christian doctrine and European sentiments. The very existence of a European and Christian Government such as ours in a country like India—of a Christian nation being brought into contact with an idolatrous nation—carried with it correlatives and consequences which rendered that neutrality impossible in practice, however desirable it might appear in theory. He asserted that it was impossible to maintain that neutrality, even in the case of a purely secular education. For many years back the system of education supported by the Government in India had been approaching nearer and nearer to the European model. Between 1813 and 1835 Oriental teaching had been the order of the day. The result of that system had been a marked failure. In spite of every effort of the Government, including the payment of stipends to the pupils who attended school, the Natives would not avail themselves of the education offered them; but in 1835 Lord William Bentinck published a Minute, declaring that education in schools was no longer to be of an Oriental character, but that English and an English system should thenceforward be substituted for it. That was a step in advance, the effect of which, as well as of subsequent measures, he would advert to later; but even before this, what had been the effect of the old system, bad as it had been? It was described by the managers of the Delhi College in 1829 in the following terms:—

"It having come to the knowledge of the managers that a belief prevails very generally that the students of the Hindoo College are liable to lose all religious principles whatever, it was resolved that Mr. D'Anselme be requested, in communication with the teachers, to check as far as possible all disquisitions tending to unsettle the belief of the boys in the great principles of national religion."

Proceeding onwards, in 1848 Mr. Thomason's plan for the promotion of vernacular education was adopted in eight districts of the North-Western Provinces with a large measure of success. The schools increased in these districts from 2,014 schools in 1850 to 3,459 in 1852-3, while the scholars increased from 17,159 to 36,864. In 1854 a still greater change took place in the Government system of education. In 1857 a Minute was issued by Sir Charles Wood,

from which he would quote the following passage :—

"Before proceeding further we must emphatically declare that the education which we desire to see extended in India, is that which has for its object the diffusion of the improved arts, science, philosophy, and literature of Europe—in short, European knowledge. To attain this end it is necessary, for the reasons we have given above, that they (the Natives of India) should be made familiar with the works of European authors, and with the results of the thought and labour of Europeans on the subjects of every description upon which knowledge is to be imparted to them ; and to extend the means of imparting this knowledge must be the object of any general system of education."

It thus appeared that the system of education we were now endeavouring to apply to India was based essentially upon a European model, and was calculated to ensure that the Natives should become acquainted with every branch of European science, philosophy, and arts. But now, in order to judge of the effect of such a system, their Lordships must remember the nature of the religion which prevailed in India. Their Lordships must understand what were the systems of that religion, founded, not only on false doctrine, but also on false science, before they could appreciate the results of such a mode of education. If their Lordships would refer to the description of the Brahmin religion given in the recent able work of Sir Emerson Tennent, they would find that it was not only a false religion, but was so mixed up with errors in science that as soon as European knowledge, intellect, and true science were brought to bear upon it the foundation upon which it rested was utterly destroyed. Unless, therefore, the religion of the student educated in the secular schools, and thus constantly and systematically undermined, were replaced by something nobler and purer, he was left a man without a creed, and without a faith; it was true there might be left to him some abstract notion of a Divine Being, but for every purpose of religion he would not be a whit better than he had been before, a shallow, hollow Deist. And yet this system of education was adopted by the Government of the present day on the expressed basis of its neutrality. Now with regard to the effect produced under the present system, he would quote a few instances. In 1852 a Committee of their Lordships' House took a variety of evidence on this subject, much of which was deserving of attention. A Hindoo father writing to a newspaper expresses himself as follows :—

"I sent my son to the Hindoo College to study English, and when he had risen to the fourth class I thought he had made some progress in English knowledge ; I therefore forbade his going to the college, for I have heard that the students in the higher classes of the college become Nastiks (infidels)."

An intelligent writer of *The Calcutta Review*, commenting upon the Government system of education, says :—

"The educated Native of the present day, with very few exceptions, vegetates without faith or object ; he is either a hypocrite or a latitudinarian, and has, for a time at least, subsided into a dull, tame, discouraging mediocrity. Nevertheless it remains a notorious and ominous truth, that the majority of these young men, solidly and thoroughly educated in all secular knowledge, show no patriotism or public spirit, no hatred of idolatry, no anxiety to rescue their fellow-countrymen from its yoke, no lofty moral bearing, no great aims or aspirations, no seriousness of spirit, or thoughtful, earnest inquiry after religious truth. In the flush and ardour of youth, the great majority kill the conscience by outward compliance with the idolatry which they despise, or by making themselves over deliberately to worldliness. There is nothing of healthy life connected with their intellectual activity. . . . The greater body, dissolute and worldly, are but too surely tending to a state morally lower than that from which education rescued them. The Hindoo idolator, from conviction, may have faith, zeal, and honesty ; he may be thoroughly conscientious and ready to lay down life and limb, and to sacrifice all that he holds most dear, from a fervent, though misguided devotion. But the mongrel class, of whom we now write, too timid to break off from what they despise and disbelieve, will live the subtle, faithless life of the Greek of the lower Empire, without courage or conscience, and hide—but too often—the heart of the Atheist under the robe of the idolator."

He would only trouble their Lordships with the testimony of one more witness, a Hindoo gentleman, himself then a master in the Delhi College, who thus described what the effect of the Government secular system of education on himself and some of his companions had been. Speaking of the disbelief in idolatry arising from their education, he says :—

"The result of this was, that many of our countrymen, the Hindoos, condemned us as irreligious, but as we did not advocate Christianity but only recommended a kind of deism, and as we never lost our caste publicly by eating and drinking, all our free discussions did not much alarm our Hindoo friends. . . . . When in private meetings our friends taunted us by saying, 'We will become Christians as such and such a pundit has become,' then we considered this as an insult, and stated in reply that the person it referred to had not received an English education."

This gentleman, it would be seen, was not

at that time converted to Christianity, though he abstained from the idolatrous practices of his country. This gentleman afterwards gave, in the preface to a work on Mathematics published by the East India Company in recognition of the merits of its author, some passages in the history of his conversion to Christianity—and he begged their Lordships to remember that in this history they had the testimony of one who had gone through all the phases of mind which a convert from Hindooism might be expected to undergo. He said:—

"It was then my conscientious belief that educated Englishmen were too much enlightened to believe in any bookish religion, except that of reason and conscience, or Deism. After I had finished my mathematical work, and before I went down to Calcutta on leave, I had become a believer in the Gospel. Before this belief had taken possession of my heart, there were two erroneous notions in my head (and which I believe must ever be in the heads of nearly all Native youths educated in Government colleges and schools, as long as the system of instruction continues to be pursued as it is till now). The first of these notions was, that the English themselves did not believe in Christianity, because they did not, as a Government, exert themselves to teach it. The second was that a person who believed in one God stands in need of no other religion."

He had thus endeavoured to show to their Lordships from the best testimony that was adducible that the Government system of education in India could not be carried on on the ground in which it was professedly conducted—that it did interfere with the religion of the Native population, and shake the foundations of what they had been taught; that it taught them to despise the religion of their fathers, and by a natural transition to despise their fathers themselves; and that, while no other system of religion was communicated to them, they were left in a state of practical infidelity, and tossed up and down as it were on a tempestuous ocean of unbelief. It was, however, argued that we could adopt no other system than this, because to do so would be contrary to the pledges, promises, and proclamations, which we had at different times issued to the Native population of India. Now, if the Government had ever issued a proclamation or given a pledge to the effect that the reading of the Bible should not be allowed in the schools of India, such a proclamation or pledge would have been a disgrace to this country. But no such proclamation had ever been issued. What were the pledges and promises actually given to the Natives of India? He would, in the first place, remind their Lordships of the gracious Proclamation which proceeded from Her Majesty on assuming the sovereignty of India. The words of that Proclamation were such as every Native of India might safely rest upon as guaranteeing to him the free exercise of his religion. It said:—

"Sincerely relying ourselves on the truth of Christianity and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects; we declare it to be our Royal will and pleasure that none be in any wise favoured, none molested or disquieted by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law, and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure."

And he said so too. And in this sense of the most extended toleration he endorsed every word of the Royal Proclamation. That Proclamation was alike based on justice as well as on the principles of toleration as understood in this country; and he believed that by passing the Resolution which he now proposed not one word of it would be infringed. In 1801, the people of the Carnatic were informed by a Proclamation of Lord Wellesley that the authority of the Government would be exerted to procure for all the enjoyment of their just civil rights and "the free exercise of the religious institutions and domestic usages of their ancestors." And another Proclamation had been issued to the same effect by Lord Dalhousie on the annexation of the Punjaub. The Natives of India might well look back upon the past, and ask how we had carried out the terms of those Proclamations. He would show to their Lordships that we had not done so, and that it was impossible we could do so. Proclamations had been issued by successive Governor-Generals promising to the Native inhabitants the fullest toleration and the fullest and freest exercise of their religion; but while they had been deceived in this respect, and while it was impossible that a Christian State would grant in every particular that full and free exercise of their religious functions, even in another and in a far more reprehensible point of view, we had not been consistent with our professions of neutrality. Need he remind their Lordships of the disgraceful connection with the idolatrous rites of the people of India which had been exhibited by the British Government? Need he remind them how often British soldiers had been

turned out to salute heathen deities, or that the Brahmin priests had been called upon to offer up prayers for a successful harvest? The British Government had deeply debased itself by following in some intsances a servile conformity to the idolatrous practices of the Natives, and had thereby opened a source of future difficulties; in other instances an actual interference with their religious practices had taken place; we had interfered to prevent the burning of widows. Again, Government had interfered, and perhaps wisely, in respect to the law of inheritance, by saying that no person who became a Christian should therefore lose his right to any inheritance. It was true that all those interferences had been submitted to by the people of India, because they felt and knew that we had not legislated capriciously, but after calm deliberation with a view to promote the welfare of the Native population, but they were interferences nevertheless. And all this had been done by a Christian Government forming its legislation upon European principles—a system whose faith, laws, and usages, in contact with a heathen population must permeate their whole society. Although he did not at all agree with those who regarded these interferences with the customs of the people of India as among the causes which led to the late mutiny, yet Sir George Clerk had enumerated them as among thoss causes, and he could adduce no stronger evidence than this of the fact which he was endeavouring to prove. Sir George Clerk writes thus—

"It seems to be an absolute waste of time to seek for any other causes of the prevailing disaffection in India than any dispassionate observer may readily discover in various measures in which the sympathy of the Natives has of late years been abruptly renounced, their feelings outraged on very tender points affecting their religion and their veiled daughters, and the confidence they once felt, that no proprietor would be dispossessed without having offended, utterly destroyed."

And he (the Duke of Marlborough) had brought forward those instances, in order to show that he was warranted in saying that the professed neutrality of the Government, upon which ground alone the Bible was excluded from Government schools in India, had been infringed repeatedly and systematically, in cases where the religious feelings of the people of India had been perhaps far more directly touched than they could be in the case which he was considering. It might, however, be objected to his proposition that if it created dissatisfaction and distrust among the people of India, it would induce them to abstain from sending their children to the Government schools; but how did previous and present experience warrant us in allowing any weight to such an argument as this. In 1813 Mr. Warren Hastings expressed as his opinion that it would be very hazardous to introduce a Church establishment into India. What danger, or what ill-effects had resulted from that step, or from our efforts to propagate Christianity in India—although the mutiny at Vellore had been attributed to the missionaries, just as the recent outbreak had been by some persons ascribed to their interference. Then, again, let the House consider how numerous were the missionary schools. The total number of those schools in India and Ceylon in the year 1853 was, for boys, 1,566 schools, attended by 64,482 pupils, and for girls 449, attended by 14,298 pupils; and in these schools the Bible was openly and unreservedly taught, and he would ask did that establish the fact that the children were deterred from attendance at those schools. Mr. Stuart Reed, Government Inspector of Schools in the North-West Provinces, in his Report for 1858-9, says—

"There can be no doubt that we find in our Government colleges and schools a higher class of boys than those who attend missionary schools. But transfer to the latter the more efficient educational staff and the rich scholarships, hold out to the student of the missionary school the certainty of lucrative Government employ, and the benches of the Government institutions will be deserted."

But, then, it was still said that the introduction of the Bible into Government schools was opposed to the principles of religious neutrality upon which the Government promised to act in India. He (the Duke of Marlborough) could not understand what those principles were; but, at least, if they were acted upon, the Government should act upon them uniformly and consistently. If it was contrary to principle that the Government should mix itself up with religion, then let it be so understood. He found, however, that in Ceylon it was a recognized principle that the Scriptures should be taught in the Government schools, and they were so taught in the Central Academy at Colombo, while in India the Bible was strictly excluded. What could be the reason for that difference of practice? Was it because the inhabitants of India were more numerous, and more to be feared than the people of Ceylon? He had shown that there was no indisposition on the part

of the Indian people to submit to Government interference when they could believe in its sincerity, it was difficult for them to believe in that sincerity in the present instance, seeing the inconsistent course that was adopted in two different parts of the Empire. We were the only conquerors of India who had interfered with the religious customs of the people; but whilst we interfered with many things that they thought sacred we kept back our own religion from them; and consequently they were afraid to trust us, for they connected underhand motives with these proceedings owing to their ignorance of the religion of those who governed them. They imagined that a man was made a Christian by some ceremonial observance. But if they were once made to see that the Christian religion was a thing of the heart, and that its profession depended on no outward ceremonies, there would be an end to the mistrust with which they now often regarded the Government, and to those idle rumours which frequently were put about as to their enforced conversion to Christianity. He would call their Lordships' attention to a very remarkable instance, in proof of what he now stated. Mr. Tucker, for many years the Commissioner at Benares, which was the very sanctuary of the Brahmin religion, introduced a system which in itself was sufficient to scatter to the winds every assertion that the Natives were indisposed to receive religious instruction when that instruction was properly conveyed to them. Mr. Tucker did not allow himself to be guided by any of those idle theories of political expediency which seemed to weigh so much with the Government at home, but acted at once as a Christian gentleman ought to do. In the normal college established by him at Benares the whole of the young men regularly studied the Scriptures in the Hindi and Hindostani, and some thirty-four of them ventured to compete with the mission schools at a general Bible examination. A voluntary Bible class had been formed, which at first a few Mahomedans objected to join; but it was seen that no one was compelled to attend it, and these soon followed the example of the other pupils, in the study of the Scriptures; the examinations showed a high degree of attainment in Biblical knowledge; and the instruction being openly and honestly given was by them willingly received. Did Mr. Tucker on this account forfeit the confidence of the Natives? Did they urge his removal, burn down the school-house, or rise in open rebellion against the Government of which he was the representative? On the contrary, when he left Benares it was shown that the God of all power was able to turn the hearts of those for whose benefit His truth had been promulgated. A large subscription, amounting to 6,000 rupees, was raised, with which his portrait was purchased, and hung up in one of the public buildings, while another portion was devoted to provide an annual prize for the best pupil in the Benares school, and a memorial was presented to him expressive of the admiration of the Natives at his advocacy of measures having for their object (as the memorial states) "the welfare here and hereafter of those committed to your charge." Sir John Lawrence had expressed the opinion that, "Christian things done in a Christian way, would never alienate the people," and his testimony, with that of Mr. Kerr, the author of a work on education, and of many others might be adduced, to show that with proper precautions, the introduction of the Scriptures into the Government schools was possible, without alienating the Natives and without working on their prejudices or their fears. Such evidence was better and more trustworthy than the evidence of those who said it was not possible to adopt the system, a system which they had never tried. He should be told perhaps, that this question had been submitted in direct and definite terms to the Governor General, and other authorities, who had declared that the system was impracticable. Now, it might be all very well to read such letters; but in what form was the question brought before these persons. He should like to ask those persons whether it would not be practicable to open a voluntary Bible class in the Government schools, on the express understanding that that class should only be attended as they or the parents might desire. He did not think it made much difference whether the Bible was read during or before school hours; but no prohibition ought to exist against it, and it ought to be read either before or during school hours, as might be found suitable or possible in each particular instance, and he should like to know whether the question as to the establishment of voluntary Bible classes in the Government schools had been put to those governors whose opinions were adverse to the course he was advocating. It should be remembered

that when the system of grants in aid was first established in India it was as strongly opposed as the one which he was now anxious to see carried out. That system was established principally by the advice of Mr. Haliday, who had been desirous that the Mission Schools in India should in some degree partake in the assistance of the Government, and proposed to institute grants in aid. Mr. Grant, Mr. Rickets, and other authorities, both Native and European, objected to the proposal, on the ground that it would be an appropriation of the taxes raised from the people for the purpose of inducing them to change their religion; but did the Government at home listen to their objections? If opinions were of any value why were not these opinions followed at that time? and what reason was there to suppose that the opinions against the system which he proposed were of more value than the opinions against the system of grants in aid? The Government did not adopt the objections to grants in aid of missionary schools, and as to proselytism, the grants in aid were just as much open to that objection as Bible classes could be. Missionaries went out to India with the avowed purpose of establishing schools, and of converting the Natives, and the education given in those schools was compulsorily religious, for if Natives chose to attend those missionary schools they must read the Bible, and therefore in aiding that system, he did not say that the Government were not doing their duty, but at all events they could no longer shelter themselves behind the plea of neutrality in refusing to admit the introduction of the Bible. There was abundant evidence that the spread of Christianity in India would conduce to the safety and security of the Government, and the strongest evidence of that proposition was to be found in this, that those places where Christianity prevailed were spared from many of those terrible effects of the mutiny, which, during the rebellion, prevailed in other parts of India. He would, in conclusion, only recapitulate the arguments which he had used. He had shown that the education that might be given in Government schools would not be calculated to alarm the Natives, provided it was given openly and on the avowed principle of non-compulsion; that it was not so much from knowledge of the Christian religion as from ignorance of it that danger arose; and further, that the safety of the Government had been comparatively ensured in those parts of India where Christianity had been in the ascendant, and that the neutrality upon which the Government based the exclusion of the Bible might exist in name, but was impossible in practice, and had been constantly and systematically violated. He should deeply regret if any word which had fallen from him could lead to the impression that he wished the Government to depart from the sacred obligation not to impose their religion on the Natives of India, all he wished was, that the Natives should not be left to grope helplessly in the dark, while their ancient notions of belief were taken from them; that they should not be abandoned to the unwillingness of the natural mind to receive the truths of Christianity, but that they should have the opportunity afforded them of learning, if they wished, the truths which might make them enduringly happy; that the Government of India, being Christian, should not hide its light under a bushel, but should be like a city set on a hill, or as a candle set on a candlestick, that all who enter in might see the light. The system which he wished to introduce was one of true love and of wise government towards the Natives, and was a subject in which the people of this country took a very deep interest. Petitions had been sent up to Parliament from every part of the country, not in consequence of any organized agitation, but from the spontaneous sympathy of the people, and whatever might be the result of the present Motion, he felt convinced that the time was not far distant when public opinion would make itself heard, would repudiate the course now persisted in, in the education of the Natives of India, by a professing Christian Government, and compel the adoption of that course which he felt sure was the only one which would ultimately, by the blessing of God, secure the lasting prosperity of India. The noble Duke concluded by moving to resolve,—

"That the British Government in India, as the Representative of a Christian Nation, is charged with the Duty of promoting the Moral as well as the Social Welfare of the People of that Country; and that, in order effectually to further such Objects, it is the Opinion of this House that the authoritative Exclusion of the Word of God from the Course of Education afforded in the Government Colleges and Schools ought, under suitable Arrangements, to be removed; and humbly to address Her Majesty that She will be graciously pleased to give Directions for carrying the above Object into effect."

The Duke of Marlborough

LORD BROUGHAM: With the greatest

respect for the noble Duke, fully admitting the ability of his statement, and with a deep conviction of the importance of the subject; but, with a clear opinion that a discussion of it would be utterly inexpedient and may possibly do harm, I beg to move the previous Question.

Motion objected to, and a Question stated thereupon, the previous Question was put, "Whether the said Question shall be now put?" It was *resolved* in the *negative*.

House adjourned at a quarter-past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 2, 1860.

MINUTES.] PUBLIC BILLS.—1° Indemnity.
2° Poor Law Board Continuance; Militia; Game Certificates, &c.; European Forces (India).
3° Railway Cheap Trains, &c.; Labourers' Cottages (Scotland).

TAX BILL.—THE PAPER DUTY.
PETITION.

MR. BRIGHT *presented* a Petition from a numerous meeting held at Congleton. The petitioners declared that they had always understood that it was the undoubted privilege of that House to settle the taxation of the country, that any departure from the practice would be very prejudicial to the operations of trade, and they prayed the House to resist the recent aggression on the established usage of the constitution.

MR. STEUART rose to order, and said that since the discussion which had taken place some days before in reference to a Petition of a similar character, he had consulted the work of Mr. May on *The Law and Practice of Parliament*, and found it distinctly laid down, that any language reflecting on the other estates of the Realm was a ground for refusing the Petition in which it was contained. As the words just read by the hon. Member were, he conceived, disrespectful to the House of Lords, he begged to ask Mr. Speaker whether the Petition ought to be received?

MR. SPEAKER: Will the hon. Member be good enough to specify the words?

MR. BRIGHT: I will read the words to the House.

MR. SPEAKER: The Member for Birmingham may state the substance of the Petition, but if it is to be read at length it must be read by the Clerk.

MR. STEUART inquired, Whether the words "aggression on the established usage of the Constitution" and "Invasion of the privileges of the House of Commons," as applied to the other branch of the Legislature, were not objectionable.

MR. SPEAKER: There can be no objection to receive the Petition. There is nothing in it which would render it informal.

EUROPEAN FORCE IN INDIA.
QUESTION.

MR. TORRENS said, he would beg to ask the Secretary of State for India, Whether, if there be any evidence from intercepted Letters that a well-drilled and well-armed European Force made communications inviting the Sikhs to join them in driving the Queen's Army out of India, Her Majesty's Government will cause Copies of those Letters to be laid upon the Table of the House; whether the authenticity of those Letters was formally inquired into, and, if so, whether it was ascertained who were the writers, and by whom and to what place the Letters were forwarded to the Sikhs; and whether, if their authorship has been brought home to any men of the European Force, punishment, and, if any, of what nature, has been awarded to the writers of them?

SIR CHARLES WOOD said, he was in possession of no information on the subject.

ANNEXATION OF SAVOY.—QUESTION.

SIR ROBERT PEEL said, he wished to ask the Secretary for Foreign Affairs, Whether, as a solution of the question which has arisen between Switzerland and France respecting the annexation to France of the neutralized provinces of Savoy, Her Majesty's Government have replied, in answer to the Despatch of M. Thouvenel on the subject, that they are prepared to accept the proposition contained in that Despatch for the assembling in conference of the great Powers of Europe?

LORD JOHN RUSSELL said, it was true that Her Majesty's Government had, in reply to the despatch of M. Thouvenel, agreed to the proposal to hold a Conference of the Powers of Europe with respect to Savoy. He might also add that the Russian Government had assented to the proposal.

SIR ROBERT PEEL: When is the conference to assemble?

LORD JOHN RUSSELL: That is a point not yet settled.

EUROPEAN FORCES (INDIA) BILL.

SECOND READING.—ADJOURNED DEBATE.
SECOND NIGHT.

Order read for resuming Adjourned Debate on Amendment proposed to Question [28th June],

"'That the Bill be now read a second time;' and which Amendment was to leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months."

Question again proposed, 'That the word 'now' stand part of the Question.

Debate resumed.

MR. RICH said, that in the short discussion that took place on Friday evening, the expediency of adjourning the original debate was fully admitted. He was glad to find from both sides of the House that this was in no degree to be a party question. The friends of the Government were thereby more free to express their opinions and to record their votes on this most important question. On the previous evening the hon. Gentlemen who addressed the House had taken "Indian views," views derived from men of great ability and large Indian experience; but they had heard comparatively little of the bearing of the question on this country, whether considered in a financial, a political, or a military point of view. He wished to address a few words to the House on those bearings of the question. The point at issue, as he understood it, was this: should we continue that organization of the army in India, which had existed almost from the period of our possessing substantial power there, or should we, on the most abrupt notice, cashier that army, and replace it by another, of whose fitness to control India we had no experience whatever. It was proposed now to put an end to the local European force, and the whole of the Sepoy regular regiments—amounting to 180,000, out of an army of about 230,000 men—and to substitute in their place 80,000 of Her Majesty's troops. A radical change like this, one would think, must be called for either by a great and overwhelming pressure of public necessity, or it must have been long and earnestly desired by those who were best acquainted with the condition of India. But was that the case? Diametrically the reverse. All the highest Indian authorities were against it, and its few ministerial supporters had till very recently been its opponents. The Governor General of India and his Supreme Council were unanimous in their opposition to the present proposition. Next to the Governor General came the Secretary of State for India. Now, Lord Ellenborough, who held the Indian office when the change in its Government took place, was against the change. He was succeeded by the noble Lord, the Member for King's Lynn (Lord Stanley), and he, too, was against the change. The next Secretary of State was his right hon. Friend, who at present held the office; and six months ago, to judge by the tendency of the measure he then introduced, he also was opposed to the change. But that was not all. When the Government of India was transferred to the Crown, Parliament was justly jealous of entrusting autocratic power in the hands of the Indian Minister, and they surrounded him with an able and influential Council of Fifteen, every one of whom had either spent many years in India, or had been conversant all his life with Indian affairs. The whole weight of opinion of those constituted authorities, was against the proposed measure. We were told on high authority that the late Cabinet, who had studied the Report of the Commission on the organization of the Indian army, had unanimously made up their minds against amalgamation; though the gallant Officer, who was then Secretary for War, now tells us he has changed his opinion. So, also, the right hon. Baronet, the present Secretary of State for India, when in August last he proposed that the European local corps should be raised to 30,000 men, was then against amalgamation. He gave all due credit to these right hon. Gentlemen for sincerity in their change of views; but then, in proportion to this credit for sincerity must be the detraction from the weight of their authority. Thus, then, the whole weight of available authority was in favour of the present system of organization. Common sense and prudence therefore pointed to delay and further examination, to amending that which was amiss in the military organization by which we had won and maintained India instead of rashly and recklessly forcing on a radical change. How, too, would the plan work in a financial point of view? The right hon. Baronet said the change would cost the country only an extra £100,000 to £200,000 a year. The Secretary to the India Board, whose speech he had heard with great pleasure, as it reminded him of the ability and amiability of one of their best Chancellors of the Exchequer,

though he wished that the mantle of that Minister's economy had also fallen upon him, placed the extra charge much higher. The right hon. Secretary for War placed it higher still; and as the debate went on, it became clear that it would exceed half a million a year. Such a sum passed glibly enough from the tongue; but it must be remembered that it was to be taken from the Indian revenue, which was already staggering under the weight of its taxation. Let us remember also that it is an additional burden cast by us on those who have no representative, nor defenders here. But let them consider how the question would bear on this country. The substitute for the present military organization of India proposed by this Bill was a force of 80,000 of Her Majesty's troops, to be constantly maintained there. The present limit was 30,000. This, therefore, was an addition of 50,000 men to our regular army: and he wanted to know how this great addition to our standing army would be viewed in quieter days. It might pass current now, but not very long ago a large standing army was looked upon with great jealousy, and he both believed and hoped that feeling might easily be revived. But more than this. If 50,000 additional men were to be supported in India, large depôts would be required in this country for the purpose of feeding them with recruits and reliefs. It had been mentioned in the course of the debate that the regiments serving in India were to be relieved every twelve years; and if that were so, then from three to five months in every year 6,000 men would be either at sea or just arrived, so that instead of 50,000 nearer 70,000 or 80,000 would have to be added by this Bill to the permanent establishment of the British Army. Now, against this wanton and enormous addition, he for one would raise his voice and record his vote. There was another strong objection in the fact that by this plan three-fourths, also, of our whole army—excepting the Household Troops, who never left home save in the case of an European war—would be nailed to foreign stations. The effect of this would be to consign every officer of the regular army to Colonial service for eighteen years out of twenty-four—in fact to colonialize our army, to impair its efficiency in the field, and to weaken its connection with England. The system would press with still greater severity on the private soldiers, not one in ten of whom would return to their families and country. He did not see how the Ten Years' Enlistment Act was to work under such circumstances. And, further, a long service as an army of occupation and control over an inferior and alien race would not tend to make our officers and soldiers good citizens. The Commander-in-Chief already complained of the difficulty he had in keeping up a high state of discipline in those regiments that had been long in India; and this would be still further enhanced by the details proposed. The difficulty of providing officers for the special requirements of the Indian service was admitted on all hands; but the Secretary of State for India proposed to remedy this difficulty by the creation of a Staff corps from the *élite* of the regiments. The young men who by intellectual and military studies should qualify for this Staff corps, would be drafted off to various appointments; hence the Imperial army would lose its young and best officers, while those who had interest and fortune, finding that there was more promotion to be obtained by a campaign at the Horse Guards than by remaining in India, would exchange and return home. The less enterprising and the older officers would not learn the native languages and the Staff corps duties, and would soon become a complaining residuum left at the listless head-quarters of each regiment. He put it to the House whether this was not the very same exhausting system which had been so much complained of, and by no one more than the present Government, by which the Indian regiments were deprived of their best officers. The effect of it would be that in less than ten years the efficiency and discipline of our European army in India would be to a great extent deteriorated. He, therefore, contended that under such a system it was in vain that they could hope to maintain so large a force as 80,000 of the Queen's army in India in so efficient a state as Her Majesty's troops ought to be maintained. The Duke of Wellington's opinion was that a Colonial corps had not the *ésprit de corps*—that *elan*—which her Majesty's troops had:—he said that you could not colonialize regiments without deteriorating them. But that was precisely what the right hon. Gentleman proposed to do. He proposed to colonialize 80,000 of Her Majesty's troops;—in India alone—and yet he asked the House to believe that they would, under those circumstances, maintain the discipline and all the high qualities for which they were now

[*Second Night.*

so distinguished. The principal excuse for making this change was that the Indian army was in a state of indiscipline. No doubt it was; but there were able Commanders-in-Chief in India, who, if supported and aided by the authorities at home, could restore order and reinvigorate the system. It was also said that the existence of two separate bodies of European troops in that country was an anomaly. It might be so, but it was one which had been attended with great advantages. Independently of the benefits of emulation we must remember that but for the presence of the Queen's troops the local armies would, upon a recent occasion, have been masters of the situation; and it was possible that there might be occasions on which the presence of local troops might operate as a wholesome check on the Queen's forces; one single army far from home restraint had in all times been a difficult and dangerous machine. We had been told that we could have nothing to do with these men who had mutinied, and that the best course to pursue was to get rid of them at once. Yet how was it that many of those who left their standards and came home had been eagerly sought for and enlisted into the Queen's army; but these were the very men who had deserted their standards when their services were most wanted. These surely were the worst offenders, and not those who were loyally serving in India and in China. Would you then press your enlistment bounties on the worst, and brand only those who were less guilty, and had, indeed, remained faithful to the last? The Minister for India passed a Bill at the end of last Session for increasing the local army. If he had believed that the troops were so tainted with disloyalty and disaffection that it would be dangerous to continue them in the service of the State he assuredly would not have added to their numbers. But the right hon. Gentleman said that something had since occurred to alter his opinion. Why, in a despatch written by himself not many days after the passing of that Bill, he stated that the result of the inquiries held at the different stations of the army clearly established the prevalence of a conviction among the soldiers that they had a right to an option in regard to the transfer of their services from the Company to the Crown, and that he thought this conviction not ill-founded, for the defective character of the duplicate attestation given to the men, and the opinion entertained by their own officers, and by high authorities at home, were calculated to confirm it. With that statement from the pen of the Secretary of State he had no hesitation in saying it was a mere subterfuge to tell the Houses that the feeling of disaffection in the Indian army could only be eradicated by cashiering the whole force. It was asked, however, how we were to recruit the local army. Sir James Outram gave a satisfactory answer to that question in one of his admirable despatches, where he showed how, by a different course of treatment and enlistment, by instituting schools and a system of examination, and by advancing good men to certain minor Indian offices, we might raise the tone of the local army, and induce men of good education to enter it. The hon. Gentleman concluded by stating that he hoped the debate would not be closed until all the papers relating to the subject had been placed before the House, and until the scheme which the Government had in hand had been, not shadowed forth in a vague speech, but laid on the table in the tangible form of a Bill.

MR. TORRENS said, that the present scheme was one which was intended to effect a great and, he thought, a very doubtful change. A local European force had existed almost from the time we set our foot in India, and they had well and devotedly performed their duties to this country; and he was, therefore, averse to the change proposed by the right hon. Gentleman. He thought, too, that those who were the best authorities on the subject were in favour of retaining a local force. The Report which had been lately printed at the desire of the Secretary of State for India bore out the opinion that a local force was the most efficient for the Indian service, both as respected the sanitary condition of the troops, their efficiency, and the cost of their maintenance. The right hon. Gentleman, the other day, quoted the opinion of Sir Ronald Martin, on the sanitary part of the question; but as far as he (Mr. Torrens) could see all that that Report proved was, that ensigns were more healthy than lieutenants, and lieutenants than captains; or, in other words, that the laws of nature operated in India as they did everywhere else, and that old men died where young men lived. The right hon. Gentleman had stated his opinion that officers and men, after a residence of ten or fifteen years in India, were not so active and energetic as

Mr. Rich

those more recently arrived from Europe. But, he thought, they had instances enough before them of men who had served with distinction in India to show that the most valuable services might be expected from Europeans, however long resident in that country; and he would refer to the eminent services of such men as Sir Archdale Wilson, General Chamberlaine, General Nicholson, Major Hodgson, Major Probyn, Major Charles Gough, and Major Hugh Gough, the three latter having received the Victoria Cross, to show that the opinion held by the right hon. Gentleman was erroneous. Then as to the insubordination shown by a portion of the European force in India. It had been stated by the Secretary of State for War that some of the local European force had acted so disgracefully as to have written to the Sikhs, asking them to join them in driving the Queen's troops out of India. He had put a question to the Secretary of State for India on this subject, and judging from the very curt answer he received, as well as from the evidence published on the subject, he concluded that the statement made was completely inaccurate. But, referring to the so-called mutiny of the European force in India, what, he would ask, was the conduct of the authorities at home, with regard to these misnamed mutineers. No sooner did the ships which conveyed them to England heave in sight than the recruiting sergeant went on board, or awaited their landing, to induce them to join regiments of the Line, so that these mutineers would thus be draughted into battalions serving in our Colonies, in Canada, or New South Wales, for instance, where much more danger would arise from a mutinous spirit among the men, than there would in isolated stations in India. He did not suppose that there would be much difficulty in reorganizing an efficient local force. He believed the amount of the local force at present was 15,000 men. If these were dispersed among the new regiments which he should propose to raise, there might very soon be in India regiments in a tolerable state of discipline and amounting in number to about 40,000 men. If to that force were added a Royal army of 30,000 men, there would then be strength enough in India to maintain the peace of the country, provided the Native army was sufficiently reduced. He regarded the present moment as not the proper time for carrying out this great change; and thought it would have been much better if the Government had confined itself to the preparation of measures for relieving that country from financial embarrassment, and had allowed the question of military organization to stand over till a more favourable time arrived for its consideration and settlement.

SIR DE LACY EVANS said, he must complain of the course that had been taken on this question by the Secretary of State for India, who, he thought, had not treated the House with the consideration it had a right to expect; and he was not sure that the House would have had any documents relating to the subject under discussion until the question had been disposed of, if it had not been for the clamour raised about them. The right hon. Gentleman declined to have any discussion with the Council of India, who might have been able to furnish him with important information and good advice, until their advice was no longer of any use; and the right hon. Gentleman seemed to propose that the House should legislate upon the subject without their having decisive information before them, and without his having formed any well-digested plan in his own mind. The question before the House was a most grave one, involving the interests of many thousand officers and closely affecting the honour of the country. When the Secretary for India brought forward the measure of last August, he (Sir De Lacy Evans) gave him every possible assistance; but, since then, the right hon. Gentleman had turned completely round, though he (Sir De Lacy Evans) was unable to follow him, but continued to hold the same opinions which he then professed. Such a proposition as that which had been intimated by the Government ought to be distinctly placed before the House. It was a mistake to suppose that the question was purely military. It was partly military, and partly a question of State. In the Cabinet which brought the present scheme forward, there was not one soldier nor one Member who had been in India. He was himself a soldier, and had served in the three Presidencies. He, therefore, thought that on military questions he was quite as competent to form an opinion as the Members of the Cabinet. The House had been led to believe that the principal military officers in India were greatly alarmed with regard to this local force; but great injustice had been done at least to three of them —Lord Clyde and Sir William Mansfield, and Sir Hope Grant; and the right hon. Gentleman the Secretary of State for India

[*Second Night.*

he thought had occasion to blush for some of the harsh observations which had been made in ignorance of the real state of the case, as disclosed by these papers. A portion of them had now been received, and Heaven knew when they would obtain the rest; the right hon. Gentleman declared that he was not responsible as they were in the printer's hands; whereas it now turned out that he had the documents in his own office all the time. He did not know, until he read those documents, how completely Lord Clyde and Sir William Mansfield stood exonerated from any blame on the subject; and if their sound and rational advice had been taken in the early stage of the matter, they might have escaped the difficulty in which they found themselves. The gravity of the question had been monstrously exaggerated. The right hon. Gentleman stated that he was almost in darkness till after the 10th of August last; but it appeared that at a very early stage the heads of the army in India gave advice which, if adopted, might have prevented the necessity for the present measure. In a despatch from the Governor General to Lord Stanley, dated the 18th of November, 1858, Lord Canning thus expressed himself:—

"I beg your Lordship to believe that I do not underrate the grave responsibility which attaches to the choice in this matter of a course different from that which has recommended itself to the judgment of Lord Clyde, and which is emphatically urged by His Excellency, who is so pre-eminently well qualified to guide the Government in any question in which the feelings and treatment of British soldiers are concerned. But after very careful consideration, I have, to my regret, found myself unable, in this instance, to adopt the recommendation of the Commander-in-Chief, and I feel it to be my duty to require that the law shall be asserted and maintained."

What was the advice given by Lord Clyde, and who was to be held responsible for the movement? The noble Lord at the head of the Government had been repeatedly charged with having caused the expectations which gave rise to it, and had not shown his usual candour in dealing with that accusation. Sir William Mansfield, in a letter dated November, 1858, explained to the Governor General the views of Lord Clyde:—

"Lord Clyde would beg leave to call to the recollection of the Governor General, with the greatest deference to His Excellency, a fact unknown except to military men—namely, that in the old regiments of the Crown a man cannot be transferred from one to another without his free consent, he having enlisted to serve in a particular regiment. Thus it happens that, although the conditions of servitude are precisely the same in the various regiments of Her Majesty's service, whenever necessity requires that the complement of one regiment should be filled up at the expense of others, 'volunteers' are called for the purpose, who receive a bounty in consideration. Whatever may be the exigencies of the State, the rule has always been followed in the army, that the free consent of the individual must be obtained before he can be transferred from one part of the service to another. Perhaps there is no rule which the soldiers more clearly understand, or to the principle of which they cling with greater tenacity; it is understood before they enter the army, in consequence of the education in this respect which they receive from the recruiting sergeant, and in the Militia regiments. Taking all these circumstances into consideration, Lord Clyde would request the closest attention to the practical circumstances of a soldier's enlistment, and of the manner in which the soldier would view any attempt to deprive him of what he considers a right. It would be difficult, if not impossible, to make him understand any legal argument by which the very principle of his military existence might, in his opinion, be set aside. Lord Clyde would earnestly suggest that, in treating this very important matter, it should be so managed as not to alarm the men with regard to the point to which allusion has now been made. He would propose to the Governor General that it may be worthy of consideration whether the re-enlistment of the Company's European forces should not be proceeded with immediately, in order to prevent the possibility of a feeling of irritation arising in the army of a very inconvenient, and, perhaps, dangerous tendency."

Why, from the course they had adopted, it would appear that the authorities in England and Calcutta were bent on irritating the men. Such were the views of Lord Clyde and Sir William Mansfield. The officer next in point of distinction was Sir Hope Grant, who wrote similarly, and declared it to be "of the highest importance that this question should be speedily set at rest, otherwise most vexatious circumstances might ensue." At the very time these men were respectfully pressing their claims either to a discharge or a fresh bounty, other soldiers, who merely volunteered from one regiment to another, were obtaining bounties. Colonel M'Kenzie was sent to Burhampore, which was supposed to be the focus of this terrible revolutionary movement, and, the men having been paraded he found only thirty-nine who absolutely insisted on their demands being complied with. He made a statement to them, and, in a Report which he subsequently despatched, discipline was described as becoming gradually restored, and of the thirty-nine all except one evinced a disposition to return to the ranks. By the advice of Lord Clyde a Court of Inquiry

was established, and all the men had been invited to present themselves before it, and to state their grievances. Among others who had so presented themselves was Private Campbell, who stated that he had been attested at Dundee in 1857; Private Casey, a native of Belfast, and Private Costello, who had been attested the same year—all, be it remembered, men of only one year's standing, and these men, in reply to the questions which had been put, said they had enlisted to serve the East India Company, and that the authority of the Company having been put an end to they thought they had a right to be re-attested, or to obtain their discharge. Now, it was possible that when the whole of the papers had been delivered some much more flagrant cases of insubordination than those might be discovered; but, if there were no such cases, then he apprehended no sufficient reason for the proposed amalgamation, founded upon the mutinous spirit evinced by the local army, could be advanced. On these men being asked which they would prefer, their answers generally were that they preferred being again attested, and that they had not wished to give up the soldiering life. Indeed one of them, of the name of Costello, from Dublin, added that he did not like to go home, but that if any recompense were given he should like to get his share of it. Well, those were the atrocious conspirators against the Indian Empire, as characterized by the right hon. Baronet (Sir Charles Wood). Now, when that right hon. Gentleman brought on his India Bill, in the course of last Session, the opinions he expressed were totally at variance with what they were at present. The right hon. Gentleman in the former Session warmly defended the local army from the imputation of mutiny, and said that it would be grossly unjust to them and discreditable to the Government if those men, who had behaved so nobly during times of great peril and difficulty, were treated with any want of regard or consideration. The Secretary for War, a few nights before, in dealing with that part of the subject, made some remarks to which he had listened with the utmost pain and regret. The right hon. Gentleman upon that occasion endeavoured to impress upon hon. Members the necessity of assenting to the Government measure, inasmuch as if they did not do so an expense of £220,000 for pensions, of £300,000 for gratuities, and of £70,000 for something else would have to be incurred. He then went on to say—thus, proving by what enormous faith in the credulity of the House he must be animated—that for his part he thought it would be very improper to render ourselves liable to such an expense in order to reconstruct a force which in the moment of our direst need had proved faithless and disloyal to their Sovereign. He for one deprecated the use of such language, and he would entreat the right hon. Gentleman, when he had to deal with the honour and feelings of a large body of men such as those under the control of the Department over which he presided, to give expression to his sentiments in words somewhat more gentle and considerate. The language which the right hon. Gentleman employed in speaking of the local army in India was, he (Sir De Lacy Evans) contended, in the highest degree unjust. Was it not a fact that in the moment of our direst need the troops of that army had performed their duty to their Sovereign in a manner the most faithful and heroic? No part of the Royal army had proved more faithful or had stood more heroically to their colours than the local troops. He did not know whether the right hon. Gentleman had ever read an account of the achievements by which that fidelity and that heroism were evinced. If not, he would inform him that two regiments of Bengal Fusileers were engaged at the memorable siege of Delhi, and that two other regiments of the same force served at Lucknow. The two principal regiments engaged at the siege of Delhi were the 1st and 2nd Bengal European Fusileers. Those men displayed the most heroic courage and determination in that memorable siege, lasting upwards of four months. Despatches had been received on frequent occasions referring to their gallant conduct during that perilous struggle. The troops before Lucknow had displayed equal bravery, and were likewise honoured by frequent references in the Government despatches. Were all those glorious deeds now to go for nothing? Was a miserable squabble arising out of a claim of £3 or £4 a man, eighteen months afterwards, sufficient to erase the merits of those troops from the records of Indian history, and to degrade them from the rank of British soldiers? For making this claim the local army had been taunted with language of a bitter and most painful character. And what was the nature of this claim? Why the Governor General, in reference to it, stated that the claim was one evidently made by honest men feeling that

they were right. Lord Clyde said the soldiers were certainly impressed with the conviction that the justice of the case was on their side. And what were the results? Thirty-nine men only were declared guilty of an offence, and sentenced to one night's imprisonment. With the exception of one man, Lance-sergeant Best, they all submitted subsequently, and were restored to their companies. Now, the plea on which the House of Commons was asked to assent to the proposal of the Government was the uniformly bad behaviour of the troops in question; but if such had really been their behaviour it was desirable that the allegations against them should be founded on some better proof than any which had hitherto been furnished. How, he should like to know, if their acts had been such as they had been represented to be, had it come to pass that what they had originally asked for had been granted to them without any resort upon their part to force? The Civil Government had published a Proclamation, setting forth that all the men who pleased might take their discharge; but why, while thus far acknowledging the justice of their claim, had it resorted to the petty punishment of refusing to re-enlist them? It was only remarkable that of the whole 22,000 who might have accepted a free passage to England, and there re-enlisted, only 10,000 took the discharge, the others remaining in the country, and passing from the Company's service to that of the Queen, but without receiving any bounty. Rather ungenerous treatment, he thought, it was to give them no bounty. Now, they were told the whole force had destroyed itself, and this was, therefore, a most desirable opportunity for carrying out amalgamation, for why should they reconstruct the local force? Now, the fact was, that in consequence of 3,000 re-enlistments, and about 2,000 men who had joined from depôts, the force now numbered 17,000, or very nearly as many as existed previously. In his opinion, it was most injudicious to raise so large a body of men as had been proposed. He supported the proposition of the Secretary for India last year that it should be increased to 30,000; but the Commission, it appeared, had decided that we should have a European force in India of 80,000. That extraordinary Commission had not yet been described in its true colours. How was it formed? There were six officers of the Queen's army on the Commission, and four Company's officers, and Lord Stanley, a Member of the Government. It was as clear as the light that the six officers in the Royal army would vote according to the wishes of the Horse Guards and the Government. Were these six officers properly chosen? He thought not. Two of these officers, great chiefs of the Commission, never were in India, and had no experience of Indian affairs. One was the then Secretary of State for War (General Peel), and the Commander-in-Chief. It was quite impossible that either could know much of this matter. Yet their opinions being strongly expressed must have exercised great influence on all the others. Then there was the Adjutant General, besides the Commander-in-Chief. Whoever knew of an Adjutant General giving an opinion different from that of the Commander-in-Chief? There was no such thing in military affairs. Three, then, out of the six officers really knew little or nothing of India. On the other hand, there were on the Commission four local officers, and only one statesman unconnected with military affairs, namely, Lord Stanley, whose vote was decided for the continuance of the local force. The Report was a very curious one. He knew no precedent for such a state of things. All the names of the Members of the Commission except one were appended to the Report. The exception was that of General Hancock, who happened to know a great deal more of the matter than any other of the six, and he resolved to make a separate Report. This required a great deal of firmness, looking to the manner in which he had been treated. General Hancock's name was not appended to the Report; but the names of all the others, although they disagreed, were attached to it. How did they manage that? Most ingeniously. Undoubtedly, there was a good deal of difficulty about it; but, to induce all the Members to put their names to it, the earlier part of the Report professed to represent the opinion of the majority, and the latter part that of the minority. The majority recommended that there should be 80,000 European troops maintained in India—a most preposterous proposition, in his opinion—which would amount to very nearly 100,000 men; for a very large part of the force would be continually lost to the Indian army and that at home by being at sea. He must say those who made such a proposition had little considered the finances of India,

Sir De Lacy Evans

or what had taken place during the great Sepoy rebellion. Although Lord Clyde had completely succeeded in suppressing the rebellion and disarming the people, we still continued to send out troops to India. The continual pouring forth of British troops upon India after the mutiny had been completely subdued seemed as if it were intended to make the people of England believe that that country could not be held without a vast European army. A very moderate augmentation of our force would have been amply sufficient. He regretted to hear that the accounts from China were of so doubtful a character—that it was uncertain whether peace or war was to be the result—because it necessitated the keeping a larger force in India than would otherwise be requisite; and from the general uncertainty it was premature at present to judge of what amount of force would be required for service in China. The Secretary for War had rather overlooked the contingencies involved in the war with that empire. We were mixed up with our warlike neighbours — the French — in that part of the globe, and he could not venture to predict what the results might be. It was quite probable, however, that we should require to have a considerable European force in readiness for another year or two to see how the contest with China would terminate. Heaven knew, indeed, whether success in China might not lead to the same results as it had done in India, and whether our rulers in the East might not commence a career of conquest in China, as they had done in India. Statements had been made that the idea of acclimatizing troops was altogether nonsense, and that there was no advantage in having soldiers accustomed to a particular country. The Duke of Wellington certainly entertained a different opinion, for in many of the despatches which his Grace wrote home from the Peninsula he declared that a soldier who had got through one campaign was of more value than two or three who had just arrived from England. If that principle held good in regard to services in Spain and Portugal, it applied with still greater force to service in a country like India. His own experience in the Crimea, where several of the regiments composing the division he had the honour to command were for several years before on Mediterranean stations, was to the same effect as that of the high authority he had just quoted. It certainly required a long residence in the various Presidencies to enable both officers and soldiers to become acquainted with the habits and customs of the Natives; but when this was acquired, many difficulties were removed. Many persons seemed to consider our position in India very similar to that in our Colonies; but this was a mistaken notion. In many of our Colonies the Native population was either barbarous or scanty in numbers, and in some cases they had been almost wholly annihilated. India, on the other hand, had its 180,000,000 of inhabitants, whose extermination was impossible, and who could not be supplanted by a European race. It was consequently necessary to establish not only a military but a moral supremacy, and that could only be done by obtaining a thorough knowledge of the habits and institutions of the people. A letter from the Calcutta correspondent of *The Times*, published on the 6th of June, described "the consternation and dismay" produced among the officers of the local army by the news of the supposed intentions of the Home Government. The writer said:—

"Bound by every association, by a service extending over the best years of their lives to India, the majority of the officers feel that in being handed over to the Horse Guards, or even in being amalgamated with the Royal army, they will be virtually sacrificed. Eminently fitted for Indian warfare, the elder officers especially would feel themselves in a new and strange position in other parts of the world. There is a strong feeling of alarm also lest all the privileges guaranteed to them in 1858 should not be preserved intact after their amalgamation with a service which stands on a different footing. The feeling of apprehension is aggravated by the conviction pervading almost the entire Indian service, that amalgamation is utterly opposed to true policy. . . . . It is impossible to deny that in general the Natives have an intense dread of newly-arrived regiments. In the local force the tendency of young officers to deride or exasperate our Native fellow-subjects is strongly repressed by the senior officers. On both grounds, therefore, public and private, the Indian officers look forward with anxiety on this subject."

The Times was a great authority in this matter, and the letter which he had quoted had appeared in its columns, although its tendency was in direct opposition to the views now advocated in other portions of that newspaper. Another part of this subject was its constitutional bearings and its relation to the Horse Guards. In Sir John Malcolm's *Life of Lord Clive* there occurred this passage:—

"The reasons of expediency that led Clive to recommend that high public officers, civil and mi-

litary, should be remunerated by shares of the profits of the salt trade are stated in numerous letters. He thought that open, direct, pecuniary allowances (adequate in amount) would not willingly be sanctioned by the Company out of any of the revenues that flowed into their Treasury, and still less from the profits of their trade; and that, besides, such large avowed allowances would invite an attack from the Crown upon their patronage; and that the grasping character of the administration in England would lead to a ruinous interference in the nomination of men to India who had no recommendation but their high birth and great interest."

No doubt there existed a general impression that the extraordinary changes which had come over the mind of Her Majesty's Government on this question might be attributed to a disposition on the part of the Ministry and the Crown to get hold of a large portion of the patronage of India. The Indian Council had been directly charged with endeavouring to keep the patronage arising from these appointments; but those who made that charge seemed quite unconscious that a similar accusation might be brought against the Government. The prophecy of Lord Clive appeared to be in course of fulfilment. What was the patronage connected with the army at present possessed by the Government? During the year 1858 about 800 first commissions were disposed of, 300 or 400 of which were without purchase. Their value was little short of £300,000. Returns also showed that within the last six or six-and-a-half years commissions had been given away to the value of a million and a quarter sterling. There was really no check or control over this patronage. It was frequently said that the Secretary of State for War was supreme; but, in point of fact, the disposition of this patronage rested entirely in the breast of the Commander-in-Chief. It was not desirable that so vast a patronage should rest without control in a single individual; yet by this measure it was proposed to add to it the appointments to the commissions of 5,000 officers. The patronage, which under this Bill would be possessed by the Commander-in-Chief, was without parallel. It would far exceed that enjoyed by the Ministers of War of either France or Russia. Had the right hon. Baronet given the House all the papers referring to this subject he should not have trespassed upon its attention. As he had not done so, he should move the adjournment of the debate, and in doing so he would repeat the question whether, before the Bill passed another stage, the right hon. Baronet would lay upon the table papers in continuation of those which they had received that morning, the protests and Minutes of the Council, and copies of certain letters which were said to have passed between the right hon. Gentleman and a distinguished member of the Council within the last twenty-four hours.

Motion made, and Question proposed, That the "Debate be now adjourned."

MR. MONCKTON MILNES, in seconding the Amendment, said that he was induced to do so mainly because he deeply regretted the mode in which his right hon. Friend had brought this question before the House. There were two modes of proceeding which he might have adopted with fairness to all parties, but, unfortunately, he had pursued a course different from either. He might have taken upon himself the whole responsibility of settling the question, when it would have been his duty to incorporate in a Bill, in a regular manner, what it was that the Government intended to abolish, and what to substitute, laying before the House all the requisite documents and information; or if he shirked that responsibility, and wished to ascertain the opinion of the House before the Government came to an absolute decision upon the subject, he might have moved the appointment of a Select Committee before which all the documents should have been laid, and which should have examined the distinguished gentlemen who composed the Indian Council. Upon the Report of that Committee the House would have been fully able to discuss and to legislate upon. In either case the House would have been placed in a position to understand what it was about; but at present it was unable to come to a decision even upon this very short Bill. The appointment of the Indian Council, and the provision that the opinions of its members should be recorded, implied that that record should be used for the information of the House; and, therefore, until those opinions were placed before them, he thought they should take no further proceedings in the matter. But the way in which his right hon. Friend and the Government were now dealing with the Minutes and protests of the Council amounted to an insinuation that they were not fit to be laid on the Table of the House, and naturally gave rise to an impression—which was perhaps erroneous—that they were anxious to degrade the Council and diminish its value, in order that they might obtain the support of public opinion to ul-

Sir De Lacy Evans

terior measures—such as the abolition of the Council itself—which they were not yet quite ready to carry into effect. The question which the House now had to decide was not whether we should have a certain local force in India, but whether 30,000 or 40,000 men should be added to the Queen's army to be employed in protecting her Indian dominions, in addition to the forces now engaged in that service. The circumstances of India were so peculiar that it was probably impossible entirely to do without a local force. This force in his opinion stood in a position somewhat analogous to that of the Canadian militia, and was dependent upon considerations totally distinct from those affecting the regular army. He trusted that, if peace continued, we should be able to maintain the security of our Indian Empire, by means less expensive and less violent than had hitherto been the case. If we were to renew the struggle of the Sutlej or of Rangoon, or if a second mutiny were to break out among the people, then, of course, we must fall back upon a large Imperial force; but, as he hoped neither of those contingencies would occur, he believed the security of India might be maintained mainly by means of a local army. The question before the House had been made to depend too much upon the accidental revolt of a small body of European troops. It was impossible to read the blue-book published that morning without seeing that the history of the revolt in question exhibited an amount of incapacity and a recklessness of public duty which were almost incomprehensible. Sure he was, however, that wherever the fault might lie, the great weight of it could not with justice be made to fall upon the local force. He was not prepared to go the length of saying that their conduct was justifiable, but he thought that a large part of the mischief was caused by the Central Government at Calcutta, who overrode the calm and statesmanlike judgment of Lord Clyde himself. At all events, he protested against founding upon an event so accidental and peculiar as the refusal of some European soldiers to continue their services in India an argument for discharging altogether the local army of that country. The question must rest upon far wider grounds. It must rest chiefly upon the consideration whether it was absolutely necessary largely to increase the Imperial army for the purpose of maintaining the security of our Indian possessions. He believed such a measure was not necessary. All that was required could be fully accomplished by means of a well-organized local force. No one could read the admirable despatches of General Outram without feeling that there were in the higher orders of that force officers with sufficient grasp of mind to remedy any proved defect, and to place the local force, when reorganized, in as high a position as any portion of the British army. A very short experience in India had convinced Mr. Wilson that it would be dangerous to substitute for the local army a mere hostile garrison of strangers; and those who knew what weight should be attached to the opinion of Mr. Frere would not be inclined to disregard his assertion that but for the localized character of our Indian army it would have been impossible to maintain our footing there. The policy of the Romans with regard to Britain was, to leave here some of their best legions to become localized, and by their means to govern their distant dependency, and such he thought should be our policy with regard to India. He would implore the House not to be led away by that lust of centralization which seemed to have occupied the minds of English statesmen on Indian subjects for the last few years.

COLONEL DUNNE said, that the questions of the amalgamation of the Indian with the Royal army, and of the amount of force to be maintained in India, were by no means to be decided by the present Bill, and the reasons for introducing it were so unfair towards the men who had often conducted themselves in an heroic manner that the House ought to hesitate before adopting it. Last year, when the so-called mutiny in the local force took place, he called the attention of the House to the subject, and mentioned almost every point stated in Lord Clyde's letter. Referring to the attestations, he maintained that no Act of Parliament could transfer the services of the men from the Company to the Crown. The service might be transferred, but the attempt to transfer the services of individuals was an act of tyranny. The men who objected to be transferred were not mutineers, and could not be punished as mutineers. In fact, the Government had not dared to punish them. If any man had been punished he could have recovered damages in England, and if death had in any case been inflicted the person who ordered the punishment would have been guilty of murder. A contract had

been entered into, and what the men required was that the contract should be carried out. Nothing could have been more impolitic or more imbecile than the course which the Government had pursued—they simply granted from weakness that which they had refused to any sense of justice. Nothing was more clear than the law, though, unfortunately, Lord Canning and the authorities at home took a different view of the question. If the Secretary of India meant to propose the amalgamation of the Indian and Royal armies, he should clearly state upon what his proposition was founded. Would the right hon. Gentleman say what amount of force was to remain in India, how the Indian officers were to stand in the Queen's army, as regards rank, and what was to be done with the Clive fund? He trusted that, before further proceeding with the measure, details on these points would be supplied to the House. He certainly felt great difficulty in deciding whether the force in India should be local or Royal when he found so much difference of opinion prevailing among great authorities; but, at all events, this point could not be decided upon a Bill which really did not determine the matter.

MR. AYRTON thought that the Secretary for India had hardly been treated with fairness, for last year the right hon. Gentleman did not commit himself by any formal expression of opinion as to what ultimately should be the position of the European force in India, but merely in an incidental manner stated what was at that time the impression on his mind. He then ventured to differ from the right hon. Gentleman, observing that the right hon. Gentleman had not had time to look into all the papers on the subject, and that when he had he would ultimately be driven to that conclusion at which he had now arrived. Indeed, the right hon. Gentleman had very frankly admitted that the impression existing in his mind last year arose from a hasty view of the papers before him, and not upon the deliberate investigation of the more important documents. The right hon. Gentleman was charged with submitting this Bill to the House without having consulted the Members of the Indian Council. Having taken some part in the discussions respecting the formation of that Council, he thought it was understood, when the Council was instituted, that everything was not to be debated in a kind of little Parliament in Leadenhall Street, but that the Secretary of State was to divide the Council into committees, and to submit questions like the present to the investigation of an appropriate Committee; and having become acquainted with the opinions of the Committee of Council, it was then the duty of the Secretary for India and the Government to take their own decision on their own responsibility, and to propose to Parliament such measures as they had resolved to adopt. The papers which had been laid on the table showed that the Secretary of State had given the Council sufficient opportunity of placing on record their views on this subject, in order to enable him to form a judgment of his own. The right hon. Gentleman was, undoubtedly, bound to act on his own responsibility, and would not have been permitted to avoid that responsibility by interposing the Council between himself and Parliament. The Minute of the Committee which had been laid on the table, and which was based on a voluminous blue-book containing the opinions of the most experienced officers not only in the late Company's army but also in the service of the Crown, put the subject in the most concise and explicit form. With such a mass of information already before them, he saw no necessity for prolonging the investigation. The Secretary of State had been found fault with because he had not submitted to the House a scheme for the re-organization and management of the Indian army in all its details. But the fact was that the Indian army had been constructed entirely by the authority of the executive Government step by step, according to the circumstances of the times, and Parliament had had little or nothing to do with the matter. The right hon. Gentleman had pursued the proper course in asking Parliament to undo only what it had already done—namely, to repeal an Act which was passed last Session, and which was no longer applicable to the circumstances of the case. The right hon. Gentleman had displayed great prudence in not attempting a complete and detailed reconstruction of the Indian army, but in leaving the changes which might be required to be worked out gradually by the executive Government. The Secretary for India was going to reconstruct the Indian army in the same manner as it was constructed before—namely, by the action of the Executive Government extended over a long term of years. In accomplishing this there was no reason to believe that Her Majesty's Government would not pay

the same respect to the vested interests of officers as the Court of Directors of the East India Company would have done. Much of the argument against the measure was based on the presumption that the Crown was bent on doing injustice to the Officers of the Indian army; but all the changes proposed might, and no doubt would, be effected without injury to the position of those officers. It was, however, a mistake to suppose that there was any guarantee given for maintaining things as they were by the Act of Parliament which put an end to the power of the Company, because the Court of Directors themselves always retained in their hands the power of making any orders respecting the officers of the army in India as well as the disposition of that army, and the Secretary of State in Council was invested with the same power. Without stating all the details of the proposed changes he thought it was sufficient that the Government gave a general pledge not to put an end to the rights and privileges of the officers. Those who chose to remain in India would have the option of doing so, and would have the same benefits as if the old system had continued in force. It was much to be regretted that foreign topics had been intruded into the debate. No one wanted to exalt the Imperial army, or to decry either the Native or the local European army in India. It was only when one force was said to be the perfection of military organization that the question was obliged to be asked: How comes it that one part of a force so excellent has exploded in a most terrible mutiny, and another part has dissolved in what he must term a most mutinous disaffection? If any one studied the papers they would find that, instead of the men putting forth their claims temperately, they proceeded in such a manner that the Government was led to the conclusion that the men had formed their opinion, and that it had resolved to take their own course though they were shown to be in the wrong. The soldiers of the European force, by the negligence of the officers of the Indian Government, were not given a copy of the oath which they had taken, and which would have made them aware that they owed equal allegiance to the Crown as they did to the East India Company.

Notice taken, that Forty Members were not present. House counted, and Forty Members being present—

MR. AYRTON resumed:—When the local troops, on the transfer of the Government from the Company to the Queen, looked to the papers supplied to them, they could not find the solemn oath they had taken to serve the Queen, and they set up a claim that, in consequence of the change of Government, they were entitled to their discharge, and to receive a bounty upon re-enlistment. There was, however, a well known distinction in military law, that if a man enlisted to serve in a particular regiment or place, the condition of that service could not be changed without re-enlistment: but in the present case, whether the East India Company administered the affairs of India as trustees for the Crown, or whether the Crown itself administered the affairs of India in its own name, could not give the men a claim to re-enlistment after the oath they had taken, their conditions of service remaining unchanged. No one had desired to charge the local European army with discipline; but when exaggerated pretensions were set up, and its discipline was said to be equal, if not superior, to that of the Queen's army, it became necessary to state that the discipline of the Company's European force was not of the highest character. He held in his hand, for example, a report by one of the Company's officers upon the punishment and treatment of offenders in one of the local regiments. A private was charged with being asleep on duty. He was forgiven. Another man was charged with being three times drunk on duty within four months. Upon each occasion he was forgiven. These were serious military offences, and the punishment exhibited a lax state of discipline, which, when the local army was crossed and thwarted, manifested itself in acts of sedition, if not in absolute mutiny against the Government of India. The argument of the under Secretary of State with regard to the qualifications of officers of the Queen's army appeared to him to be greatly mistaken. It was an answer to the only argument of any weight against the change proposed, and was therefore deserving of attention. When they were removed at their own request from the Queen's army, they would be allowed to continue as local officers, and to discharge local duties as long as they remained on the Staff of the Indian army. The same conditions that now existed would therefore be in force, and would provide a body of British officers devoted

to local objects. What reason could there be for maintaining that British officers would be more willing to quit posts of adequate remuneration under the new system than under the old? The only difference would be that the Government would have a larger area of selection, and the probability therefore was that they would have a better body of officers at their command. It would be safe to assume that the change would operate without injury to the public service in India, since there would be just as great an opportunity for officers to undertake a local duty, and obtain the same amount of remuneration and distinction as the Company's officers at present enjoyed. It was also said that there would be an insuperable desire on the part of officers of the Queen's army to return to this country, and this argument, which was to some extent adopted by Lord Canning, was, if well-founded, no doubt adverse to the change. The short answer to that was, that officers would remain or come back just as expectations were held out of advantage to themselves. When an officer had obtained for himself the reputation of having a knowledge of local affairs his own interest would keep him where he could gain distinction instead of coming to England to begin life again with new competitors. The Governor General said he had conversed with officers lately on this subject, and found among them a great indisposition to remain in India. But he had not sufficiently considered that the officers with whom he conversed were hurried out to India under the old system, to suppress the mutiny, and had no intention of remaining there. They were, no doubt, men much devoted to the Queen's service, and had no desire to change their condition by accepting permanent employment in India. But this state of mind was quite inapplicable to officers who had fitted themselves for civil employment in India. The noble Lord the Member for King's Lynn (Lord Stanley) said, the local officers of the Native army who quitted the army and remained attached to the Staff as civil officers would not be respected unless they were identified with a large body of local European officers; but if they were respected because of their connection with the local European officers, would they not be still more respected if they were connected with the still more numerous and more important body of officers who commanded the army of the Queen? In point of fact—setting aside the interest of senior officers and individuals—the proposed change would greatly conduce to raise the character and position of the officers who obtained local employment, while it would add to the respect in which they were held; and it was very much on that ground that he desired to see the present measure passed. Nothing would so much tend to divest the Secretary of State for India of all prejudices with regard to the class of officers appointed to serve in India, as the fact that all belonged to one grand army. He believed that the only opponents of this measure in India were those who had got a certain position under the present system; but he did not hesitate to say that if the question of comparative merit were raised, many of them would be found not entitled personally to the positions which they held. ["No, no!"] Perhaps the Gentlemen who cried "No, no!" thought that all the officers in India were selected according to merit; but he could tell them that there had been just as many influences at work in the administration of affairs in India as in this country. There were connections and classes who considered India as their freehold in regard to appointments, and persons were not always placed in positions of importance on account of merit alone. By a system of seniority on the one hand, officers were placed in command of regiments without reference to merit, and by a system of selection on the other, persons were placed in positions for which they were not qualified. The observations he had made with reference to officers generally applied equally to the remark that they would have no staff officers in India if this change were made. They would still have the same principle of selection, there would be not merely the same but a larger area from which to select, and, therefore, it might be presumed that the same or a better result would be arrived at. It had been said that the proposed change would give rise to collisions between the military and civil Governments in India; but how could collisions be incurred by placing the whole of the army under the control of the Governor General and the local Government? Under the new system the Commander-in-Chief would have no more power to interfere with the local army than at present, and the danger of collisions would be lessened by the circumstance that they would get quit of the present double staff, and

have only one responsible staff. If the existing system would work well with regard to the Queen's troops in India, why should it work worse when twelve or fourteen regiments were added to the Royal army? The Horse Guards was always set up as a bugbear to frighten them on this subject; but he did not believe in the power of the Horse Guards to do all the mischief that had been ascribed to it. They knew that in this country the Horse Guards was very much under the command of the Secretary for War. The Horse Guards could not increase the expenses of the army one shilling without his previous assent. And, with regard to India, the power of the Horse Guards would rather be lessened than enhanced by the proposed change, because the Secretary of State for India would be cognizant of all that took place in India with regard to the European troops, and thus the Commander-in-Chief would be placed under a double supervision, that of the Secretary for War and that also of the Secretary of State for India. Then, as to the transfer of patronage from the Indian Council to the Horse Guards, he maintained that such transfer was not the necessary result of passing this measure. That point might be determined by proper orders being given by the military authorities, and if any question should arise it would necessarily come under the consideration of that House, which could then express its opinion on the course to be adopted. Those were the main objections to the Bill; but the able speech of the noble Lord opposite (Lord Stanley) did not convince him that those objections could not be removed by adopting proper precautions. If that were so, the House must consider what would be the practical advantages of the change. Some hon. Members appeared to regard this as purely an Indian question; but that, he conceived, was an imperfect and unsatisfactory view to take. They must regard the measure as it would affect England. The pretence that India was a self-sustaining Government had long since vanished. It was not the local force that had defended our Indian empire from the attacks of other Powers; it was the British navy which protected the coasts of India, whilst our internal Power had to be sustained by the military resources of this country. He contended, then, that England should be entitled in the event of any emergency at home to withdraw troops from India for the protection of England. That was the main object of the amalgamation which was now proposed. What would be thought of France if she were to raise an army to serve in Algeria, and never to be recalled to France, whatever the danger at home might be? The case was the same with India, although it was further from the mother country. It had been suggested that we might safely rely upon the loyalty of the local force, who would not hesitate to volunteer for service at home if any great danger should threaten us; but he would ask whether it would be wise to enact that those men should serve only in India, and then rely upon the chance of their being willing to break through that arrangement in case they were required at home? Then, again, it was said that to bring home troops would be unjust towards India; but he could not see why it would be so. We might require trained veteran troops at home to cope with European armies, but younger and less experienced men would be fit for India; and again, it was not intended to take away troops from India in such a manner as to weaken our hold upon that country. If they assumed that the Government would act with common sense, as upon other matters, there was no force in that objection. He had suggested that the difficulty, if any existed, would be met by keeping a home battalion for each regiment serving in India, and for a time transferring the younger soldiers to India and bringing home the older and more experienced men. There was one last consideration that ought not to be overlooked in dealing with this question. He believed the maintenance of a local force did not conduce to the cultivation of a spirit of loyalty to the Imperial Government and the Crown. It created local feelings, prejudices, and views, which might become paramount. He thought it was necessary that every man in India should feel that he was a soldier in the service of the Queen of England. Although this change might cause some expense, yet that expense would only be commensurate with the advantages it would confer on the soldier by affording him greater facilities for exchanging the unhealthy climate of India for that of their native country. All the objections that had been raised seemed to him to be of a slight and untenable character, and therefore he hoped there would be no further obstruction to the passing of this measure, which would both increase the efficiency of the army in India and the military resources of the empire.

MR. DANBY SEYMOUR said, he was glad that the Bill had found a supporter, and one who had stated the case with great ability. For the first time in the history of this nation disloyalty had been imputed to our countrymen, at whatever distance they were from England, and it had been declared that they were not to be trusted in India. The authority of the Duke of Wellington had been most erroneously quoted as having anticipated disaffection in India, and the Secretary for War seemed to think that he contemplated such a danger as was now spoken of. But the fact was that, though in the extract read the Duke of Wellington believed it possible that officers living far away from their country might, under circumstances, be led away from their duty, he expressly declared his opinion that the British soldier, whether belonging to the Company's service or in the Queen's army, would remain firm. It was by the trust that we thus reposed in our countrymen, of whatever rank and in whatever part of the world they might be, that the Emperor Napoleon was so much astonished, and he was the only person who had ever yet imagined that it was possible that England might, by the arms of her own children, be deprived of her Eastern empire. What proofs were there that the local troops had ever indicated the slightest desire to league with the Sikhs to drive the Queen's troops from India? He challenged the right hon. Gentleman to show that the slightest ground existed for the suspicion that Englishmen serving the Indian Government would prove disloyal. As to the proposed measure, the *onus probandi* lay upon those who proposed the change, and not upon those who supported the existing local army. The fact was that our Indian army was an exceptional army, because India was an exceptional empire. The two things had grown up together, and, if one were abolished, who could say how long the other would remain? In truth, as we had given up localizing the Government of India our tenure of that country had become more and more precarious. The Secretary for India had no right to ask the House now to come to a vote on this question. In the first place, he could not refute the charge of producing garbled extracts from the papers. That had been done in Colonel Durand's case; a paper was printed and a letter of Colonel Durand, who found that two paragraphs had been extracted from it, and he was informed that that officer had sent to *The Times* the whole of his correspondence with the right hon. Gentleman on the subject. How could they tell the other papers had not been mutilated in the same way? Then, again, was it the practice for Colonel Baker, the Military Secretary, to keep papers in his office for two months when they were forwarded to him for examination? Of all the Indian papers presented this year none had been kept back so long. Another point for consideration was the mode in which the Indian Council had been treated. He understood that the right hon. Gentleman announced one day to the Council that the Cabinet had come to the determination of abolishing the local army, promising that the week afterwards the subject should be brought before the Council in the shape of an order to stop the enlisting of troops for the Company's service; but the right hon. Gentleman up to that time had never brought the subject before the Council; and so he now told the House that he could not produce the minutes of the Council upon the subject, because the Council had never discussed it. He contended that it was contrary to the letter and the spirit of the Act of 1858 that the question had never been submitted to the Council. It was intended by the Act of 1858 that the Council should transact the general business of India, and the Act even provided that in the case of a difference between the Secretary of State and the Council, if the Secretary of State did not defer to the opinion of the majority he should record his reasons for differing from them; and that the Council, on the other hand, should record their protests against his decision. It was never contemplated in 1858 that great questions of policy should be disposed of by the Secretary for India alone, and that fifteen gentlemen with salaries of £1,200 a year each should be kept to deal with ordinary business which might be transacted by a staff of clerks. The clear object, then, in view was that these gentlemen, being of great experience in Indian affairs, should be consulted by the Secretary of State on matters of importance, and that their opinions should have due weight with him. The members of the Council were prevented by the Act from sitting in Parliament, or otherwise many would be there. The House of Commons had not the advantage of their presence. They had been taken away expressly to assist the right hon. Gentleman, who now, however, would not

be assisted by them. Instead of sending for them one or two at a time into his room, the Secretary of State should have had the whole thing openly discussed in the Council Chamber, where all the arguments *pro* and *con.* might have been heard and met, and why had he done this? Because he knew that every one of them was against his scheme. As it was he thought the Bill ought to be adjourned until a full investigation had taken place. The right hon. Gentleman said that in 1858 a person must have possessed a supernatural foresight who could anticipate that the differences which had arisen with the men would result seriously. But the letters which the Government had received from Lord Clyde and others had apprized them of the difficulties to be encountered, and should have warned them not to treat the matter so lightly. General Mansfield also had written to the same effect. As regarded the cause of the complaints, the officers had done not a little to encourage them, by representing that the demands of the troops would certainly be complied with by the Home Government; and the speech of the noble Lord (Viscount Palmerston) was in itself sufficient to mislead uneducated men. When the opinion of the law officers was first taken on the subject, he believed they declared that the attestation of the East India Company's troops did not render them liable to the service of the Queen. The men, therefore, felt themselves oppressed, and mutiny was the result. What had taken place with regard to the Chinese troops, was not a parallel case. Their claim was referred home and was acceded to, and no thought of mutiny entered their minds; but did anybody believe that if the reply had been unfavourable, they would have gone contentedly to China? This Bill, by which the military government of India was transferred from Calcutta to the Horse Guards, was diametrically opposed to the maxims of the greatest authorities, who always held that India should be governed as much as possible in the country itself. Lord Dalhousie, Lord Ellenborough, and Lord Canning, all men eminently qualified to judge of Indian matters, were all opposed to its principle. That the object of the Horse Guards was to get additional power, was shown by the course of the examination before the Commission. At present the Commander-in-Chief in India had no communication whatever with the Commander-in-Chief in England; but under the terms of this Bill he would correspond officially with the Horse Guards, not alone in relation to British troops, but to the whole Native army, which was to be commanded by British officers. It became important to know on what subjects he was to correspond, and how it would be possible for the Commander-in-Chief in England to regulate the internal economy of 300,000 men abroad, and at the same time not to receive any accession of influence. The effect, he believed, would be —though perhaps contrary to the intentions of the right hon. Gentleman—to transfer the control of the whole Native army from Calcutta to London. Whether or not this was the intention of the right hon. Gentleman this would be the result, since the Native army would be officered by British officers belonging to the army under the Commander-in-Chief at the Horse Guards. Still less was he able to understand the reasoning of the Government with respect to the Staff corps. An officer appointed to the Staff was struck off the strength of his regiment; but one of the advantages of his new position was that he was able to serve in any part of the world. In the case of a war in Europe a man would naturally long to be on the spot where fighting was going on, and though he were well acquainted with the habits and language of the people, and might be on the way to become an Outram or a Lawrence, there would be nothing to localize his services, and these, in all probability, would be lost to India; he would, as the Duke of Wellington once did, insist upon joining his brethren in arms in the field. Again, if the war happened to be with Russia, and intrigues were taking place in the East, there would often be struggles between the home and the Indian Governments for an officer of remarkable ability, who was peculiarly fitted to cope with Asiatic duplicity. There would be a divided allegiance between Calcutta and the Horse Guards, and who could doubt which would prove the strongest? At home, again, the power would be severed into two departments, that of the Commander-in-Chief and that of the Secretary of State for War. The right hon. Gentleman (Sir Charles Wood) had stated that the present Bill would not trench upon the power of the Governor General in India; but it had been well said that in Eastern nations the power of the sword was immense, and those who had filled the office of Governor General seemed to be of opinion that by the Bill that means of upholding authority

would be destroyed. It was also contended that under the existing system the discipline of the local army was at a low level; but, if the test of discipline was to be supplied by the conduct of troops in the field, he could not understand how that argument could with justice be urged in favour of effecting a military revolution in India. What constituted discipline? The conduct of the men in face of the enemy; and the army which was now said to be so undisciplined that its individuality must be destroyed was the same that had been victorious at Delhi and Lucknow. Three years ago the discipline of the local army was sufficient to save an empire, but it nevertheless did not appear to have reached a standard which could satisfy the Horse Guards. The right hon. Gentleman the Secretary for India endeavoured to justify the change which he proposed on the ground of the discontent which had prevailed in that army; but the letters which he had received in the May and June of last year were quite as strong on that subject as any which seemed to have reached him since he had declared himself in favour of the maintenance of the local army in the following August. Indeed, the right hon. Gentleman had not at all condescended to tell the House what the circumstances really were which had led him within the space of ten months to be the advocate of two lines of policy in themselves perfectly inconsistent. As to the question of expense, it was at present left quite in the dark, whether the army in India when amalgamated with the Royal army would be dearer or cheaper than the local army; but there was one point of importance on which they had the means of forming an opinion—all the evidence proved that the standard of health in the local army was higher than that of the Queen's troops serving in India and the rate of mortality lower. He considered Lord Ellenborough's maxim a wise one, "to disturb as little as possible." India was not like England and could not with safety be constantly subjected to great changes. If, indeed, the right hon. Gentleman were to turn his attention to internal reforms in the affairs of India, and to seek to improve the administration of justice there, much good might be effected in that direction. But, instead of doing that, the most complete stagnation appeared to prevail in his Department until he had been roused into his present condition of unfortunate activity. He should, however, remind the House that, if they assented to the right hon. Gentleman's proposal, on them the responsibility of the mode in which it would operate would ultimately rest. We had guaranteed the rights of 6,000 officers, and one of the reasons he understood why Sir Patrick Grant acceded to the Government scheme, as stated in a suppressed despatch, was that he despaired of having justice dealt out to a local army from head-quarters. Be that as might, however, it was surely but fair that the House of Commons should endeavour to reconcile the proposed change with the fulfilment of the guarantee to which he alluded. Besides, they gave away to the Queen's army the posts which were the subject of guarantee given to those officers. If the right hon. Gentleman persevered with his Bill, of course he would be successful in the division; but he was bound to explain how far the authority of the Governor General was to extend as to the interior discipline and management of the army in India. If that was satisfactorily explained it would take away in part the objectionable character of this plan. There was another point on which the Duke of Wellington had laid great stress—how were they to keep the armies of the three Presidencies separate if they officered them all from one army? They could not long keep up the difference between these local armies after they had obliterated it in the officers in command. It was said this question should be looked at not for India, but for England. He looked at it in an Indian point of view, simply because he wished to see the course taken which would redound most to the benefit of both countries. In a case of emergency it would not be practicable to transport the troops from India to this country so as to be speedily available, for there was no analogy between the instances of England and India and France and Algeria. Algeria was only forty-eight hours sail from France. In a British point of view, he thought it better to have a local army in India. If a reserve was wanted, it should be kept in England. For these reasons he was against the Bill of the right hon. Gentleman. It had not been proved that it would be more economical. It had not been proved that the health of the European troops would be better than that of the local army in India. It had not been proved that this scheme would not injuriously affect the power of the Governor General, and he very much feared it would be found to introduce the principle of

Mr. Danby Seymour

governing India in London instead of Calcutta.

MR. GREGSON said, that as the most eminent military authorities were divided on this subject, he took the liberty, as a civilian, of offering a few remarks upon it. He had lived in India, where he acquired the highest estimate of the bravery and skill of the officers of the local army. If we were now about to take the first step towards dispensing with the Native army and the local European force, he should hesitate very much; but the work was done for us—the Native army had melted away with the mutiny, and the European force had virtually ceased to exist; and it seemed to him that the time had therefore come when we should cease to have a Royal army and a local army in India. There should be but one united army in that country. He was glad to hear that the Horse Guards was not to interfere with the authority of the Governor General. Under the proposed amalgamation of the two forces he trusted that every encouragement would be given to officers to reside in India, and acquire the Native languages. The greatest mischief had resulted from the want of a cordial understanding between the European officers and the Sepoys, from the inability of the former to speak the Native dialects. High prizes ought, therefore, to be held out to spirited young officers to learn to converse with the people of India in their own tongue. This might be done by continuing the allowances formerly granted, and by offering Staff appointments to those who qualified themselves to receive them. He believed that Sir John Lawrence and other Indian officers had given honest opinions on this subject; but they were necessarily prejudiced. No doubt the officers of the Queen's service were not wholly free from bias on this question, but he thought the preponderance of prejudice rested on the side of the local Indian officers. We had abolished what was called "the double Government," and it was equally desirable to get rid of the double army. They would thereby put an end to the jealousies which now existed between the two services. We must retain a certain proportion of Native troops, but experience had proved the inexpediency of enlisting the high caste Natives. The army in India at present was out of all proportion to the necessities of the case. He believed that a force composed of half the number of men would be quite sufficient, and that by such a reduction £10,000,000 a year might be saved to the Indian finances.

SIR FREDERIC SMITH said, that he would not have troubled the House but for the reflection made upon the discipline of the Indian army by the hon. Member for the Tower Hamlets. He trusted that the additional papers that were now asked for would be produced as early as possible, for there might be in them matters which would induce hon. Members to modify or change their opinions. The change proposed by his right hon. Friend the Secretary for India was put forward on three grounds:—First, a saving of expense; secondly, increased efficiency; thirdly, better discipline. He believed with Sir Bartle Frere that financial considerations were the most important with which we had to deal in respect of India at the present moment; but he very much doubted that the plan of his right hon. Friend (Sir Charles Wood) would conduce to economy; the evidence, indeed, was quite the other way; the force we had now in India was quite beyond the requirements of the case; and, on the whole, he thought it clear that economy would be best secured by keeping things as they now were. Then as to efficiency, what had we to complain of on that head? The efficiency of an army consisted in its being well drilled, and its being able to turn out the greatest number of men per 100 into the field at any moment. Now, in this latter respect it was quite evident from the returns on the table of the House that the local European army stood better than the Line. With regard to discipline, the hon. Member for the Tower Hamlets had said that the Indian army was in a state of complete indiscipline. He did not think the hon. Member was well informed on the matter. They could not have better judges on such a subject than Sir William Mansfield and Sir Hugh Rose, both of whom had repeatedly eulogized the Indian force in their orders of the day. It had been said by his right hon. Friend the Secretary for War that the school in which the officers of the local European force were trained was a bad one. His right hon. Friend assumed that those officers were always in the first instance placed over Native troops; and then he argued that, because those troops were docile soldiers, the officers were not, on their appointment to local European regiments, able to acquire command over men who, to use his (Mr. S. Herbert's) words, "were not so easily led, and whom it was more difficult to drive."

But the officers who exercised authority in the local European force were not taken from commands in the Native force. Cadets on their arrival in India reported themselves to the Adjutant General of the Presidency, and were then appointed either to the one force or the other; and in that force they passed the rest of their lives unless selected for Staff or Civil employments. He should be glad to know in what respect there was a want of discipline. But if it did exist, who were the cause of that state of things? Not the officers, not the men; but the Government, who persevered in that vicious system by which the best officers were taken from the regimental force and sent to Civil appointments or were placed on the Staff. That system had been strongly condemned by many able men, and, amongst others, by General Cotton. He (Sir Frederic Smith) gathered from his right hon. Friend the Secretary for India that under the new Bill officers would be taken from the Queen's service in the same manner. There could not be a greater evil or any course more likely to destroy the efficiency of the army than to give occasion for the feeling that the regimental duty could be escaped. If the system now proposed is to be carried out, he hoped that the most important point of all would never be neglected — namely, the efficiency of the regiments. In reference to the strength of the army in India, it did not appear to him that under a proper arrangement of the troops they would require 80,000 men with 200,000 Native police. The Sepoy mutiny in India was put down by only 42,000 European soldiers, though there was a large army arrayed against them. If steps were taken to produce a Native army, having a greater attachment to this country, he thought that the right hon. Gentleman would find a much smaller number than that which was proposed sufficient for all purposes in India. In his opinion, if the troops were skilfully disposed, and great care taken to have head-quarters at a suitable point, much less than 80,000 men would suffice. It should be recollected that India had a deficit of £7,000,000, and was, therefore, not in a condition to maintain a larger army than was absolutely necessary. He should wish to see the right hon. Gentleman place a map before the House, showing how he proposed to arrange these forces. If they were well arranged there was no doubt but that a smaller number of men would suffice. With regard to the jealousy of the two armies towards each other, he did not believe that such a feeling existed to any such extent as to prove injurious to the public service. He believed that the feeling existing was one rather of great mutual respect towards each other. He was anxious to know how the Native troops were to be officered, whether they were to be officered by the selection of the Crown or by the Secretary for India. He asked whether the officers to be appointed to the Native corps were to be continued with them throughout their term of service, or to be transferred at any time to the Line. He was afraid that if officers were to be permanently placed over the Native soldiers they would lose caste. He did not think that the right hon. Gentleman would obtain so many officers from the Line to fill Staff situations as he expected. He (Sir Frederic Smith) had seen officers belonging to the depôts of Chatham, Portsmouth, and other places, go out with great reluctance to India, except during the time of war. Being naturally anxious that the interests of the country should be well considered, he respectfully had made these observations; and he earnestly trusted that whatever course the right hon. Gentleman adopted it would be successful.

COLONEL SYKES said, the opponents to this Bill had been charged with something very like factious conduct for endeavouring to delay its progress until full information was laid before the House, when, in fact, if anybody could be charged with factious conduct, it was the 200 Members who rushed in at the second division and voted without ever having heard a word of the debate. During the debate on that occasion the House varied from 23 to 38 Members, and to-night, when the attempt to count out was made, it had sunk as low as 17 Members; but at the sound of the bell a host of Members, who had not heard one word of the arguments on either side, rushed in and supported the Government. That was the tyranny of numbers, and the faction of the ignorant against the informed. The arguments he had heard urged in favour of the Government Bill might be arranged under the following heads:—first, the mutiny of the European troops; second, the indiscipline of the army of India; third, the deterioration of the local army by climate; fourth, the anomaly of two armies in India; fifth, the present narrow field for the selection of officers for Government employment; sixth, the Staff not taking the field, proving the want of mili-

tary order and discipline in the local army; seventh, the jealousy existing between the two armies; eighth, the inability to raise the necessary number of European regiments in case this Bill should not pass, and finally the array of eminent men in favour of the proposition of the Government. The right hon. Gentleman (Sir Charles Wood) stated that he had lost all confidence in the local army, and that their trustworthiness was gone; and that was the reason for his change of opinions: but what were the facts. The so-called mutiny occurred three months before the right hon. Gentleman passed his Bill for increasing the local European troops in India from 20,000 to 30,000, and he was aware of what had occurred. He could not then have thought the troops untrustworthy, or he would not have passed his Bill; why therefore the present change? Another argument was that the Government passed that Bill because the preceding Government had raised the number of European troops beyond the legal number authorized by Parliament; but he found from a Return presented to the House that in August last there were 3,156 cavalry, which had been sent out to replace the ten Native regiments disbanded. Those were mere boys, and it was the indiscipline of some of them that caused alarm. There were likewise 7,102 artillery and 9,846 infantry, making a total of 20,104 men. At the same time there were 2,000 men at the depôts; consequently, there were less by nearly 2,000 men than the Act of Parliament authorized. Therefore that argument of the right hon. Gentleman that the Bill was passed to legalize an Act of the preceding Government was not supported by the fact. Then as to the next head of objection, the indiscipline of the army. All he could say in regard to that charge was, that in every action they took part in, they had sufficient discipline to beat the enemy. Sir Henry Somerset, Commander-in-Chief of the Bombay army, Sir George Pollock, and many other eminent men in India, testified warmly to their merits. The testimony of the celebrated Havelock, with reference to the discipline and valour of these European regiments, was conclusive. Speaking of the Madras Fusiliers, or "the blue caps," as they were called, which regiment had been 100 years in India, and which some people thought might have become deteriorated equally in courage and *physique*, he said—"I owe the blue caps thanks—they owe me nothing. If I may select and praise any regiments without being invidious, I should say that they and the Highlanders are the most gallant troops in my little force." But indiscipline, it would seem, was not confined to local regiments, for recent accounts from India went to show that courts-martial were proceeding in some regiments of the Line at a great rate, and that in one regiment alone there were 53 in one year. It was asserted that the *physique* as well as the *morale* of the regiments that had been long in India was deteriorated. The Secretary for War, however, had testified from Official Returns that the health of the local troops was superior to that of the regiments which had only been a short time in India. To show the frightful mortality which was experienced by European troops before they were acclimatized, he would give the House one single example. Out of 99 recruits received by an artillery regiment at Dum Dum, in Bengal, 21 died within three months after their arrival; 33 within the next three months; 7 within the next three months; 6 within the next three months; and in all 67 out of the 99 within the first twelve months. That was the consequence of pouring fresh European blood into India, instead of keeping on the men who had been acclimatized and had adapted themselves to the country. The usual loss was from 7 to 10 per cent the first year; about 7 per cent for the next three or four years; and then about 5 per cent for the succeeding six years. The House might, therefore, think what would be the consequence of relieving 8,000 men every year as was proposed. But that was not all. One of the great advantages arising out of the system that now existed, in connection with permanent residence, would be entirely done away with by the plan proposed—of having new regiments annually sent to India and exposed to all the dangers of climate. When they first landed in India, everything was new to these troops—the country, the black faces, the heat, and the habits of the people, and, following a European to-be-deprecated practice, they called the Natives "niggers," and treated them as such; but consequent upon permanent residence, their prejudices gradually wore away; they looked upon the Natives as comrades, and a fraternization sprang up between them. Here was the advantage of what he had alluded to. We could not keep India except through the goodwill of the people, and that was only to be won by kindness on the part of Euro-

peans. The number of the Europeans was a mere handful to the millions of India, and would always be insufficient to maintain our authority with permanent hostility between the races. We could not safely legislate upon a class system, and it was because he thought this measure would be most disastrous in its ultimate results, and to our future security in India, that he opposed the Bill. The fourth anomaly alluded to was the having at one and the same time an army of the Queen and a local army in India. It was an anomaly, however, that had existed for three-quarters of a century, and without inconvenience. At first the local troops had always predominated, but gradually the troops of the Line increased, and of late years the proportions were about two-fifths of the local to three-fifths of the Line, and if the system has been found successful, why alter or disturb it? Did not the same anomaly exist in the army in England, where there was the Line and the Marines? The next argument was, that the local army offered a very narrow field for the selection of officers for staff and other employments in the public service; but the change now proposed could not make any alteration in that respect for officers of the Line at present were equally eligible for staff or other employment if qualified with those of the local army. The field of selection therefore would remain the same as before. Another argument in favour of the present Bill was founded upon the statement that the officers of the Indian army shirked their duty in the field, preferring to remain on staff appointments. This was a most unjustifiable assertion, and contrary to all experience. The fact was that the Government had laid down the rule that certain appointments could not be filled by acting officers, and therefore, if those who held them did not accompany their regiments into the field, the fault was to be attributed to those who framed the regulation in question. In his own regiment the officers brought an officer to trial because there was a semblance only of his shirking his duty in the field. Sir George Pollock had expressed his indignation at the accusation which had been made against the military ardour and soldierly zeal of the officers of the Indian army, and had stated that when he commanded in Affghanistan there were only two officers on the Staff absent out of his entire force. Sir Hugh Rose mentioned the case of an officer on the Staff who did not accompany his regiment, but it was found upon inquiry that it was owing to an interdict of the Government; he was a divisional paymaster, and not permitted to go; but there was no doubt that if the Commander-in-Chief had addressed the Government on the subject the Government would not have refused. There were certain rules laid down by the authorities for officers on detached employ taking the field with their regiments, and if they were not enforced it was the fault of the Commander-in-Chief. Again, it was said that jealousies existed between the two services in India. Such might have been the case formerly, when local officers had no rank westward of the Cape of Good Hope; but the Queen's Order of 1855, obtained at the instance of the present Lord Lyveden by giving Indian officers rank with the Royal officers all over the world, removed all ground for jealousy, and it did not now exist. He did not agree with the Secretary for War in thinking that the continuance of a local army would injure the Queen's army by absorbing recruits. Why should it do so for the future more than it hitherto had done? He would undertake to supply a complement of 30,000 men without drawing from the Royal army. He considered 30,000 men a sufficient force of local European troops; indeed, 20,000 would suffice. It was said that the local troops were not trustworthy, because they had mutinied. How was it, then, when a portion of these troops came back to England, the men who were described as not being trustworthy, were actually enlisted by recruiting sergeants into the Queen's army. They conceived they had rights which they were justified in asserting, and the Government by the course they had taken had admitted the justice of their claims. With respect to the effect of amalgamation on the interests of the officers of the local force notwithstanding the guarantees, it must be prejudicial; an Act of Parliament guaranteed to the officers of the Indian army certain rights and privileges; it guaranteed their pay and pensions, seniority promotion, and the orphans' and widows' funds. Supposing the armies to be amalgamated, and vacancies to occur in the Indian regiments, the officers who went in would not be entitled to the same privileges as the other officers, as they would be on the footing of the Line, and thus in the same regiment there would be different rights and privileges. Amalgamation, under these circumstances, seemed

Colonel Sykes

impracticable. He was amazed when he heard the Secretary for War state that all officers of the Indian army below the rank of captain were for amalgamation. He had had some experience of the Indian army, and he would venture to say that scarcely one officer in one hundred had expressed that desire which the right hon. Gentlemen described as being the desire of all under the rank of captain. He had received letters stating that the writers had read the observation with surprise, and one of them suggested that the assertion must have been founded on the expressions of boys who had gone out within the last few years, and who desired to get home again to their friends. Under the proposed arrangement he believed that a conflict of authority between the home and local Governments would be apt to arise—that is, between the Secretary for India and the Governor General on the one side, and the Secretary for War and the Home Commander-in-Chief on the other. There was no guarantee that former abuses in appointments to the Staff would not be multiplied, and the filling up the vacancies in the body of 4,982 officers of the local army, would throw a serious amount of patronage into the hands of the Horse Guards authorities. The only way in which that evil could be prevented would be to confer certain powers of appointment on the Governor General, and to define very clearly in the Bill the limits of the authority of the Secretary for War and the Horse Guards. The gallant General who sat on the Commission had remarked that, as a rule, all the officers of the Line were for, and all the officers of the Indian army against this Bill. That told very strongly against the measure. All who had experience of Indian service, who understood the European character in India and the habits and prejudices of the Natives, were averse to the amalgamation of the two forces, while the advocates of the change consisted of those who had been in India for but a very short time, or not at all. It was knowledge on the one hand against ignorance on the other. He would vote against the Bill, and hoped his right hon. Friend in the interests of India would not persevere with it.

MAJOR WINDSOR PARKER said, that he must be pardoned for saying that the right hon. Gentleman had fallen into great errors in his statements with regard to the Indian army. The right hon. Gentleman had urged it as an argument in favour of amalgamation that it would render the Indian forces more available than they had hitherto been for service in different parts of our dominions. Was it necessary for him to tell the right hon. Gentleman that from the earliest period of history the armies of India had rendered most important services to the Sovereign in other parts of the world besides India? Had the right hon. Gentleman never heard of its services in Java, or the Mauritius, or of the expedition up the Red Sea to Egypt to assist the expedition under General Abercrombie? He knew of no occasion when the Indian army did not display the utmost zeal and alacrity in coming forward in defence of British interests, no matter in what quarter of the world. The hon. Member for Aberdeen (Colonel Sykes) had spoken of himself as the only Sepoy officer in the House; but he begged to say that he himself had served for sixteen or seventeen years in the Native army of India. He had acted as adjutant and as interpreter; he was well acquainted with the feelings of the people of India, and he thought that the amount of troops necessary for that country had been much exaggerated. He believed that by mixing the various castes of Natives together in single regiments, together with a greater degree of care and vigilance on the part of the European officers, a Native force might be kept in such a state of discipline and efficiency as would render necessary a comparatively small number of European troops. The European force should not be dispersed and broken up in numerous and unhealthy positions; but should be kept massed together in well-chosen and salubrious localities. He wished further to say in support of the union of the two armies, that he had had the pleasure of meeting many distinguished Queen's officers. He might mention Colonel Gardner, who commanded a troop of local horse in Bengal; Colonel Fisher, who did the same, and unfortunately lost his life in the massacre of European officers. There was also M'Cann, of the Lancers, who was an excellent linguist. He had risen to offer these few remarks to the House, principally actuated by a desire to disclaim the statement made by the hon. Chairman of the late Board of Directors to the effect that there was not a Sepoy officer in the House but himself.

COLONEL NORTH wished to know how the statements which had been made as to the high discipline of the European portion of the Indian army could be reconciled with

the remarks contained in the despatch of Lord Canning which had recently been laid on the table. The noble Lord wrote as follows :—

"I would, if necessary, sacrifice something even of perfection of discipline. The European troops of the East India Company's army were much below those of the Line in this respect, and probably it would not have been possible to keep them up to the mark of their brother soldiers trained in England; but neither officers nor men had fair play. It appears that these troops, forming as they did a very small fraction of the Indian army, had been until lately almost overlooked by their successive Commanders-in-chief. Upon no other supposition can I account for the fact that there did not exist for the Bengal European regiments any code of instructions or regulations teaching the officers the first elements of their duty."

The noble Lord went on to say,—

"I know of no mode of effectually or speedily training the local European troops to the required degree of efficiency which is more likely to be successful than that of obtaining for a time from the Line regiments, whether serving in India or elsewhere, the assistance of officers of experience. No doubt this measure will be, to a certain extent, distasteful to the officers of Her Majesty's Indian forces, and not without some unpleasantness to the officers of the Line selected for the purpose."

Anything more degrading than such a course would be considered by officers of the Royal army, if applied to them, he could not conceive, and he could not understand how the officers of the Indian force could submit to such a degradation. Lord Canning added,—

"I am aware that it is the opinion of many high authorities that the maintenance of perfect discipline will be difficult if two distinct English armies are preserved in India, and that the complete order and economy of regiments is greatly promoted by their return, from time to time, to home service. I do not contend that, if judged mainly with reference to soldierly efficiency, the question would be decided more satisfactorily by substituting one army for two."

Surely, however, soldierly efficiency was the great thing to be looked to in the constitution of an army. Suppose that in some garrison town there were stationed a local European force and a force of Queen's troops, and that something like mutiny had broken out. Would it be pretended that the Queen's soldier must be punished, but that the offence of the Company's soldier was not to be looked upon in the same light? He admitted that the conduct of these local troops came as near mutiny as was possible; but there had also been the greatest mismanagement. The mere fact that when the case was sent home for the opinion of the Home Government a lawyer's opinion was sent back was quite sufficient to cause a mutiny. He had no doubt that if the matter had been explained to the men on parade, as would have been done in the Queen's service, the mutiny would not have happened. The most painful thing in the matter was that there was not a single non-commissioned officer, from the serjeant-major to the lance-corporal, who acquainted his officer with the mutiny that was going on. There could be no doubt of the gallantry of the Indian army, but there was a great difference between gallantry and discipline. Not numbers or drill, but discipline, marked the soldier. The efficient soldier was the disciplined soldier on whom a thorough dependence could be placed.

SIR CHARLES WOOD: Sir, I presume that, although the adjournment of the debate has been moved, yet as every speaker has treated the question as if it were a continuation of the debate on the second reading, I may also be justified in so treating it, and that under these circumstances I hope I may be permitted to bring the debate to a termination. Sir, my hon. Friend the Member for Poole has said that there is one sufficient reason for not proceeding with the second reading of the Bill, and that is, that I have kept back some papers which a week ago I was accused of suppressing. [Mr. HORSMAN: Hear!] Whether these papers were printed as soon as they should have been is another matter; and whether the delay occurred through the fault of the printer, or that of the Military Secretary to the Indian Department, is an affair with which I have nothing to do. Very high testimony has been borne to the character of that officer, which I can entirely and strongly confirm. I certainly heard that duplicates of these papers had been lying in the India office, and in the hands of some members of the Council, but I had not seen them, nor was I aware that the printing of them was not being proceeded with as fast as possible. Although, however, these papers have afforded some occasion for discussion, I do not think they would have advanced the case of those who have opposed this Bill; on the contrary, I think they would have confirmed the statements I made, in the speech I made on introducing this Bill to the House. The hon. and gallant Member for Westminster has taunted me with having given a military opinion. Sir, I never gave a military opinion. I quoted the opinions of Lord Clyde and Sir William Mansfield, who were as well entitled to

form a military opinion upon what was passing under their eyes as the hon. and gallant Member for Westminster. What do these papers prove? They prove exactly what I stated—namely, that Lord Clyde took a very different view of the mutiny of the European troops in the summer and autumn of last year from what he had originally entertained, and that he thought it a much graver question. These papers prove that in November he did not think very much of the matter, but that when later in the spring on the final announcement of the intention of the Home Government of India, the mutiny took place, and still more so as the proceedings went on he considered it decisive against the maintenance of a local army. It is clear also from the dates of many of the letters that much of the information upon which the Government came to their conclusion did not reach us until October, November, and December. An hon. Member, who says that the change in my opinions simply arose from the mutiny, misunderstood what I said. I stated several reasons why I had come to a different conclusion from that which I held in the summer of last year. One of those reasons did not occur until late—namely, the melting away of the local army. Mr. Hammack's Report was not made till November. I said, that in the first instance, I was unwilling to depart from the decision of the late Government. The hon. Member for the Tower Hamlets has charged me with having bound myself to that decision without sufficient consideration. If I am guilty of any charge, it is that to which I should be most disposed to plead guilty. Sir William Mansfield and Sir Patrick Grant are military officers of high character, and who were on the spot, and their opinions were changed by what occurred in the spring and summer, and the same change has been made in other men's minds too by this occurrence. My right hon. Friend the Secretary of State for War stated the other night for himself that which I can state for myself, that it was only after great doubt and hesitation that I slowly and gradually came to think that the course which I now propose is the right and safe course to adopt. I never complained of the variety of opinions expressed by hon. Members who oppose this Bill. When I have hesitated so long myself, I have certainly no right to complain of those who have been still longer in coming to the same decision; I have, however, not heard anything during this debate to shake the opinion I have formed. I will very shortly recapitulate the circumstances that have occurred. The decision of the late Government was to maintain two-fifths of the *minimum* European force in India. This, however, did not satisfy the advocates for the maintenance of the local army. Lord Canning recommends 80,000 as the present force of India. The Political and Military Committee of the Council of India recommend 78,000 or 79,000. Several requisitions have been made by the different Presidencies during the last few months, the *maximum* being 95,000, and the *minimum* 79,000. The hon. Gentleman is not, therefore, entitled, I think, to throw discredit upon the calculation that 80,000 is about the number which, as recommended by the Commissioners on the Organization of the Indian Army, ought in future to be maintained in India. I join in the hope expressed by my hon. Friend, that this number may hereafter be reduced; but we have at present the high authority of the Governor General, the Military Committee of the Indian Council, and the Commander-in-Chief at every Presidency, that not less than 79,000 European troops ought to be maintained in India. The Bill I introduced last summer for covering what had been done during the late Government in increasing the local army beyond its legal limits has been quoted as a proof that I then intended to increase the Indian army. But in introducing that Bill I stated the reasons why I moved it, and I said that I was not thereby to be considered as pledged in respect to the re-organization of the Indian army. I stated distinctly that that Bill was not to be considered as in any way prejudging the question of the re-organization of the Indian army. I have a very few words to say with reference to the alleged garbling of papers. A number of letters were received in the autumn bearing on this question. I felt myself justified in having them printed confidentially, for the use of the Cabinet and the Indian Council, and memoranda founded on them were drawn up by three of the members of the Military Committee of the Council, also for the use of the Cabinet and the Council. Up to the time when the hon. Member for Aberdeen moved for the production of these papers I was not aware that they were known to any but those to whom I had directed them to be sent, and I still regarded them as confidential papers. I told

my hon. Friend that they were so, and could not be produced to the House; but in conversation with some of my colleagues at the India House I found that there was a wish on their part for the production of the memoranda. It was obviously impossible to produce the memoranda without the documents, to which they were an answer, I wrote therefore to Lord Elphinstone, and letters were addressed to Lord Clyde and Sir William Mansfield to obtain their authority to give publicity to extracts from their letters, and as soon as I received an answer by telegraph, authorizing me to do so, I announced to my hon. Friend my intention to produce all the papers. The House will see that before this I had no authority to publish the letters on which the memoranda were grounded. I had then to look over the papers for publication. Amongst the letters printed confidentially for the use of the Cabinet and the Council of India (as the memoranda originally were), were some that I had no authority to publish, and I therefore omitted them from the papers given to Parliament. In Colonel Durand's memorandum there were two paragraphs, which were mainly in reference to one of these confidential letters, and contained an extract from it. I thought them also calculated to give offence, which I was anxious to avoid. I pointed out these two objections to Colonel Durand, and stated my opinion that the two paragraphs should be omitted. He expressed his unwillingness to withdraw anything which he had written, but added that the responsibility rested with me. I certainly understood him to state no other objection on his part; but I certainly could not place on the table a paragraph containing a quotation from a letter which I had no authority to publish. I should have been guilty of most improper conduct if I had published either the letters or paragraphs with an extract from them, without the authority of the writer. This, Sir, is the garbling of which I have been accused. These papers came late in the autumn, and they were carefully considered by the Cabinet, and led us gradually to the conclusion at which we have arrived. Considerable stress has been laid on the circumstance that I did not consult the Council, and that I have not produced the document in which they protested against this measure. It is true that I did not consult my Council collectively on the subject, but I communicated fully and freely with the members of it individually, and gladly heard the opinions they had to express.

Sir Charles Wood

An hon. Gentleman had said that, according to the Act, I was bound to consult the Council, and that, when consulted, they had a right to enter a protest if they did not agree with me. I think, however, that on a close inspection of the Act it will be seen that there is no ground for this interpretation. This is an important point, on which Gentlemen may very fairly have very different opinions, for in practice there is nothing to guide us. The House must remember that the creation of a Secretary of State with a Council is a novelty in this country. The Secretary of State for India is put over a Council many of whom were members of the old Court of Directors, so that, with the best intentions on both sides, it might be expected that occasionally a difference of views would exist. The Secretary of State, however, is the supreme authority, and must decide for himself in all such cases. The matter was fairly and frankly discussed among us. I apprehend the state of the case is this, that what a Secretary of State for the Colonies may do by himself, the Secretary of State for India must do with the Council. No executive act can I do except after communication with the Council. I may overrule them, but I must consult them. This, however, I think only applies to duties of the Secretary of State as an executive or departmental officer. If the majority of the Council decide upon any point, the minority may dissent and record their dissent. The Secretary of State may overrule the whole of the Council, and the same power of recording dissent, or opinions would arise, but to enable them to record their dissent there must be a question proposed and decided by the Council. The 23rd Clause runs thus—

"In case of any difference of opinion on any question decided at any meeting, the Secretary of State may require that his opinion and the reasons for the same be entered in the Minutes of the proceedings, and any member of the Council who may have been present at the meeting may require that his opinions and any reasons for the same that he may have stated at the meeting be entered in like manner."

That is, I say that there must be a meeting of the Council, at which a question is proposed and decided, to enable the Secretary of State or any member to record their opinion. In this case the question had been decided by the Cabinet that we should introduce a Bill for the reorganization of the Indian army. It was not a question to be decided by the Council, nor was it one in which the Secretary of State could act

by himself. The late Government did come to an opinion upon this question of the Indian army, and announced that they had done so. My noble Friend did not consult his Council, and I think he was right. In like manner I did not consult the Council in an official way, so as to enable them to record their dissent to the plan. They were not entitled to be consulted, for no question could be brought before the Council for their decision until the Government had determined what should be done. I felt, however, anxious to afford them the earliest opportunity of recording their opinions, and the Cabinet having decided on the 16th of May that a Bill should be introduced for the purpose of putting an end to the Indian army, I on the 17th of May stated the fact to the Council, and said, "Many of you may wish to record your opinions upon this question, and, therefore, I propose to write a letter to the Horse Guards to stop recruiting, some of you may dissent, and although I may overrule your opinion, it will enable any member of the Council who likes it to record his dissent." That brought the case within the 23rd Clause of the Act, and would give them the first legitimate opportunity of recording their opinions. They did not avail themselves of any offer, and so matters remained till the last Council day, when some papers were placed on the table. The heading of one of them was reasons against the determination of Her Majesty's Government, &c. I did not conceive that the Council could record its opinion against a decision of the Queen's Government, and I did not formally receive the papers. When I was asked this evening to produce these protests I postponed my answer in order that I might have this opportunity of explanation. The members of the Council did not avail themselves of my offer on the 17th of May, many saying it was too late, and that they should have been consulted before; but, as they did not avail themselves of the opportunity I offered them, I did not think it necessary to force it upon them. About a week afterwards I heard that there was a desire that the same opportunity should be given, and I said I was willing to do so, but I have heard no more of it since then. On Thursday several papers were put into my hands—protests, resolutions, and memoranda, some referring to the scheme of the army, some against their not having been consulted. I said, "I cannot say what I shall do with them, but I will take the opinion of my colleagues." I laid them before the Cabinet, and we all agreed, upon what we believed to be the construction of the Act, that these documents could not be received in their present shape; but if put into proper shape they may be received as protests against any act of mine as Secretary of State. I will give the Council the same opportunity as I before offered. These points have been urged so strongly, that in justice to myself I have felt bound to state fully the reasons why I do not think it would be right to produce these documents. The late Government did not consult the Council, neither have we. I have followed the course which the noble Lord who so ably preceded me in office pursued. Let it not be said, then, that there has been any attempt to suppress or conceal those papers. There is one other point I must notice. I have been taunted with bringing on a short Bill, but I am surprised at that charge. The commissions of Indian officers, and all questions of pay, purchase, and promotion, are settled not by an Act of Parliament but by the Indian Government, and all the details of any arrangements are not, and could not, be introduced into the Bill. But I thought it right and necessary to take the opinion of the House of Commons upon the subject—before taking any step whatever—to make them share the responsibility of this measure and become parties to the proceedings of the Government — and therefore I introduced this Bill. The same result, however, might, if the majority of my council had agreed with me, have been attained without coming to Parliament, and under those circumstances, the only object being to obtain the concurrence of Parliament, I thought the shorter the Bill to which that assent was obtained the better. It would have been impossible to introduce all the details of promotion and exchange into an Act of Parliament. The general principle of the alteration proposed by the Government is a simple one—namely, that there should be no local European army; that the European force in India should be part of the Queen's general army; that a Staff corps should be formed partly from the present Indian officers and partly from the Line officers, and that ultimately all the Native regiments should be officered from the Staff corps. That general scheme is the one to which we ask the assent of the House, and I think the bare statement of the plan answers the objection that under the new system there would be any differ-

ence of grades, and that one officer will be looked down upon by others. How that can be, when all the officers are taken from the same source, I do not know, and so far from there being any such difference, it seems to me that now for the first time there will be perfect equality of feeling between all classes of officers. With regard to the question of expense, what I stated was put in the shortest possible form. Assuming 80,000 for the number of European troops, Mr. Hammack states the additional expense of troops of the Line. Now, if for two-fifths of that force you substitute local troops, the saving will be two-fifths of that additional expense, in round numbers, £184,000. I stated, therefore, that the increased cost of substituting Queen's troops for a local force, to the extent of the two-fifths as proposed by the late Government, would be under £200,000, though I do not at all believe that any such cost will be incurred, I said that if the measure be a right one, and if the efficiency of the army will be greatly promoted by the change, a matter of £200,000 ought not to be allowed to stand in the way of such a change. With regard to the supply of officers, I believe there will be an adequate number from the Line, but there will be ample time and opportunity of trying the question. For some time the officers of the local Indian army must of necessity fill the greater part of the Staff appointments. So far there are more candidates from the Line than there are vacancies to be filled. But at present there are not in Bengal officers enough for the Staff appointments and the regular regiments. That deficiency may be supplied to some extent by the cadets, of whom there are upwards of 200 to go out; but the ultimate result of the system as to whether the Line officers come in or not can only be tested by experience. If those officers do not come in, of course other means must be taken. The hon. Member (Mr. H. Seymour) stated that the Duke of Wellington did not entertain the opinion attributed to him on this question; I will not again trouble the House by reading the words of the Duke of Wellington, but the extract which was read from his despatches, corroborated by the extract read by my right hon. Friend (Mr. Herbert), showed the Duke to be completely of opinion that the army in India should be a portion of the Queen's army. Lord Cornwallis, also, five years after he first went out to India, and with that full experience of India, prepared a detailed plan for the amalgamation of the two forces; but owing to the rejection of the scheme, I believe, in the Court of Proprietors, it was never carried into execution. None of the arguments which I have heard in the course of this debate have shaken my opinion on the merits of this question. I think it especially desirable that we should have no delay, at all events beyond that which is absolutely necessary for the fair discussion of the subject. All the Indian authorities have urged that it is imperative to lose as little time as possible in the settlement of the question. If the measure be carried by an overwhelming majority in this House, the effect will be good and satisfactory in India; but, at any rate, do not lose time in coming to some conclusion or other; do not hesitate to legislate merely for the sake of delay.

MR. A. MILLS (who rose amid loud cries for a division) said, his object in the opposition he had given to the Bill was not to delay legislation, or to imperil our Indian Empire. The right hon. Gentleman had now promised that the protest of the Indian Council should be laid on the table; and, as his only object in the conflict of opinion which existed on this subject had been that the House should have the advantage of possessing the views taken by those Gentlemen, he could not give his support to a Motion which merely sought delay.

SIR CHARLES WOOD: What I said was, that I would give the Council the opportunity which I offered them on the 17th of May of recording their dissent, and they choose to avail themselves of it, then I shall not have the slightest objection to the production of the documents. My hon. Friend says I promised to produce the papers; that is quite another matter, for I cannot say whether they will avail themselves of the opportunity. Do not let me be again accused of a breach of faith. I cannot produce the papers unless they put me in a position to do so.

MR. A. MILLS said, his object in the opposition he had given to the Bill was not to delay legislation, or to imperil our Indian Empire. His opinion of the Bill remained unchanged; but as the right hon. Gentleman had now promised that the protest of the Indian Council should be laid on the table; and, as his only object in the conflict of opinion which existed on this subject had been that the House should have the advantage of possessing the views

taken by those Gentlemen, he could not give his support to a Motion which merely sought delay. He would therefore join in the suggestion that the Motion for the adjournment of the debate should be withdrawn.

SIR CHARLES WOOD: What I said was that I would give the Council the opportunity which I gave them on the 17th of February of recording their dissent, and if they chose to avail themselves of it then I had not the slightest objection to the production of the documents. My hon. Friend says I promised to produce the papers; that is quite another matter, for I cannot say whether they will avail themselves of the opportunity. Do not let me be again accused of a breach of faith. I cannot produce the papers unless they put me in a position to do so.

MR. HORSMAN hoped that his hon. Friend, after the explanation which had just been afforded, would not press his Motion for the Adjournment. He assumed, of course, that in case the Council availed themselves of the opportunity afforded them, and recorded their dissent, the right hon. Gentleman in laying that expression of opinion on the table of the House would allow time for it to be considered before proceeding with the next stage of the Bill. [*Cries of* "Withdraw."]

MR. SPEAKER: Unless the hon. Member for Westminster is present the Motion for Adjournment cannot be withdrawn.

Question put, and *negatived.*

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 282; Noes 53; Majority 229.

Main Question put, and *agreed to.*

Bill read 2°, and committed for *Thursday*, 12th July.

SUPPLY.—REPORT.

Resolutions *reported.*

SIR HENRY WILLOUGHBY called attention to the fact that the Estimates for the Revenue Departments, the Customs and Inland Revenue especially, were always placed higher than was necessary. For example, for some years past the House had been called upon to vote £220,000 a year more than was expended, showing that the Estimates were very loosely framed. He asked the Chancellor of the Exchequer whether the discrepancy could be explained, and whether care would be taken in future to prevent it?

THE CHANCELLOR OF THE EXCHEQUER, said, there were two questions involved in this subject;—one of a general character and the other of a character peculiar to the present year. The changes contemplated in the Revenue Departments under the financial measures of the Government at the commencement of the Session, were of a nature to bring about, in the course of the year, a considerable contraction of expense; but it was impossible to make any allowance for that in the Estimates, because they did not consist of a lump sum, but were made up of detailed and minute provisions for all the different officers of the establishments; and it was impossible to say with any security, beforehand, the precise nature of each reduction. Therefore, as far as those reductions were concerned, it was not possible to make any allowance for them. With regard to the general question, namely, the expenditure of the Revenue Departments, so far as he was informed, he believed the case to be this: The principal difference was not in the Customs or Inland Revenue Department, but in the Post-Office Department. This was of a nature that rendered it impossible to make a close estimate. In the first place, constant changes in arrangements in detail were made with regard to the minor offices, and in the next there were also changes with regard to the railway companies, the contracts for the carriage of mails, and the uncertainty of the rates they might have to pay made it impossible to give a very close estimate. Where it was not possible to give a close and accurate estimate, it was the duty of the Revenue Department to give such a one as would cover the outside expenditure. At the same time he admitted this was a question in which the House was entitled to insist upon a searching inquiry; and he would afford every facility to the hon. Baronet for that purpose.

Resolutions *agreed to.*

POOR LAW BOARD CONTINUANCE BILL.

SECOND READING.

Order for Second Reading read.

MR. C. P. VILLIERS moved the second reading of this Bill, on the understanding that an opportunity for discussing it should be afforded on the Motion for going into Committee.

MR. HADFIELD hoped that full time would be given for the discussion. There were many things connected with this Board which it was generally believed it would be as well to change.

Mr. AUGUSTUS SMITH hoped the right hon. Gentleman would be satisfied that the powers of the Board should be renewed until next Session—when the House might have a full opportunity for discussion. One of the Secretaryships, in his opinion, might be well dispensed with.

Lord FERMOY also begged to add his voice to that of the hon. Member who had last spoken, that the powers of the Board should be continued only for one year. If the right hon. Gentleman would not consent to that, would he give an assurance that the Committee on the Bill would be brought on, when there might be an opportunity for full and fair discussion?

Mr. SOTHERON ESTCOURT said, that the Bill consisted solely of one clause, which proposed the extension of the powers of the Board for five years, and he did not see why that need prejudice the question whether those powers should be restricted or not. It had often been suggested to take powers only for one year, in order that there might be an opportunity of discussion; but any one who had any experience of office must be aware how very much the action of a Department is paralysed when its powers are limited to one year. He should be disposed to vote for this Bill, and he thought five years better than one; but if any hon. Gentleman were to raise that question, he would suggest that it be done on going into Committee.

Mr. DARBY GRIFFITH said, that the extension of the powers of the Board for five years was a question of principle, and as the Bill consisted only of one clause, the discussion would be more properly taken on the second reading.

Mr. MONSELL said, that the Secretary to the Poor Law Board had repeatedly stated that it was his intention to introduce a Bill this Session in order to get rid of the admitted hardship and cruelty which prevailed with regard to the removal of Irish paupers. He should not oppose the second reading of this Bill, provided his right hon. Friend would say that he was about to introduce another Bill this Session. Otherwise he should be disposed to oppose the Bill.

Mr. E. P. BOUVERIE thought it was a rather Irish mode of dealing with the grievance. How the opposing this measure could compel the bringing forward such a Bill as the hon. Gentleman desired he could not conceive. If the Poor-law Board had the strongest intention of dealing with the grievance (which he admitted was a great grievance), there would not be the slightest possibility of having a Bill introduced with a chance of passing in the present Session. He would urge his right hon. Friend not to be led away by the blandishments of hon. Members to limit the continuance of the Bill to one year.

Mr. Beach and Colonel Dickson advocated the limitation of the Bill to one year.

Sir HENRY WILLOUGHBY hoped that Gentlemen who were opposed to the construction of the Poor-law Board would not hesitate to express that opposition, whether in Committee or on the second reading. There was a strong feeling in the country that this Board was not required; and when the Board was first established by Lord Althorp a distinct pledge was given that as soon as the system was regularly organized throughout the country its powers should cease. It might be necessary to give the Board time to wind up its affairs; but there was nothing in the working of the Board which an under-secretary might not perform, and that without the expensive machinery which they had at present.

Mr. EDWIN JAMES said, if the right hon. Gentleman would not give a pledge that there would be an opportunity for discussing the Bill, he would move that the Bill be read a second time that day three months.

Colonel GILPIN was of opinion that the Board was too large, and with the facilities of electric telegraphs the expense of Commissioners might be dispensed with.

Sir GEORGE LEWIS said, it would be impossible to fix an early day, but the House should have an ample opportunity for discussing the provisions of the Bill on going into Committee.

Bill read 2°, and *committed* for *Friday*.

House adjourned at a Quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, July 3, 1860.

Minutes.] Public Bills.—1ª Railway Cheap Trains, &c.; Labourers' Cottages (Scotland); Ionian Islands (Marriages).

2ª Masters and Operatives; New Zealand; Tithe Commutation; Local Government Supplemental; Tenison's Charity.

3ª Spirits (Ireland) Act Amendment.

Royal Assent.—Public Improvements; Bank of Ireland; Ecclesiastical Courts Jurisdiction; Petitions of Right; Bankrupt Law (Scotland) Amendment.

BERWICK-UPON-TWEED ELECTION.—HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD STEWARD (the Earl of ST. GERMANS) *reported* The QUEEN's Answer to their Lordships' Address of the 14th of June last, as follows:—

"MY LORDS,

I have received the joint Address of the Two Houses of Parliament in reference to the Report made by the Select Committee of the House of Commons appointed to try a Petition complaining of an undue Election and Return for the Borough of *Berwick-upon-Tweed;* and I have given Directions accordingly for the Appointment of Commissioners for the Purpose of making the Inquiry prayed for by the Address."

SLAVE TRADE.—CONSULSHIP AT MOZAMBIQUE.—HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD STEWARD (the Earl of ST. GERMANS) *reported* The QUEEN's Answer to their Lordships' Address of the 25th of June last, as follows:—

"MY LORDS,

I have received your Address, praying that I will appoint a Consul at *Mozambique,* with a view to promote the Interests of Commerce and the Execution of the Treaties between *Great Britain* and *Portugal* upon the Slave Trade.

And you may be assured that the Subject shall be carefully considered."

WEIGHTS AND MEASURES BILL.
COMMITTEE NEGATIVED.

Order of the Day for the House to be again in Committee read.

Moved, That the House do now resolve itself into a Committee.

LORD CHELMSFORD said, that the only result of the delay which had taken place with regard to the Bill was the presentation of a Petition in its favour from a meeting of the United Cabmen, held in Milbank Street. He thought their Lordships ought not to promote petty legislation. The object of the Bill was to require every publican to use an instrument which was the subject of the patent.

LORD TEYNHAM said, the patent expired in June last.

LORD CHELMSFORD said, it was clear, then, that the noble Lord was not aware of the fact when he brought in the Bill, for he had actually introduced a clause to annul the letters patent. If the patent had expired, then, what was the object of the Bill? Probably the patent had not been very successful, and the object of the Bill would be to compel the publicans to purchase the machines which were in the hands of the patentee. He moved that their Lordships go into Committee on the Bill that day three months.

Amendment *moved,* to leave out ("now") and insert ("this Day Three Months").

LORD TEYNHAM said, the object of the Bill was to do justice between man and man where justice was not now done.

On Question, That ("now") stand Part of the Motion? *Resolved* in the *Negative;* and House to be again in Committee *this Day Three Months.*

MASTERS AND OPERATIVES BILL.
SECOND READING.

Order of the Day for the Second Reading read.

LORD ST. LEONARDS, in moving the second reading of this Bill, said it was not anticipated that it would directly operate against such a strike as had lately taken place in London. It was hardly possible for any Council of Conciliation to give effect to any proposal when a strike had actually taken place, and when each party, exasperated against the other, looked simply to its own means of carrying its own object. It is not a difference between a master and a workman, but between two classes. It becomse a trial of power simply. The men attack the masters in detail; the masters act together and stop their works. The men then declare it is a masters' lock-out. But should this Bill be passed, and Councils of Conciliation be established, it was hoped that the association of masters and operatives in these Councils upon minor disputes, which must arise from time to time, would produce such a good understanding between them as to prevent strikes taking place at all. When their Lordships reflected on the amount of misery and loss of capital that had resulted from strikes in this country, they might well desire to try whether they could not devise some means to prevent their occurrence in future. If they looked back through the last twenty years they would find that the pecuniary loss occasioned by strikes was not to be estimated by hun-

dreds or thousands or tens of thousands of pounds, but by millions; while the amount of human suffering — of misery to the operatives and their families — could not be estimated by money. The funds of their benefit societies are misapplied, and the demands of sickness and accident left unprovided for. When a general strike took place it afflicted the working classes by a sort of moral paralysis, which rendered them powerless, so far as their working energies were concerned. Serious differences between masters and their workmen had hitherto in too many instances ended in strikes—how different might it not be if the masters and operatives could be brought together in order that they might come to a satisfactory settlement of the matters in dispute? If the relation between masters and operatives were fairly looked at, it would be seen that the operative was really a limited partner in the concern in which he was employed, but without risk in the capital expended. He drew his share of the money earned, and so partook of the profits, but without liability to make good the losses. It was obvious, therefore, that he had a direct interest in the continuance of the business, and that mutual confidence and regard between the employer and the employed were essential to the interests of both. The late strike arose out of the demand on the part of the men to receive ten hours' pay for nine hours' work, which was refused by the masters. Now, it was not pretended by the men that they could accomplish in nine hours the work that had hitherto been done in ten; but it was acknowledged that the object of the strike was to compel employers to engage a larger number of men to perform in nine hours the work which now occupied ten, the present rate of wages being maintained, and in that way it was supposed a number of men who had hitherto been unemployed would obtain employment and wages. Such a proceeding was a violation of all the laws of political economy, and if successful would remove the question of wages from the natural influences of supply and demand. It was not possible by any law to strike at strikes. It was perfectly lawful for the men to combine, and therefore to strike, but they must not conspire. Many attempts had been made to prevent the evils arising from disputes between masters and workmen, but in vain. In France the attempt had been made with greater success. Belgium has made a feeble effort. In 1806 Napoleon established councils for the adjustment of disputes between masters and their workmen. They were composed both of manufacturers and workmen, but the manufacturers had greatly the preponderance of influence. In this *Conseil de Prudhommes* the chair, of right, was filled by the manufacturer. There were five manufacturers to four overlookers. The chairman acted gratuitously, and his whole time was unpaid, the workmen were paid. In 1809 the Councils were somewhat differently constituted, the election to the Council was by the whole body of the manufacturers and overlookers in the town, and the president and vice-president were elected from their own body. In this country the overlookers were understood to be the mere agents of the master, but in France they were not altogether regarded in that light. In the revolution of 1848 there was of course a cry for equality. A new law was passed, placing the masters and workmen on the same footing of equality, and they together formed the Council of Conciliation. The constitution of these Councils established a singular system of cross voting. The workmen chose nine of their body, out of whom the masters selected three, who represented the workmen. The masters in turn had to choose nine of their body, of whom the workmen selected three, who represented the masters. The workmen chose a president out of the masters, and the masters a president out of the workmen, who presided for three months alternately. This scheme, under which great numbers of workmen were admitted, did not work well, and the consequence was that in 1853 the law was passed upon which Councils of Conciliation were now established in France. The workmen elected their own representatives in the Councils. The workman before he was entitled to vote must be twenty-five years of age, must have worked five years at his trade, and must have resided three years in the district for which he voted. A workman to be qualified to be elected a member of the Council must be thirty years of age and able to read and write, and be qualified as an elector. The masters were required to be *patentés* for which they were taxed. These restrictions excluded great numbers of workmen. The President and Vice-President were appointed for a term of three years by the Emperor, but he could not select from the Members of Council.

They were removable at pleasure. This power may suit France, but it would not be tolerated in England. In addition to the Councils a *Bureau de Conciliation* was established, before whom both masters and workmen were brought. It consisted of two persons only, one a master and one a workman, being Members of the Council, and they were required to sit every day from eleven to one o'clock. In every case the matter in dispute must be brought in the first instance before the *Bureau*. If the *Bureau* did not succeed in settling the disputes, the parties then went before the Council of Conciliation, which had judicial powers, without appeal, up to 200 francs, so that it could compel the parties to come to an understanding and to enforce its award. Imperfect as this tribunal was it worked a wonderful amount of good in France. A vast number of disputes had been amicably settled in the first instance before the *Bureaux* and which consequently never came before the Councils at all. These tribunals, however, only operated on past transactions, and never had taken cognizance of the question of wages. The French understood strikes, however, as well as we do. Sir Joseph Paxton had stated, before a Committee of the other House, that he had to construct a work thirty miles out of Paris. There were 200 French masons employed and a number of English masons. The English masons were more expert than the French, and the French, finding that they were not obtaining the same wages, became discontented, although they got the highest wages ever earned by masons in France. Some disagreement arose in consequence; but the question being one of wages, it was not a case for the Councils, and the men without notice left the works, and compelled their employer to agree to their terms. Having called their Lordships' attention to the French law, he would briefly state what was the present state of the English law, in relation to these matters. In our Potteries the masters and workmen have been in the habit of agreeing in meeting to refer disputes. In Macclesfield there was a Council of Conciliation, but it meddled with wages and was broken up. In the reign of George II. an Act was passed by which all disputes between masters and workmen in the cotton trade were referred to justices of the peace. In the reign of George III. an Act was passed, giving the masters and men the power of referring disputes to arbitration, or to a magistrate. This Act, however, was defective in many particulars and never came into practical operation. In 1824 a Committee was appointed to inquire into the whole subject. It sat for thirty-six or thirty-seven days, and examined 122 witnesses. They recommended in their Report the establishment of courts of arbitration extending to all trades. The result of that Report and recommendation was the alteration of the combination law, and the enactment of the 5 *Geo.* IV., c. 96, which was still the law. It embraced disputes between masters and workmen in any trade or manufacture in Great Britain or Ireland respecting the price to be paid for work done, or in the course of being done. But the justices were not to establish a rate of wages or price of labour or workmanship at which the workman should in future be paid unless with the consent of both master and workman: either party may compel an arbitration. If parties so agree, the magistrate is to decide. If they disagree, the justice is to propose not less than four nor more than six persons—half masters, half workmen—each party to choose one out of his own class to decide. If they fail to do so the magistrate is to decide. In either case the decision is final. By section 13 of that Act, masters and operatives might by agreement have recourse to any other mode of arbitration they might choose, and any award made in any arbitration under such agreement could be enforced as legal. This provision he thought was just and proper and he had adopted it in the present Bill. The law, then, as it stood gave masters and workmen the option of going before a magistrate to obtain a decision upon their differences, or they could select referees, or they could adopt any other mode of arbitration they pleased. The section to which he had referred had unfortunately become a dead letter, but the existing law gave all power to adopt by agreement any form of arbitration they chose. [A noble LORD: — Then where is the necessity for this Bill?] The necessity of the Bill was that under the section of the existing Act there must be a fresh nomination of referees to decide upon each particular case. What the masters as well as the operatives desired was a court to which they could have recourse in all cases of dispute, and which should have jurisdiction to decide all points in controversy. The Act was absolutely a dead

letter, and even those persons who had been most active in "strikes" were ignorant of the existence of a law which permitted arbitration in cases of disputes. The present Bill had been recommended by high authorities. The Committee of 1824, which sat thirty-six days and examined 122 witnesses, reported that the practice of settling disputes by arbitration between masters and workmen had been attended with good effects, and that it was desirable that the laws which direct and regulate arbitration should be considered and made applicable to all trades. In 1856 a Committee, which sat sixteen days and examined twenty-eight witnesses, reported as follows:—

"From the evidence before them, your Committee cannot but arrive at the conclusion that the attention of the Legislature might with advantage be directed to the subject of this inquiry, and are of opinion that the formation of Courts of Conciliation in the country, more particularly in the large commercial and manufacturing and mining districts, would be beneficial. Your Committee would suggest that such a measure might be introduced as an Amendment in the present Arbitration Act, by a reconstruction of that Act in the 10th and 13th sections, by which means both masters and operatives would be enabled, each from their own class or calling, to appoint referees, an equal number by each party, having power to elect a chairman, unconnected with either side, having a casting vote. Such a tribunal to be appointed for a certain period, and not for any particular controversy."

They were further of opinion that it was desirable that the Secretary of State should have authority, on application being made to him, to license courts of this description, and that immediately on the establishment of such courts they should be invested with full powers to decide all questions of existing contracts which might be referred to them. Again, the Select Committee appointed in the present year, which sat eleven days and examined fourteen witnesses, came to—

"The unanimous opinion that the voluntary formation of equitable Councils of Conciliation would tend to promote a more friendly understanding between the employers and employed, to soften any irritation that might arise, and in most cases to prevent the growth of such a spirit of antagonism as too often leads to a strike."

And they added,—

"Your Committee have considered the Bill which has been referred to them by the House, and are unanimously of opinion that if the Bill passes into a law it will promote the welfare and good understanding between masters and operatives, and be advantageous to the country."

These three Committees of the other House,

Lord St. Leonards

after much deliberation, and after hearing many witnesses, had all come to the same conclusion, and their opinions would, he hoped, have due weight with their Lordships. In taking charge of this measure he had considered it neither as a workman's nor a master's Bill. He was actuated by no class prejudices, but regarded this simply as a great social question, and only recommended the Bill because he believed it was calculated to create an amicable feeling between masters and workmen, and to prevent those strikes which were attended with such deplorable results. The Committee who recommended and supported this Bill in the other House included amongst its Members, Sir Joseph Paxton, Sir Morton Peto, Mr. Cubitt, and other capitalists and employers of labour. Much fault had been found with the Bill in its present shape, but if their Lordships allowed it to go into Committee, he would endeavour to frame it so as to obviate all objection in point of form. The Bill would assume this form—the first step would be to go to the Crown for a licence; when the licence was obtained the Court of Conciliation was to have all the powers which now existed under the Act of George IV., with the important qualification that the Court was to have no jurisdiction unless the question in dispute was submitted to it by both parties, so that the Bill would not give any power at all to the Court of Conciliation unless both parties went before it; but after both parties had chosen to submit any question to the Court there would be power to compel them to go on, although one or the other might wish to withdraw. But the power to inforce any award which would be final, would remain with the magistrates. In imitation of the French law, he proposed that the Council should name a Committee of Conciliation before whom, in the first instance, all matters in dispute should be referred. He defied any one to show that there was any difference in principle between the law as it now stood and this Bill, in the shape in which he intended to present it to a Committee, and the House would bear in mind that it was not proposed to repeal the Act of George IV., and he, therefore, trusted their Lordships would allow it to be read a second time.

Moved, That the Bill be now read 2ª.

Lord RAVENSWORTH said, that so great was the respect which he bore for the character, abilities, and great legal attainments of his noble and learned Friend that

it was with the greatest hesitation he proposed his Amendment that the Bill be read a second time that day three months; but his noble and learned Friend had failed to remove the grave objections to which the Bill was open. He (Lord Ravensworth) thought their Lordships ought to interfere as little as possible between the masters and operatives. He could hardly think the existing law was so inoperative as the noble and learned Lord represented. The Bill came before their Lordships not recommended, so far as he was aware, by any expression of public opinion, or backed by the authority of acceptance by the other House: it rested simply on the authority of a Select Committee of the House of Commons. But, although the Report of a Select Committee of the House of Commons was, no doubt, entitled to respect, there might be substantial reasons why their Lordships should hesitate before they gave implicit confidence to the recommendations of such a body. It was quite possible that the Members of the Committee might have been influenced by prejudice, and might have conducted the examination of witnesses so as to support their own views. He was confirmed in these suspicions by the singular unanimity which prevailed in this Committee and among the witnesses, and by the fact that the evidence of the only witness who went counter to the views which they entertained was quickly cut short. Parliament ought to give more consideration to this important subject before any new legislation was attempted with regard to it. He held that the present law might be modified and amended so as to meet the requirements of the case, without bringing forward a measure like the present. The great difficulty was to find a fair and impartial tribunal, and in his opinion there were insurmountable objections to the machinery proposed in the Bill. The Councils would of course, include two antagonistic elements—the representatives of the workmen would uphold one view, those of the masters another. The question was how the Chairman was to be appointed. None of the witnesses examined before the Committee appeared able to solve the problem. One suggested that the President of the Council of Conciliation — which, in his belief, would prove only a council of wrangle—should be selected by lottery. Another proposed that the masters should appoint the Chairman one day and the workmen the next; but the result of that proceeding would be simply to reverse the votes on alternate days. The witnesses generally objected to the more rational proposition of arbitration by the justices. The witnesses objected that to go before the justices would have the appearance of a criminal proceeding; but was not this sad trifling? Was there anything criminal in the existing system under which masters and the servants employed in agricultural husbandry went before a bench of magistrates or the Petty Sessions, and a more impartial tribunal could not be found. He believed that a Court of Petty Sessions would be more likely to give a satisfactory judgment than a Council of Conciliation chosen as proposed by this Bill, and presided over by a Chairman about whose selection possibly great difficulties had arisen. There were much graver objections to the Bill, which the noble and learned Lord seemed to acknowledge when he stated that he should offer some Amendments in Committee. Let their Lordships reflect upon the number of Councils of Conciliation which would be necessary. It was stated that there were not less than 400 separate branches of trade in this country, employing no less than 2,695,000 workmen, to whom the provisions of the Bill might apply. It was clear that if Councils of Conciliation were established there must be one for every separate branch of trade. A Council of Conciliation for bricklayers, for example, could not adjudicate upon the disputes of smiths or carpenters. It was a remarkable fact that the Bill came out of the Select Committee to which it was referred with three grave faults that did not exist in the original Bill. Such a fact was not calculated to create confidence either in the measure itself or in the authority of those by whom it was recommended. By the sixth clause it was proposed that for the purposes of the Act each person, being twenty-one years of age, belonging to the trade having a licence for a Council, and being an inhabitant householder or part occupier of any house, who had resided and been a master or workman in such trade within the limits of the place in which a Council of Conciliation was formed, was entitled to be registered as a voter, and qualified to be elected a member of the Council. Thus the Legislature was asked to constitute a multitude of small Parliaments, elected by the universal suffrage of all those engaged in trade, who had only to show that their names were on the registry in order to have the right

to vote. The expense of these proceedings would be considerable; and how were they to be borne? There must be a clerk of registration; and how was he to be paid? The Bill contained no provisions on this point; but the witnesses examined before the Select Committee admitted that the working of the Act must be attended with considerable expense. Something was said about defraying the expense out of the rates, or, if that were objected to, throwing them upon the Consolidated Fund. The latter proposal was not likely to obtain the consent of the Chancellor of the Exchequer; nor would the magistrates in Quarter Sessions feel disposed to meet the expenses out of the county rates. That some alteration and amendment might be made in the present law on this subject he did not deny. Those defects, however, would be in no degree remedied by such a measure as the present, and would be, in his opinion, rather aggravated than cured by Councils of Conciliation chosen under the machinery of the present Bill. For these reasons he trusted that their Lordships would not agree to the second reading of the Bill; and that, in the words of a series of carefully drawn objections to the Bill, they would not pass 'a hastily prepared and ill-digested measure, which would probably be attended by disastrous consequences." The noble Lord concluded by moving that the Bill be read a second time on that day three months.

Amendment *moved*, to leave out ("now") and insert ("this Day Three Months").

THE EARL OF DERBY said, he would not enter into a dissertation on the details of the Bill as proposed for a second reading by his noble and learned Friend, but wished to state the reasons for the vote he should be compelled to give. His noble Friend who had just sat down had stated various objections to the machinery and provisions of the Bill, but he had, at the same time, stated that, in his judgment, the existing law, though not so wholly inoperative as represented, at all events required and was capable of, amendment. In a matter of such importance as that of obviating the mischief that arose from misunderstandings between masters and employers he thought their Lordships might be induced to give a favourable consideration to a measure that professed to effect that object, and more especially supported as it was by the high authority of his noble and learned Friend who introduced the Bill; and more especially also when the subject had received long and serious consideration, and the measure had apparently resulted from the almost unanimous recommendations of a Committee of the other House. He did not pretend to say that there were not many points in the Bill which it was necessary should receive most careful consideration in Committee. His noble and learned Friend had pointed out several provisions which he was prepared to amend in Committee; some that had arisen *per incuriam*, and others that had been injuriously inserted since it was introduced into the other House. Considering that the Bill was one that had gone through the examination of more than one Select Committee, the Bill appeared with a singular infelicity of expression, and therefore if their Lordships consented to give it a second reading, he thought it should be referred to a Select Committee to amend its phraseology and examine its provisions with a view to rendering it more acceptable as a Legislative Act. Considering the high authority that supported the principle of the measure, the confessed inadequacy of the law, and the strong feeling that the representatives both on the part of masters and workmen entertained on the subject of constructing some machinery that should supply remedies and obviate defects in the existing law, he should regret to see their Lordships summarily reject the second reading of the Bill, and thereby not postpone the measure for maturer and more careful consideration, but, in point of fact, debar themselves from it altogether, and declare, moreover, that they would not deal with a matter that the House of Commons had declared was deserving of consideration, and which their Lordships did not deny. If there were a division he should be prepared to divide in favour of the second reading, but, at the same time, he wished to add his opinion that, not only with regard to minor points, but others of greater magnitude, the Bill in Committee would require the gravest consideration, and he should certainly be sorry in its present state to give it a third reading.

EARL GRANVILLE said, if the question were put for or against the Bill in its present shape, he should vote with the noble Baron opposite (Lord Ravensworth), because upon the admission of all parties there never was a Bill so imperfectly drawn as that which they were considering. In a Bill relating to such a delicate matter as the relations between masters

and workmen the utmost correctness and nicety of expression were particularly necessary; but this Bill was admitted to be so imperfect that it was clear the noble and learned Lord had not examined it very minutely before he introduced it. This was a subject on which the working classes took a deep interest, and he would be sorry that the House should appear to treat it lightly or in a summary manner. If he had been rightly informed, however, this Bill had been before the House in three successive Sessions, but had failed to pass until the present Session, when it was read a third time, the withdrawal of the Reform Bill having given an earlier opportunity than was expected. He did not believe that the Bill could be properly considered in Committee of the Whole House, and therefore he would submit to the noble and learned Lord whether it would not be well to refer it to a Select Committee, in order, if possible, to convert it into a practical measure that would be satisfactory to all parties.

THE LORD CHANCELLOR said, that if the Bill in its present shape should pass into law he should congratulate himself that he was no longer Lord Chief Justice, for a great part of that functionary's time would be occupied in hearing applications for writs of *mandamus*, of prohibition, and of *certiorari* arising out of this Bill. In fact, the Bill would not work at all, and would only make "confusion worse confounded;" but he agreed that it was not desirable to appear to treat the subject lightly, and, in assenting to the second reading, he would urge upon his noble and learned Friend the propriety of referring it to a Select Committee.

LORD STANLEY OF ADDERLEY said, he would not oppose the second reading, or reference to a Select Committee, if it were at all likely to result in the production of an effective measure, and that it would not hold out false expectations that there was a chance of settling differences between men and masters. He did not think the measure was workable, and no provision was made to meet the large expenditure it would involve.

LORD RAVENSWORTH was willing to withdraw his Amendment, upon the understanding that the Bill be referred to a Select Committee.

LORD ST. LEONARDS said he was willing to adopt that course.

Amendment, by leave, of the House, *withdrawn*. Then the original Motion *agreed to*. Bill read 2ª accordingly; and *referred* to a Select Committee. And on *Thursday* following the Lords following were named of the Committee:—

Ld. Chancellor	L. Overstone
Ld. President	L. Cranworth
E. Derby	L. St. Leonards
L. Ravensworth	L. Wensleydale
L. Brougham and Vaux	L. Belper
	L. Kingsdown

NEW ZEALAND BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF NEWCASTLE, in moving the second reading of the Bill for the better Government of the Native Inhabitants of New Zealand, and for facilitating the purchase of native lands, said, that the measure did not arise out of the unfortunate disturbances that had recently occurred in New Zealand, although it originated from a similar state of things as that which had led to those events. It was intended, and he hoped would have the effect of conciliating the Natives of the country, and creating a better feeling between them and the English settlers. Since the subject of New Zealand was last under the consideration of their Lordships, now some seven years ago, the greatest progress had been made by the colony. Of late years education had made great advances among the Natives, who now had accounts in the savings banks, were engaged in industrial pursuits, and were possessed of vessels in which they carried on a considerable portion of the coasting trade of the colony. He need only appeal to these facts to show the immense progress which they had made in civilization since the passing of the Constitution Act, seven or eight years ago. Concurrently with their progress the Natives manifested a strong opposition to any infraction of their rights, and for some time past they had been impressed by the fear that the settlers sought to extinguish their nationality: they dreaded a complete absorption among the colonists, and, fearing to lose the possessions which they regarded as their birthright, they showed an increasing indisposition to part with their land, even upon fair and equitable terms. They were also dissatisfied with the laws which existed for their own regulation. Comparing them with the laws under which the English settlers lived, they thought that the two

ought to be assimilated, and that they were not governed under such favourable conditions as they had a right to look for. This was the feeling of the Natives. On the other hand, the colonists also had a cause of dissatisfaction. They had increased greatly in number and in wealth, and there had consequently been a growing demand for land. They were conscious, of course, of their power as a superior race, and those who had recently arrived in the colony did not evince that tolerance for the habits and feelings of the Natives which generally characterized the older settlers. In this state of things his attention had been drawn several months ago to the state of the colony, and the question arose as to the remedy which should be applied. The question was, in whose hands the power to deal with the land should be placed. New Zealand, as their Lordships knew, like most of the colonies of Great Britain at present, possessed a responsible Government, and the natural and easy plan would have been to place in the hands of that Government such powers as might be thought desirable for the purpose of producing a better state of feeling between the Natives and the settlers. But there were certain questions concerning the Natives in which the Government of New Zealand could not be considered the best medium for communication with them. The present case was an exceptional one. It almost involved a question of good faith as regarded the Natives were they to place this power in the hands of the local Government; because it was not to the English inhabitants of New Zealand, it was to the Crown that these territories had been ceded by the Natives; the Natives had submitted themselves to the good Government of the Crown, and hitherto, though occasions had arisen when they had shown distrust towards the local Government, they had reposed confidence in the Imperial Government—should they succeed in proving to them that that confidence was well placed he hoped they would be able to revive in the Natives that spirit of loyalty which had not in late years distinguished them. There was another reason why the management of the Natives should not be left to the local Government; and that was because, if quarrels arose between them, as was now unfortunately the case, and if these resulted in an outbreak, it was upon the Imperial Government that the whole expense of quelling such an outbreak fell.

The Duke of Newcastle

We had therefore, a strong pecuniary interest in measures the result of which would be to remove the cause for any quarrels. Under these circumstances, after communicating with the Government of New Zealand, it was resolved to institute a local Council, upon whom should devolve the revision of the Native laws, and the arrangements respecting the sale and purchase of Native land. It would be recollected that in the New Zealand Government Bill the management of Native lands was reserved to the Crown. No machinery existed in the Act, however, to carry that provision properly into execution; and it therefore became a dead letter, and there was a constant tendency to allow these questions to be dealt with by the local Government. It might be thought difficult to form a Council for the purpose of carrying out these measures. But there were notoriously many Englishmen living in the colony who possessed jointly the confidence of the Natives and of their brother settlers, and if this Bill passed, he thought the Government would have no difficulty in recommending to the Crown a sufficient number of persons who were independent of the constant changes of Government which occurred under the existing system, who should constitute a permanent Council, and in whose hands, so long as it was necessary, those questions should be placed. In reference to this questions of land, it might be convenient that their Lordships should know that at present the whole of the southern islands was practically in possession of the English settlers. Of the northern, 7,000,000 acres had been purchased by the colonists, and 26,000,000 still remained in the hands of the Natives. Much of this land was, of course, utterly unavailable, and of no sort of value to its possessors; but there was much that the Natives would be glad to dispose of to settlers on terms of advantage to both parties. He proposed that the Council should consist of not less than three, or more than seven persons, to whom the Crown should transfer the powers which it possessed, but which it had never yet been able to exercise. This Council would only continue a certain number of years, as its duties might be expected eventually to die out. He did not know that any further explanation of the Bill was necessary. He repeated that it had not been brought forward in consequence of the disturbances in New Zealand, although he hoped that its effect, if passed

into a law, would be to arrest their progress. The Bill was drawn before the news of any outbreak reached this country. It would maintain intact the rights of the settlers, while at the same time the feelings and prejudices of the Natives would be more respected than at present. He had no reason to apprehend the opposition of the colonists to the measure. On the contrary, he believed they would view with satisfaction the formation of an independent body to make such arrangements as they must feel that the local Government, from its constant changes, was not competent adequately to carry out. He begged to move the second reading of the Bill.

LORD LYTTELTON said, that, as some communication must have passed between the Government of New Zealand and the Home Government upon this subject, it was very desirable that the papers should be laid on the table, which would enable their Lordships to judge whether the measure was advisable or not. He was afraid that the effect of the Bill would be to create and keep up a constant feeling of irritation and jealousy between the local Government and the new body which it was proposed to establish—a body which would really form a separate and independent Administration in the colony, having no connection with the local Legislature, and formed by the Imperial Government without consultation with them. He believed some such legislation as that embodied in the present measure to be requisite; but he was not aware that there would be any inconvenience in delay at present, and it made some difference whether the purpose was effected by the local Assembly of New Zealand or by the Imperial authority. One of the main objects of the Bill was to enable the Natives to deal directly with the purchasers of land, and was probably deserving the attention of Parliament. There were several points of detail in the Bill which he would refer to on the Motion for going into Committee.

THE DUKE OF NEWCASTLE explained that, according to the Constitution Act, nothing but Imperial legislation could carry out the objects of a measure like the present.

Motion *agreed to;* Bill read 2ª, and *committed* to a *Committee* of the whole House on *Friday next.*

House adjourned at a Quarter-past Eight o'clock, to Thursday next, Half-past Four o'clock.

HOUSE OF COMMONS,

Tuesday, July 3, 1860.

MINUTES.] PUBLIC BILLS.—1° Gunpowder, &c.; Church Temporalities (Ireland) Acts Amendment; Ecclesiastical Courts and Registries (Ireland).

MINES REGULATION AND INSPECTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 10 to 18 *agreed to.*

Clause 19, (Notice of accidents in Mines to be given to Secretary of State).

MR. CROOK said, that an accident might be very serious, and yet might not result in death. In Kirkless colliery a sum of £500 a year was stopped out of the wages of the men to provide for accidents, and accidents had occurred there which, though not resulting in death in some cases, had yet entitled some of the men to receive nearly £7. Now he proposed to make it necessary for the inspector to report all accidents of a definite kind. He would, therefore, omit the word "serious," and make it necessary for the inspector to report, whenever a man received such an accident that he did not return to his work before nine o'clock on the following morning.

MR. JACKSON said, many accidents that were really of very trifling character might prevent a workman from returning to his work next morning. He saw no good in the clause.

SIR GEORGE LEWIS said, he thought the effect of the Amendment would be that the most trifling casualties would be reported to the Secretary of State, and the object they all had in view would be defeated, for serious cases would be buried under the heap of unimportant accidents.

MR. AYRTON said, it was merely intended to transfer a clause to this Bill which already existed in the Factory Act. He was afraid there was a disposition to think lightly of any accident which did not terminate fatally, or nearly kill the party.

MR. BAILLIE COCHRANE said, it seemed to him a very absurd thing that every slight accident should be made the subject of a report to the Secretary of State.

Amendment *negatived.*

Clause, as amended, *agreed to;* as were also Clauses 20 and 21.

Clause 22 (Punishment of workmen violating the rules.)

MR. FREELAND proposed to leave out the following words :—

"Or to be proceeded against and punished according to the Provisions of the Act 4 *Geo.* IV., c. 34, intituled an Act to enlarge the power of justices in determining complaints between Masters and Servants."

He referred to the Petition of the wives and relations of seven colliers, in the *Morning Star*, of April 5, 1860, the colliers being at that time in Derby, six of whom were stated to have been convicted by one magistrate on the preceding 15th of March. They had refused to go down into a pit by a rope which, as they alleged, was unsound. A Petition was, as they all knew, an *ex parte* statement, and he would not therefore discuss the merits of the particular case. On inquiry he found that the law was in accordance with the statement contained in the Petition. He thought it a monstrous thing that, under the provisions of the Act of George the Fourth, which might be put in force under the clause as it stood in the Bill, one magistrate should have the power of issuing his warrant and of hearing the case, though he might be himself a mine-owner, and committing men to prison for three months. He thought that the Act of George the Fourth was an arbitrary Act, conferring powers which could not safely be entrusted to a single magistrate, and he trusted that the Committee would not confirm it by incorporating any part of its provisions in the present Bill. He hoped to see that Act repealed at no very distant day. He believed that no changes were so beneficial as those which produced among the working classes entire confidence in the impartiality with which justice was administered throughout the country.

After a short conversation the Amendment was *agreed to*.

MR. FREELAND then moved that the following Clause should be added as a Proviso :—

"No Justice of the Peace being himself the owner of Mines, or the father, son, brother, or agent of any owner of Mines shall, if objected to at the hearing of any complaint in charge, act as a Justice of the Peace for the purposes of conviction in adjudication in any cases of difference or dispute between persons engaged in working mines and their employers, in which Justices of the Peace have jurisdiction."

He quoted as Clauses having a similar object in view the 5 *Geo.* IV. c. 96, s. 12,—the Truck Act, 1 & 2 *Will.* IV. c. 37, s. 21,—the Proviso in the 6 & 7 *Vict.* c. 40, s. 25, and 7 & 8 *Vict.* c. 15, s. 71.

SIR GEORGE LEWIS said, he had no objection to the exclusion of the owner of a mine where the dispute might have taken place, but he could not agree that every mine-owner should be excluded at the hearing of complaints. He thought they ought to follow the precedent set forth in the Factory Act, where the parties interested in a factory in which the offence occurred were not allowed to adjudicate on the matter. He should therefore propose to amend the proviso by the insertion of words which would assimilate it to the clause in the Factory Act.

MR. FREELAND said, his object was to prevent a person having a class interest from adjudicating when an objection was raised against his acting in the case.

MR. NEWDEGATE said, the effect of the Amendment would be to shut out from the adjudication all the magistrates who understood the question, and to leave such disputes to be decided by persons who knew nothing of the trade. Instead of benefiting the men, he believed the suggestion would do them serious injury.

MR. H. B. SHERIDAN said, he was familiar with a district in which cases of dispute were constantly adjudicated on by coal-owners only—a magistrate acting in a case precisely analogous to one in which his own property might be concerned. He knew an instance of a number of men having refused to descend by a rope which they believed to be in a bad condition, being committed to prison for a long period by a magistrate, a mine-owner. It was afterwards discovered that if the men had descended it would have been at the risk of their lives. He thought that the Committee should accept the Amendment.

SIR GEORGE LEWIS said, he still thought that the restriction should apply only to the owner, or relatives of the owner, of such mine as the offence set forth might have occurred in.

MR. FREELAND said, that in accordance with what appeared to be the opinion of the Committee, he would reluctantly accept the suggestion of the right hon. Baronet.

Clause amended and *agreed to*.

Clauses 23 to 28 *agreed to*.

Clause 29 (Extent of Act).

MR. H. H. VIVIAN proposed the insertion of words to make the Act perpetual, instead of for five years, as proposed.

SIR GEORGE LEWIS said, he had no objection to the Amendment, which would

not prevent the House reconsidering the whole subject at a future time if that was thought necessary.

MR. AYRTON said, he was in favour of continuing the temporary character of the Act, as it afforded an opportunity for renewing and amending the Act at stated periods.

Amendment *agreed to.*

Clause added to the Bill.

MR. FREELAND proposed the following clause:—

"The presence of two justices of the peace shall be required for the purposes of conviction or adjudication in all cases of difference or dispute between persons employed in working mines and their employers in which one justice is now by law empowered to convict or to adjudicate; provided always that any person, being a stipendiary magistrate, shall have and exercise all such powers as he would have had and exercised if this Act had not been passed."

SIR GEORGE LEWIS said, the fault he found with this clause was that it did not refer to offences within the Act. It was merely a partial repeal of the provisions of another general Act, and had no special reference to the Bill.

MR. CLIVE suggested that the clause had better be brought up on the Report, as he believed the object was already effected in the 25th Clause.

MR. H. B. SHERIDAN trusted the clause would be pressed to a division. It was of the greatest consequence to the miners that two justices should be required to preside.

MR. FREELAND said, he was willing to withdraw his Amendment, and to consider the propriety of bringing it up on the Report.

MR. AYRTON moved a clause providing that the payment of wages should in no case be made in or contiguous to public-houses, but at an office to be appointed for the purpose; and further, that every man should be paid the exact amount of his own earnings. In relation to this latter provision, he stated it was not uncommon to give a £5 or a £10 note to a number of men, who were obliged to go to the public-house to get change.

MR. CLIVE said, the 5th and 6th *Vict.* already provided that wages should not be paid within public-houses, and he could see no use in employing the words "contiguous to" any public-house, proposed by the hon. Member.

MR. NEWDEGATE said, he thought the words "contiguous to" were most important, as the clause of the 5th and 6th *Victoria* was most inefficient. The workmen sustained great loss and injury by the prevalence of the practice referred to by the hon. Member for the Tower Hamlets, and it was a source of great disaffection and discontent.

MR. JACKSON said, he considered the Amendment necessary. It was essential to the well-being of the men that they should not be paid in or near to a public-house. On this point he could speak from personal experience.

Clause *agreed to.*

On the Preamble,

MR. H. B. SHERIDAN moved that the provisions of the Bill should apply to limestone pits and quarries.

SIR GEORGE LEWIS said, the provisions of the Bill would not apply to limestone pits and quarries, and to insert these words in the Preamble would only make nonsense in the Bill.

Amendment *negatived.* Preamble *agreed to,*

House resumed; Bill *reported;* as amended, to be considered on *Thursday,* and to be *printed.* [Bill 224.]

TENURE AND IMPOVEMENT OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 38 and 39 *agreed to.*

Clause 40 (Hearing of Case).

MR. POLLARD-URQUHART said, he thought they ought to give a larger compensation in the case of erecting houses than in the case of a common agricultural improvement. He should therefore propose the insertion of words which, in the case of the erection of houses, would establish a perpetual annuity at the rate of 4 per cent per annum for every £100 of expenditure for improvements.

MR. CARDWELL said, the Bill allowed an annuity of £7 2*s.* for twenty-five years for every £100 laid out, which would repay the tenant his whole capital, and give him 5 per cent in the meantime in the course of the twenty-five years. Any other arrangement would be productive of great inconvenience.

Amendment *negatived.* Clause *agreed to,* as was also Clause 41.

Remaining Clauses *agreed to.*

House resumed.

Bill *reported;* as amended, to be considered on *Monday* next, and to be *printed.* [Bill 225.]

CADETS AT SANDHURST.—QUESTION.

GENERAL BUCKLEY said, he wished to ask the Secretary of State for War, Whether, at the recent examination of Cadets at the Royal Military College, Sandhurst, forty having an examination fitting them for Commissions without Purchase, the Commander-in-Chief informed them only twenty could be provided with Commissions without Purchase, in consequence of the Secretary of State for War not putting more than that number at his disposal?

MR. SIDNEY HERBERT: Sir, the facts of the case are these. A certain number of Commissions are set apart to be competed for at Sandhurst, but that number it is quite evident must very much depend upon the number of Commissions without purchase which may be vacant. On the particular occasion to which the hon. and gallant Gentleman's question relates, it was announced that none of those young men who had not succeeded in obtaining 3,000 marks would be entitled to receive Commissions, even though they should be among the number of competitors who, under other circumstances, would be so entitled. Twenty Commissions were fixed upon and announced to the Governor of Sandhurst as the number to be competed for, and His Royal Highness the Duke of Cambridge stated at the recent examination that only that number could be alloted. The young men at Sandhurst seemed, however, to be under the impression that as it had been announced that those among them who had not succeeded in securing 3,000 marks would not be entitled to receive a Commission, the converse held good, and that all those who had obtained 3,000 marks would be entitled. Now, that expectation could not be realized; but I may state that since the examination eleven vacancies have taken place, and instead of there being only twenty there are now thirty Commissions to be allotted to the Cadets at Sandhurst, which is rather in excess of the number usually set apart for them.

COMMISSIONS IN YEOMANRY, MILITIA, AND VOLUNTEER CORPS.—QUESTION.

MR. CAYLEY said, he wished to ask the Secretary of State for War, Whether it is allowable for Officers of Yeomanry Regiments to receive Commissions in Volunteer Corps?

VISCOUNT ENFIELD said, he also wished to inquire, Whether it is allowable that Militia Officers should receive such Commissions?

MR. SIDNEY HERBERT said, several applications had been addressed to him on the subject, and that the War Office had come to the decision—a decision which had, he believed, been acted upon by some Lords-Lieutenants of Counties—that as the raising of Volunteer Corps in many cases depended upon the exercise of the local influence of some particular individual, though some other person might eventually be placed in command of it when formed—that there would be no objection to allow Officers of Militia and Yeomanry Regiments to accept Commissions in Volunteer Corps, upon the understanding that when their regiments were called out for active service they should resign their Commissions in either the one force or the other.

ARMY (GENERAL OFFICERS.)
COMMITTEE MOVED FOR.

COLONEL LINDSAY said, he rose to move—

"For a Select Committee to inquire into and report upon the claims of seven major generals to the pay of general officers, who are now receiving only the half-pay of brevet majors, and who accepted substantive rank upon half-pay upon the terms and engagements contained in the House Guards Memorandum of the 25th day of March, 1826, and General Order of the 25th day of April, 1826."

He had a short time since called the attention of the House to the subject, in the hope that the Secretary for War would meet his proposal with respect to it half way. Not, however, having obtained a satisfactory reply from the right hon. Gentleman on that occasion, he felt the best way of dealing with the question was to refer it to the consideration of a Select Committee. Now, in order to give the House a just idea of the origin of the claims of which he was the advocate, he might mention that, so far back as 1824, promotion in the army had been described both by Sir H. Taylor, and in a memorandum of the Horse Guards as being at the time extremely slack in consequence of the great number of officers that were unattached. Some majors, it was found, had served twenty years in that rank, while promotion in the lower ranks of officers had also gone at an extremely slow rate. The consequence had been that it had been found necessary to allow the sale of half-pay Commissions, with the view of relieving the several regiments of old officers; and an order had been issued by the Horse Guards with that object, acting upon which

a great number of officers had gone upon half-pay. After a year's experience of the operation of the order, however, it was not found to be beneficial to the service to the full extent desirable, inasmuch as there was a great number of brevet field officers serving in the rank of captain, whom it was expected to get rid of, but to whom no sufficient temptation to retire was held out. In April, 1856, an order issued from the Horse Guards, founded on a memorandum sanctioned by the Secretary at War and the Prime Minister, authorizing officers serving on full pay with brevet rank to go on half pay with substantive rank equal to that in which they were serving with brevet rank. The memorandum which established their position had been laid before the House; it stated that the whole question turned, first, on the convenience of the service, and, secondly, on the propriety of giving these officers some boon. It was, therefore, proposed that officers so circumstanced should have the option conferred without forfeiting their claims on the service, either as regards themselves or their families. This amounted to a pledge on the part of the Government that the officers who accepted half pay under the memorandum and general order would be entitled to put forward their claims under the regulations of the service. A rule was established in 1822 that six years' service as field officer should entitle to the pay of a general officer. But the memorandum was issued in the face of that order for the convenience of the service. There were only seven officers in the position he had described; three of them had been senior captains, and, he would ask, was it consistent with common sense to suppose that, being in the receipt of 13*s.* 7*d.* per day, they would have accepted half pay of 9*s.* 6*d.* a day except with the hope, under the conditions of this memorandum, of returning to full pay, when their promotion would have gone on? The right hon. Gentleman the Secretary of State for War said that these officers were eating their cake and trying to keep it, and that when they accepted half pay they did so with all the conditions attached. But the conditions attached were those of the memorandum, and those conditions in their view of the question were, that they were to go back to full pay, if the Commander-in-Chief saw fit so to place them, and that, at all events, they were to be entitled at least to the *minimum* pay of the rank to which they advanced. The question was a financial one, namely—whether they should continue to receive 9*s.* 6*d.* a day or £400 a year, and he moved for a Select Committee to inquire into the claims of these officers; first, because he conceived them to be founded in justice, and in the next place, because two great authorities on the question differed. The right hon. and gallant Gentleman the Secretary of State for War under the late Government, when the facts of the case were represented to him, came to the conclusion that the claim of the officers was a just and sound one, and sent it to the Treasury. The Treasury, however, declined to accept their view of the question, and the answer which they gave was based upon the system of unattached pay in general. He was not particular as to the constitution of the Committee. The Secretary of State for War and he might nominate one Member alternately, and the Committee of Selection might name three more. Two days would suffice for the whole inquiry. He hoped the House would accede to the appointment of the Committee.

COLONEL NORTH seconded the Motion. The right hon. and gallant General the late Secretary for War had admitted that justice was on the side of the officers, and the right hon. Gentleman the present Secretary for War had owned that there was a doubt upon the subject. Under these circumstances these officers ought to have the benefit of the doubt, or, at all events, their claims should be submitted to the judgment of a Select Committee of that House. A bargain had been made with them, and whether it was a good or a bad one, it ought to be honourably fulfilled. He had himself examined the case, and he thought that it was one of great hardship.

GENERAL BUCKLEY said, he thought the House ought to grant the Committee of Inquiry, as there appeared to be some doubt about the question. It seemed to him rather an unfair thing that these old officers, having taken their promotion at the time they did, should find themselves no better off when they arrived at the rank of general officers than they were as majors.

MR. SIDNEY HERBERT said, he fully agreed with what had been laid down by the hon. and gallant Gentleman that as far as this was a matter of bargain, the bargain ought to be adhered to, and if justice required that those officers should receive an increase of pay they ought to have it.

The claim was not one of very great magnitude, relating as it did to the case of seven officers only, receiving the difference between 9*s.* and 25*s.* a day; but, as he did not think it founded in justice, he could not give it his sanction. These officers went upon half pay at their own option, and whether the arrangement was for the benefit of the service or not was immaterial, as they must be taken to have accepted it for their own advantage. They obtained a step in rank, having been made substantive majors instead of brevet majors. [Colonel LINDSAY: It was not a step.] A similar example had occurred recently. Certain officers who received brevet rank for distinguished services in the Crimea accepted the substantive rank of major in lieu of brevet rank, regarding it as a great boon to themselves, and of course expecting to exchange back upon full pay again, and so realize the benefit. Well, that was what these officers in this case did; and, although the state of the list made it more difficult for them to get back upon full pay, they took that risk upon themselves. They had one advantage which the Crimean officers had not in respect to the provision for their widows; and, although it was said none of them were then married men, they were not so old but that they might have married afterwards. The rule then as now existed, by which no man could rise to the position of a general officer, with certain advantages as to pay, unless he had served six years as a field officer. That regulation was established to insure the efficiency of the service; and it was putting a forced and non-natural construction upon its terms to say that that condition was to be suspended in favour of officers who had never served since 1826. The demands to be admitted to half-pay had been pressing and numerous. It was regarded as a great favour. Some of these officers had succeeded in getting back again upon full-pay; and of course no complaint was heard from them. Others had not been so fortunate; but they were no worse off than many officers in the navy who were anxious to get upon full pay, and could not. It was now proposed however, that, having had the benefit of half-pay, a step in rank, and a prospective provision for their widows, they should be placed upon the higher pay of general officers, as if they had served six years as field officers. That reading could not be fairly put upon the regulation. If he had said that any doubt existed on the point, it was simply because the right hon. and gallant Member opposite took a different view of it. But in his own mind there existed no doubt whatever on the matter, and he had, therefore, felt bound, on the part of the Executive, to decline to accede to the request of these officers. He must frankly say, too, that he did not think a Committee of that House a proper tribunal to decide the question. As long as the right hon. and gallant General opposite was in office no such inquiry as that was moved for; but, when another Secretary of State succeeded him, taking a different view of the subject, then the Committee was asked for. He had given his opinion on the question for the third time. To that opinion he firmly adhered, and he trusted the House would not accede to the Motion.

GENERAL PEEL said, he had no wish to set his opinion in opposition to that of his right hon. Friend. He only claimed to have acted as free from bias in this matter as the right hon. Gentleman. He never heard of the case of any one of these officers until it came before him officially, and he did not act upon his own judgment alone in regard to the subject, but upon the advice that was given to him. He had no doubt in his own mind that these officers were entitled to be placed in the same position as the other officers of a corresponding arm of the service who had been put upon half-pay. They could not have imagined, from the terms offered them, that they would suffer any detriment by accepting the arrangement. There was no question as to the claim of their families, if they had any, at their death. If it could be shown that any of these officers had refused to return to full pay, of course they would not have any claim; but such was not the case. If the case against them was so strong, why should the right hon. Baronet refuse them the satisfaction of a Committee? He himself, when in office, assented to the appointment of a Committee to consider the claims of the Land Transport Corps, although he entertained no doubt upon the matter. He believed that this was a bargain, and although it was a bad one for the country, it ought to be carried out.

COLONEL SYKES said, it appeared to him that Government had not kept faith with these officers. A good case required only a plain and complete statement, and the very elaborateness of the argument of the right hon. Gentleman (Mr. Sidney Herbert) showed that his case was a bad

one. If the gallant Colonel pressed his Motion he should go into the lobby with him.

COLONEL DUNNE said, he was always unwilling to submit military questions to a Committee of the House of Commons; but as the late and present Secretary of State for War were at issue upon the subject, and he could not obtain a military tribunal to decide between them, he should support the Motion of his hon. and gallant Friend.

Motion made, and Question put,

"That a Select Committee be appointed to inquire into and report upon the claims of seven Major Generals to the pay of General Officers, who are now receiving only the half-pay of Brevet Majors, and who accepted substantive rank upon half-pay upon the terms and engagements contained in the Horse Guards Memorandum of the 25th day of March 1826 and General Order of the 25th day of April 1826."

The House *divided:*—Ayes 108; Noes 94; Majority 14.

CADETSHIPS (NAVY).

COMMITTEE MOVED FOR.

CAPTAIN ESMONDE said, he rose pursuant to notice to move for the appointment of a Select Committee to inquire into the present system of nomination to cadetships in the Royal Navy. There was a general impression, that the navy was—especially as regarded the middle classes—a close service, and that there was not sufficient publicity or responsibility attached to the nominations to cadetships. It appeared from a Parliamentary return that during the five years ending in 1859 the entire number of nominations was 1,019. Of these twelve were given to the Colonies, fourteen to the Royal Naval School, and 248 to flag-officers and captains. The remainder (745) were distributed, as stated in the return, by the "Board." He wanted to know what was the meaning of that word "Board," and how the "Board" acted, whether individually or collectively, in the distribution of cadetships. In asking those questions he by no means desired to insinuate or assert that abuses existed. He should be delighted to find the Report of the Committee he wished to see appointed negativing the idea that any abuse existed. But he was entitled to make the remark that if there were no abuse existing, there could be no objection to inquiry, and if it turned out that there were, then the sooner it was remedied the better. He did not expect that the Government would offer any opposition to the appointment of the Committee, because he had a very good precedent for his Motion. The hon. Member for King's County (Mr. Hennessy) had moved for a Committee to inquire into the present mode of examining candidates for appointments in the civil service. The hon. Gentleman the Secretary for the Treasury opposed the Motion, but said he did so only because the Government did not think the time had arrived when an inquiry of the kind could be fully acted upon. To that it was replied that the object of the Motion was simply to ascertain what the system was, and upon that, the Government withdrew all opposition. He therefore, placed his Motion on the same ground, and he wanted, by the appointment of the Committee, to ascertain the nature of the system under which the cadetships were distributed.

LORD CLARENCE PAGET said, he thought the hon. and gallant Gentleman should have told the House whether there existed, or he conceived there existed, any real ground of complaint as to the nomination to cadetships. He had heard none himself from any quarter. At the same time, he was aware that the introduction of a system of competitive examination had many things to recommend it; indeed, he had himself brought that question before the House, and he still entertained the belief that it would be advisable to establish a system of limited competition as regarded the entries to cadetships. But the subject was fraught with considerable difficulties. Boys of twelve years of age were eligible for cadetships, and every one knew that a competitive examination among boys of that age would be incomplete and unsatisfactory. It must necessarily be confined to the lower branches of educational subjects, and would afford no criterion of what the future abilities of the competitors might be. The Duke of Somerset had established a system of competitive examination with regard to the marine cadets, who entered the service at a more advanced age than the naval cadets, and if it succeeded the Board would doubtless consider the propriety of extending it to other departments of the service. In the engineering department he had himself introduced a purely competitive examination with respect to the factory boys, who, however, were not examined until they were close upon fourteen years of age. Under a system of competitive examination how would the hon. and gallant Gentleman propose to deal with the nominations to Naval

Cadetships now given to the Colonies? Were half-a-dozen boys to be brought from North America or Australia for the purpose of being examined in this country? One or two might probably be successful, but the remainder would be sent back again disappointed. The House would see, as he had already said, that the subject was surrounded by difficulties. He was not aware that any fault could be found with the Board of Admiralty for the manner in which they distributed the nominations at their disposal. Naval officers were badly paid, and there were many who depended entirely upon the pittance they received in the shape of half-pay. The only boon held out to them was that of having their sons put into the navy. It would be an act, not only of great injustice, but of great impolicy to subject their sons to a competitive examination. At present a large majority of the whole number of nominations were given to service claims. Considerable intricacy was involved in the question, and he thought the House would do well not to refer it to a Select Committee, but rather to trust to the Board to make improvements when they saw that these could be judiciously introduced.

MR. LINDSAY said, his noble and gallant Friend had refused to grant the Committee, but he had not told the House by what principle the Board were guided by their selections. He found from a Return which had been placed in his hand that out of 1,019 nominations between the years 1854-9, only twelve had been bestowed on young men from the Colonies. The argument of the noble Lord on that score did not therefore amount to much. He never made but one application to the Admiralty, and that was on behalf of the son of the late General Niel, who, having been abroad for twenty years fighting the battles of his country, wrote to him to see what he could do for one of his boys. He applied to the Admiralty for a cadetship, basing his request altogether on public grounds, as he believed that the favour would be readily granted to the son of so distinguished an officer, but the application was refused. Afterwards the wife of that distinguished officer came to London; she was a lone woman, living in a country place, knowing nobody. He (Mr. Lindsay) again made application to the Admiralty, and was again refused. That was the first favour he had ever asked of the Admiralty, and it should be the last. It seemed that there were 745 cadetships at the disposal of the Admiralty. How were they distributed?

LORD CLARENCE PAGET said, he had stated that three-fourths were given to service claims.

MR. LINDSAY said, that a portion of those were the 240 given to officers. How were the remainder disposed of? Unless he received a more satisfactory explanation as to how these nominations were given, and the principle which guided the Board, he should consider it his duty on public grounds to vote for the Motion.

MR. TAYLOR said, an instance had come to his knowledge, in which the ground of relationship to a distinguished officer was not recognized at the Admiralty as affording a claim to a cadetship, but fortunately the applicant possessed private interest, by which he was enabled to obtain it.

MR. WHITBREAD said, he could not conceive what grounds existed for granting the Committee, unless it were charged that these cadetships had been jobbed away. Did the hon. Member believe that boys were improperly admitted, and how did he propose to rectify such a state of things? Would he introduce competition, and was it to be limited or unlimited? Was it proposed to take away altogether from the Admiralty, and to vest in some other Board, the power of nominating to cadetships? The hon. Member had not told the House the grounds on which the cadetship that he applied for had been refused. It might be that he had delayed his application until in fairness to others it could not be complied with.

MR. JOHN LOCKE said, the names of the candidates for cadetships were put down on a very long list, and the object of the present Motion was to discover the principle on which the Government made their selection from that list. If the system was fair and above-board, there ought to be no objection on the part of the Board of Admiralty to the appointment of the Committee; if there were anything improper in the mode according to which these selections were made, the House, on arriving at the facts, would recommend some better mode of appointment. It was a matter of grave importance.

MR. BEAMISH remarked that the noble Lord the Secretary to the Admiralty when in opposition brought forward Motions for inquiring into the administration of the Admiralty Department, with which he, as a naval officer, must have been acquainted,

and the object of which, therefore, could only be to discover abuses if they existed. He could not understand on what ground the Government refused inquiry into the subject; and he should therefore feel it to be his duty to support the Motion of his hon. Friend if he went to a division.

SIR FRANCIS BARING said, it would appear now-a-days as if everything were to be made the subject of inquiry. He must, however, confess he did not in the present instance think any good ground for inquiry had been made out, inasmuch as all the information which the supporters of the Motion seemed to require might be obtained by moving for Returns on the subject. Be that, however, as it might, he could from his own experience at the Admiralty undertake to say that officers had frequently, without any interest whatever and merely because of their own services, obtained nominations to cadetships for their sons. He might add that it was impossible to grant every application of the kind, and that he did not think it would be found sound policy to keep the whole of those appointments for the sons of naval and military officers, to the exclusion of civilians.

Motion made, and Question put, "That a Select Committee be appointed to inquire into the present system of nomination to Cadetships in the Royal Navy."

The House *divided*:—Ayes 24; Noes 81; Majority 57.

Notice taken that forty Members were not present,—Committee counted, and forty Members not being present;

MR. SPEAKER resumed the Chair;—House counted, and forty Members not being present,

House adjourned at a Quarter after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, July 4, 1860.

MINUTES.] NEW WRIT ISSUED.—For Donegal, in the room of Sir Edmund Samuel Hayes, bart., deceased.

PUBLIC BILLS.—1° Common Law Procedure (Ireland) Act (1853) Amendment; Manchester Cathedral Church; Larceny Laws Consolidation Act Amendment; Hackney Carriages (Metropolis) Act Amendment.

2° Highways; Medical Act (1858) Amendment; Sale of Gas Act Amendment (No. 3).

PRIVILEGES OF THE HOUSE.—NOTICE.

MR. T. S. DUNCOMBE said, he wished to give notice that he should move as an addition to the Resolutions of which the noble Lord the Member for Tiverton (Viscount Palmerston) had given notice for the next day:—

"That an humble address be presented to Her Majesty, praying Her Majesty to be graciously pleased not to prorogue the present Parliament until the Bill passed by this House for the abolition of the Excise duty on paper has been submitted to Her Majesty for the Royal Assent."

He also wished to ask the right hon. Gentleman the Secretary of State for the Home Department, whether it was the intention of the noble Lord to move the Resolutions of which he had given notice *seriatim*, and to take the sense of the House on each, or to propose them all together?

SIR GEORGE LEWIS said, he apprehended that the question was one rather for Mr. Speaker to decide. He, himself, was of opinion that when Resolutions were put in the form in which these Resolutions were couched, it was the practice of the House that they should be proposed *seriatim*.

CHURCH-RATES LAW AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. HUBBARD said, he trusted that the House would not consider that he had been guilty of presumption in having introduced a Bill on the subject of church-rates. They all knew that in parishes where Dissenters were in a minority, they were compelled to pay church rates; and, that in parishes where dissenting influence was predominant, Churchmen were prevented from rating themselves for the maintenance of the fabrics and services of their churches, while in other parishes in which parties were nearly balanced, a perpetual warfare was carried on, most destructive to religion and social order. For that state of things the remedy proposed during successive Sessions had been the total abolition of church rates. The Bill introduced with that purpose was directed not merely to remedying the grievance under which they laboured, but with the ulterior object of effecting an entire severance between Church and State. The measure which he had introduced, on the contrary, was based on the double principle, that the House was bound to maintain the nationality of the Church of England, and that, as far as was compatible with the maintenance of a national Church,

perfect civil and religious liberty should be secured to all men. It entirely relieved from liability to church rates Dissenters, who, upon their own showing, had no wish to avail themselves of the advantages offered by the Established Church. It affixed no stigma to them; and, on the other hand, it left Churchmen free to tax themselves in the way they found most convenient for their own purposes. Owing to the delay which had taken place in bringing the Bill introduced by the hon. Member for Tavistock (Sir John Trelawny) before a Committee of the whole House, and to the neglect which that Bill had subsequently met with in the House of Lords, his measure had been unavoidably deferred to such a late period of the Session that unless it were cordially assented to by all sections of the House it would be impossible to pass it in the brief interval that yet remained. He should, therefore, move that the order for the second reading be discharged, and he hoped during the recess that the principle of the Bill would engage the attention of hon. Members, and that in the commencement of another Session, they might be able to pass some measure which would put an end for ever to this fertile source of contention.

Mr. DARBY GRIFFITH said, he was quite unprepared for the withdrawal of the Bill, which he thought contained the elements of a measure that would have given satisfaction. The supporters of the total abolition scheme, by an ingenious system of party tactics, had diverted the attention of the country from the question really at issue; but he thought it unworthy of the House of Commons to imitate the conduct of schoolboys in a debating society, and to continue sending up Bills to the House of Lords which by overwhelming majorities they had intimated their intention never to accept. If the question were fairly put before the country, respectable Dissenters, he believed, would be willing to accept an intermediate measure, by which they would be exempted from all liability in respect of church rates. He knew, also, that many hon. Gentlemen on the other side of the House regretted that they had pledged themselves to their constituents for the total abolition of the tax, but for which they would gladly support a moderate compromise. He thought the Church had hitherto been at a disadvantage in never having brought forward a distinct plan of their own. The best mode of so doing would be for the other House, if it were possible, to originate a Bill, and he did not believe this House would undertake the responsibility of rejecting it. But he understood that the forms of the Constitution, of which they were all so extremely jealous of late, prevented such a course. The next best course, then, would be to originate a moderate measure in this House. The first Bill introduced this Session had been constitutionally dealt with, and now, therefore, was the time to take away from the adversaries of the Church, if he might use that term without offence, the advantage of originating every measure, by offering a moderate proposition from the Conservative side. He thought the Bill of his hon. Friend did afford something like a distinct but moderate proposition, and, therefore, he deprecated its withdrawal. It was, he could not help thinking, a grievous mistake for hon. Gentlemen on his own side of the House to refuse their assent to any compromise by which the settlement of a long-vexed question would be effected, and those who took that course were, he believed, following out a line of policy which was more prejudicial to the interests of the Church than even the hon. Baronet opposite (Sir John Trelawny) and those by whom he was supported. And if there was to be no compromise—if the only alternative was to be between keeping things as they are, and the total abolition of church rates, he did not hesitate to say that of the two he would prefer to vote with the hon. Baronet opposite. But, as he had said, he thought this Bill offered something of a compromise, and therefore he was in favour of its going up to the Lords.

Order *discharged.*

Bill *withdrawn.*

HIGHWAYS BILL.—SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS having moved the second reading of this Bill,

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. HODGKINSON said, when the Bill of last Session was before the House he took the opportunity of ascertaining, so far as he could, the opinion of the district in which he resided upon it, and he ventured to say it was scarcely possible a stronger objection could exist on any subject than be found to exist against that Bill, which was very nearly identical in its provisions

with the present measure. Although under the law at present, parishes had power to associate themselves into districts for a similar purpose, that power had been made available only to the most limited extent—he believed only in five or six instances. The fact that it had been actually adopted at all, and had never become more general, showed that it had been a failure. That power had been in existence ever since the present Highways Act was passed, namely for a period of twenty-five years. There could therefore hardly be a stronger evidence of the disinclination of the country to be divided into districts, as proposed by the present Bill. The principal reason urged by the Government in favour of this measure would probably be, that in the present state of the law, many roads were not in a satisfactory state. He admitted the fact, but he denied that a remedy would be found in any legislation such as that proposed by the Bill. The process of road-making was not one which could be carried into effect better by large boards than by the individual exertions of the present surveyors of highways. Every day's experience showed that works of that kind were carried on more economically and better in such a manner than by the operations of public Boards. If some roads were not in the condition which some Gentlemen desired to see them in, might not that fact arise partly from a wise economy? Did not every Gentleman acquainted with agricultural districts know that many roads were used to a very limited extent, and that any large expenditure on them would be out of proportion to the public benefit derived from them? The present Bill contemplated such a state of things, because by the 49th clause power was given to discontinue the repair of certain roads altogether after the Highway Board had decided that they were not necessary for the public use. But he could scarcely conceive a greater injustice than such a clause might perpetrate. In numbers of places throughout the country, which were converted from an open to an enclosed state, the whole of the roads were directed to be repaired at the general expense of the highway rate. A great number of them were not of public utility, and were only used for the occupation of the land adjacent. But the extent of the allotments had in a great measure been arranged according to their contiguity to the roads, and there could therefore scarcely be a greater injustice than to discontinue the repairs of the roads altogether. He might add that no system of highway management would, in his opinion, be likely to prove less expensive than that which at present prevailed. Under its operation a surveyor was chosen by the ratepayers of a parish, himself very frequently a considerable ratepayer, and, as a consequence, having an interest in spending the money raised from the rates in an economical manner. It also happened that in almost every parish there were to be found aged and weakly men, not suited to the varied work of the agricultural labourer, but competent to undertake the slower labour required in the repair of roads, who were employed in that labour, a great saving to the ratepayers being thus effected. In addition to those advantages the present system enabled the surveyor to consult the convenience of the ratepayers, so as to enable them to provide the necessary materials for the repair of their roads at a time when their horses were not otherwise engaged. The repair was by that means conducted at a comparatively small expense; but if the Bill before the House were to pass into a law, paid surveyors, treasurers, and clerks would be called into existence, it being carefully provided that each of those offices should be held by three separate and distinct individuals. Each highway Board would also, he supposed, require a place to meet, and various other expenses would be incurred which now had no place, and no portion of which could, properly speaking, be regarded as an expenditure on the roads of the county. But that was not all, for if the principle were sanctioned of establishing in various districts highway Boards similar in their constitution to the Boards of guardians, it might be found expedient to establish next year a Government Board in London to control them, it being his opinion that a greater amount of jobbery would prevail under the operation of the present Bill than under the Poor Law. But not only would it necessitate the employment of an expensive Staff of officers; it would give rise to the additional disadvantage of rendering the employment of those aged and infirm persons to whom he had referred a matter in which the surveyors would have no interest, as they would naturally seek to effect not an indirect saving, but one which would figure in their accounts. He might further observe that the Bill was not asked for throughout the country, as was proved by the fact that 360 petitions, signed by 26,000 ratepayers, and representing a

greater number as some of them came from Boards of guardians and were signed merely by the chairman, had been presented against it, while only five or six had been presented in its favour. It was very generally supposed that if a road happened to be out of repair it was necessary that law expenses to a considerable amount should be incurred before the taking of steps to put it in a proper state could be made compulsory; but the fact was that it was open to anybody to lay in such a case a complaint before the magistrates at petty sessions, who might either inspect the road themselves, or send a competent person to do so, and who, if it were found to be out of repair, might make an order that it should be repaired within a certain time, when if the order was not complied with, they might fine the surveyor, take the matter out of his hands, and direct the sum required to put the road in a proper state to be paid over to a third party. No mode of proceeding could be more simple, efficacious, and inexpensive than that, and if roads were allowed to remain unrepaired, it was not, he should maintain, so much the fault of the law as of its administrators. Under those circumstances, he failed to discover any good ground for bringing about that revolution of our parochial system which the Bill proposed to effect, while he thought its operation would be to interfere very much with the independence and impartiality of the magistrates by causing them to sit one day as way-wardens with the power of directing prosecutions to be instituted in cases on which they might be called upon the following day to sit as absolute Judges. The right hon. Gentleman the Secretary for the Home Department had, however, in introducing the measure, stated that one of a similar character had worked well in South Wales, but from that opinion he begged leave to dissent, inasmuch as he learnt from a petition which had been presented from that very district in the course of the Session that complaint was made of the defective working of the Act which had been passed for its particular advantage. The case of turnpike roads had been referred to as a reason why paid surveyors should be appointed, but it should be borne in mind that those roads were a most expensive luxury, and that, notwithstanding the existence of tolls, a great many parishes had to provide for the maintenance of turnpike roads out of the highway-rate. In some instances, without allowing anything for interest, the mere repairs of turnpike roads averaged upwards of £60 per mile, while some of the best highways in Lincolnshire cost little more for repairs than £6 per mile. Having said thus much in favour of the existing system, he was quite prepared to admit that the establishment of a more efficient mode of inspection was expedient, while the auditing of accounts might be conducted by some better process, although such a process would not be secured by the Bill, which simply provided that they should be pitchforked on the table at a Board meeting, and audited by the Board. He might add that it appeared from Returns on the subject that the present highway-rate throughout the country gave an average of only 5*d.* in the pound, the limit fixed by the Highway Act being 2*s.* 6*d.* in the pound, so that the Bill before the House, so far from affording any protection against increased expenditure, admitted of the multiplication of the existing rate of payment by six. For the reasons he had stated, he begged to move the Amendment of which he had given notice, that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. KER SEYMER said, he thought they could not be too thankful to the Government for dealing with this question, in that respect following the example of their predecessors. Such questions, though not of a political character, making or unmaking Ministers, still vitally affected the interest and welfare of the country. So strongly did the late Sir Robert Peel feel the importance of the subject that in his great speech of 1846, when proposing his new system of commercial policy, he said he should propose three measures for the special benefit of the agricultural interest —one of these being an alteration of the law of settlement, which had been only partially carried out; another, to advance money for the draining of land — which had been almost entirely absorbed by Scotch proprietors, who were more wide-awake than their English brethren; and the third was an alteration of the law relating to highways. The measure proposed by Sir Robert Peel was so far similar in principle to this Bill that it contained the principle of highway districts and district surveyors. But the hon. Gentleman who moved the Amendment said that the present system was highly satisfactory; and the proof he

gave of this was that, while parishes at present had the power to unite for the purpose of appointing district surveyors, very few had done so. That was perfectly true; but those who were acquainted with country matters knew that there was great difficulty to get farmers and ratepayers to unite and act in concert. This fact was therefore no proof of their objection to the system proposed by the Bill. It was also said that the present system was very little burdensome to the ratepayers; but he, on the other hand, contended that nothing was so burdensome to the agricultural body as bad roads, and these did arise from the present state of the law. The object of the way-wardens was to show a good book at the end of the year —that is, to show that what had been done was done cheaply, not that all had been done that should have been done or in the most effective manner. Very often this very cheapness turned out the most expensive way of making roads. No doubt the magistrates might interfere; but their feeling was that the way-wardens were not very competent to make roads; they were, therefore, dealt with leniently. There was a constant struggle going on between the magistrates and the way-wardens to get good roads, the result of which was that the way-wardens by a certain *vis inertiæ* carried the day, and the roads were not repaired as they ought to be. The employment of *quasi* paupers on the roads had been adduced as a recommendation of the present practice; but he regarded it as quite the reverse. It would be much better to look what pauperism we had fairly in the face than attempt to work it with the highway-rate. Indeed, some parishes got a very unfair advantage by putting their paupers to work on the roads, who generally did no more in six weeks than ablebodied men would do in one week. The repairs on roads were now made by fits and starts, and under such a system it was impossible to get good roads all over the country; what was wanted, according to Sir Robert Peel, being a continuous line of communication. Some years ago he should have been rather afraid of the working of such a Bill as this. Everything depended on having a competent man as surveyor of roads; and formerly if a person was unfortunate in business, with a wife and family, especially if he were a hearty good fellow and sang a good song, he had no difficulty in getting the appointment. But that time had gone by. The ratepayers had found out that they had suffered so much, he would not say from jobbery, but by being led away in these appointments by kind, neighbourly feeling, that they might now be safely trusted to look after their own interests and appoint competent persons. One objection to this Bill was that it was permissive; but if there were districts in the north of England where strong objection was felt to the Bill, probably from their roads being better managed, he did not see why the magistrates should not exercise the discretion that was left them, and not force its provisions on an unwilling county. He should certainly support the principle of the Bill, and also its leading provisions in Committee.

MR. FREELAND: Sir, the hon. Gentleman who has just sat down has said, that the House and the country have waited long enough already for a Highways Act. If this be a specimen of the Bill most likely to pass into a law, I trust sincerely that the country and the House may find themselves condemned to wait still longer. Now what, Sir, are the sum and substance of this Bill? This Bill, Sir, is an attempt, very similar to attempts which have been often made, but which have hitherto always failed of success in this House, to transfer from parish ratepayers in vestry assembled to town councils and justices in quarter sessions, that discretionary power which the former at present enjoy of acting as single parishes, or of combining to form districts for the purposes of highway management. By this Bill town councils or county justices might group parishes into highway districts, without being legally bound to consult the ratepayers with reference to the proposed arrangements. The Bill, it is said, is only permissive. True, it is optional, but with whom? with the wrong parties. It is optional, not with the ratepayers but with town councils and county magistrates. And what, Sir, are the grounds on which the House is asked to pass a measure of this objectionable character? A few vague statements, true, no doubt, in certain districts, that our highways are not in the state in which they ought to be. I have seen also some two or three petitions from county magistrates favourable to the change proposed. But these, Sir, are not grounds which would justify the House of Commons in imposing a measure of this objectionable character, on a resisting and protesting country. There are no returns or figures,

so far, at all events, as I can discover, which in any way justify this change. There are no returns showing the comparative cost and efficiency of the Irish, the South Wales District, the Scotch Statute Labour, the English Turnpike, and the English Parochial Highway system. Yet these, in the case of a change of vast importance,—a change affecting the whole country, would have been, as it appears to me, the natural and the legitimate grounds for Parliamentary action. If better roads have been made at no greater expense, or, equally good roads at a less expense than under our existing system, let this be shown, and Parliament no doubt will sanction, and the country gratefully accept a change. Not only are there no such comparative estimates or returns, but there are no proofs, so far as I can discover, of any general or gross mismanagement or of any wanton waste of public money, even under the present system. If there has been mismanagement, it has not been shown that it is not even at present easily remediable. So far as regards the district with which I am acquainted, there is little, if any, cause of complaint: I have, indeed, heard of a district in another county, in which the roads got into a bad state. But what happened? A very energetic gentleman, a friend of mine, got appointed surveyor, and very soon brought the roads into a good state. Well, but what does that show? Does it not show that, even under the present system, a little local effort and a little local energy may make good any defects that may exist? No doubt, in the case to which I refer there was a little grumbling as to expense. But what was the expense in that case compared with the burdens which this Bill would throw upon the local rates? A paid surveyor, a clerk and deputy-clerk, if required, are not in these days to be had for nothing, nor would they be likely to set about their work in a simple and inexpensive way. I want hon. Gentlemen to consider the expense which the staff of officials to be created by this Bill would throw upon the counties. My hon. Friend the Member for Newark has referred to the petition from Levenshulme. The petitioners state that their annual highway rates have not exceeded 4*d.* in the pound for the last eight years. Yet their roads have been kept in such a state of repair as to call forth votes of thanks to the surveyors at the annual meetings. But they say that the cost of appointing a paid surveyor, and of otherwise carrying out the provisions of this Bill would exceed their present total expenditure on their highways. The right hon. Gentleman the Member for Oxfordshire once told the House that hon. Members had formed too low an estimate of the charge which a measure similar to this would throw upon the county rates. On another occasion he begged the House to consider that Turnpike Roads, in the management of which, as we all know, county magistrates take a leading part, cost the country £42 per mile, while the present highways cost about £16 per mile. My hon. Friend the Member for Newark quoted returns from certain Turnpike Roads giving an average cost of £60 per mile, and he referred, I think, to certain highways, near Lincoln, maintained at a cost of £6 per mile. Again, Sir, as regards expense, we are told that no accounts are so difficult to audit as those of a surveyor of Highways. Will you improve the means of checking or auditing such accounts when you have mixed up, as is proposed by the present Bill, contributions from separate parishes in order to form for certain purposes a district fund, while for other purposes the expenses are to be borne as separate charges by the respective parishes. Then, again, who is to audit these accounts? The Highway Board. But that is the Board which, under this Bill, is to authorize the outlay. The Board is to hold one meeting every year to audit accounts. But we all know how these arrangements work in counties. The expense and difficulty of attending these Board meetings would probably deter the elected waywardens from attending them, and the control of the proceedings of the Board would fall, in the case of counties, into the hands of a few of the nearest resident county magistrates. These, again, not knowing much, perhaps, of road management, and not being constant in their attendance, would probably very soon become mere puppets in the hands of the surveyor. Let us look now for a moment at the constitution of the Boards. In counties county magistrates are to be *ex officio* members of them. To this arrangement it is objected that county magistrates as *ex officio* waywardens might outnumber and outvote the waywardens elected by the parishes. It is urged that they might do this in matters in which as proprietors, having an interest in the formation, the improvement, alteration, or shutting up of roads, they might have an interest at variance with interests of the general body

Mr. Freeland

of the ratepayers. Again, where taxing powers are given to *ex officio* waywardens, you have to that extent, at least, taxation without representation. Then, again, as to repairs of turnpike roads in certain cases out of the highway rates. It is urged that magistrates, who as mortgagees are frequently interested in these roads, would not be a fair tribunal to decide upon such questions. I have spoken of the objections to the Bill on the grounds of expense and of the constitution of the Boards. Now what are the general feelings of the country? We find by the twenty-fifth Report of the Public Petitions Committee, that, against the Bill there have been presented 308 petitions, signed by 23,289 petitioners. These are not petitions emanating in one form from a Central Committee, but the spontaneous effusions of different localities. The petitions in favour of the Bill have been five, signed by 92 petitioners. Then, again, the Highway Act has been passed about five-and-twenty years. That Act enables parishes to unite, and form districts for the purposes of Highway management; but it is admitted that in that respect the Act has been practically almost a dead letter. Well, but that shows, at all events, that the parishes and ratepayers do not want this change. If parishes voluntarily formed districts, no doubt there, and I have heard of such a case, the plan might work well. And why? Because men commonly do well and efficiently that which they do of their own accord. But if they do not want this plan, will it work well when Town Councils or County Justices, by virtue of an order in Quarter Sessions, have imposed it on them? I will not dwell now on other questions of detail. These are matters for discussion in Committee which this Bill, perhaps, may not be destined to undergo. I hope for these reasons that the House will accede to the proposition of my hon. Friend the Member for Newark, and consent to read this most objectionable, unconstitutional, and uncalled-for Bill a second time on this day three months.

MR. KNIGHT said, he really had not expected that this Bill would have been proposed for a second reading after the long time it had been allowed to lie over, having been introduced on the 27th of January, and no stage moved in it since till the 4th of July. He did not believe that the public highways of England were in a bad state at all. Though not all equally good, they were very good. They were the best in Europe—the best in the world. He had travelled a great deal, and the only other country in which the public roads were really excellent was Germany; but when you got out of the public road—almost any *grand chemin*—you were constantly interrupted, and were even obliged to get out of your carriage to have it dragged through. English roads were not only the best in the world, but they were rapidly and very greatly improving. In the north of Worcestershire a country gentleman in the days of his father could not go to the country town without four horses, not for the pomp or pride of the thing, but because four horses were absolutely necessary, the roads being either ankle deep in sand or clay; but now, a one-horse fly was equal to the task, proceeding in any direction, either by turnpike or cross roads. He could also speak to the great improvement which had taken place in North Devon. Within the memory of persons with whom he had conversed there were four parishes, where the only roads were a kind of watercourse formed by the rain, and everything was carried on pack-horses; but these old roads had been so much improved and new ones made that a one-horse fly could take you into any corner of those parishes. He did not wish to see a system under which such improvements had been made superseded by an unconstitutional, centralizing authority, which would enable the Government to place their hand on the 16,000 parishes of England, and, with two or three paid clerks, to dictate to the whole of them. The constabulary had been referred to as a means of inspecting the highways; but he thought the police should be left to the detection of crime. That was their proper function, and to that they should be restricted. No doubt they would be ready to undertake the duty; indeed, they would undertake the whole government of England, and think they could do it better than it was now conducted. But in this way we should soon lose all the liberty we had, and he greatly preferred our present constitutional system. He hoped the right hon. Baronet would not persevere with this Bill, which would revolutionize the entire local government of this country.

MR. HENEAGE said, he should support the Bill, as its effect would be to procure the appointment of competent surveyors in place of the present inefficient officers selected.

MR. DEEDES said, he should cordially

support the second reading of the Bill. An objection had been urged that it was permissive instead of compulsory; and certainly he was of opinion that when they were legislating on large and broad principles, it was better that the measure should be compulsory; because, *primâ facie*, the mere fact that a Bill was permissive, showed that it could not, in all cases, be considered a good one. He very much regretted that the Bill had not been brought forward at an earlier period of the Session; because, had it been brought forward in February, there were at least three weeks in that month in which their time might have been profitably occupied in discussing it. He was surprised that any hon. Gentlemen could get up in that House and advocate the continuance of the existing system of repairing the roads. For his part, he considered that it was a most expensive one. In nine cases out of ten, the men at present employed on the roads only did half a day's work. They were employed simply on their application for such work; and he believed that the manner in which they performed it was as bad as it possibly could be. He was perfectly satisfied that, taking the whole country through, a great deal more money was spent in maintaining the roads in their present inefficient state, than would be spent if they were properly attended to. No doubt, it would require rather a large sum of money to put the roads into good repair in those parishes where they had been neglected; but when they were once made good, they could be maintained, under the proposed system, at a much cheaper rate than they were at present; while the country would at the same time have the advantage of a continuous line of good roads, which it did not possess now. He thought that the present system of employing men on the roads was most demoralising. Men who were unfit to do anything else, were considered perfectly competent to make roads, when they were, in point of fact, totally incompetent to perform that work. Independent of that, they came an hour later in the morning, or left an hour earlier in the evening, and as it was impossible in all cases to pay them by the piece, though they might do so in the case of stonebreakers, they were paid by the day; and from the absence of the surveyors, who had their own business to attend to, the work was executed in the most slovenly way. It had been said that there was a difficulty in making magistrates *ex officio* members of the highway boards, because they might afterwards have to adjudicate on cases arising out of the Act. He thought, however, that as long as a magistrate acted conscientiously, he would be supported by public opinion in this country; and, therefore, that magistrates would not feel that this Act would cast any burden whatever upon them. Generally speaking, he believed that the Bill would, if carried, produce the greatest possible benefits; and considering that it would give satisfaction, which the present system did not, he should support the Bill.

MR. THOMPSON said, he wished, as one of those parish surveyors who were now upon their trial, to say a few words on this question. The hon. Member for Newark, who had moved the rejection of this Bill, argued that the existing laws for the maintenance of highways were amply sufficient for their purpose, and that if roads were not properly maintained, it was to be attributed, not to the want of good laws, but to the inefficiency of those who administered them. His (Mr. Thompson's) experience was entirely opposed to this statement As a magistrate and a landowner he had used his influence to carry out the present law in his own district, but he had never been able, even in his own parish, to get the roads put into a proper state until he procured his own appointment as surveyor, when he was enabled not only to place them in good condition, but considerably to reduce the expense. Thus the cost of good roads was less than that of bad ones. The area in which a parish surveyor acted was far too limited. He knew of one case where it extended over only half a mile of road, and another where it did not exceed a mile. These were extreme cases, but in the largest parishes the extent of road to be maintained was seldom sufficient to warrant the employment of a paid surveyor; the duty was therefore generally performed by a tenant farmer who knew nothing about road-making. It could not be expected that farmers should leave their own business, on which their living depended, to look after the roads for which they received nothing, especially when they were well aware that every shilling laid out would be made the subject of attack, and that the man who spent least money would be regarded as the best surveyor. It was a perfect farce, for a half-mile or mile of road, to go through all the ceremony of keeping separate highway-books, holding separate highway-meetings, and making separate highway-rates.

At present the best roads were either turnpike roads, which are managed by paid surveyors, or those near some town, which were under the management of select vestries or local boards. The farmers who undertook the superintendence of a mile or two of road for a year had no opportunity of acquiring the experience required to enable them to understand the business. In his own particular district there were both good and bad roads, the difference between them being solely due to the fact that the bad roads were under the ordinary parish surveyors, while the good ones were in the hands of paid men competent to look after a considerable mileage, and who therefore gave satisfaction to all parties. Objection had been taken to magistrates having seats at the boards to be constituted under this Bill. Now, under the new Poor Law system magistrates were *ex officio* guardians; and though many complaints had been made against that system, none had been urged against magistrates acting in that capacity. On the contrary, so far as his experience went, the elected guardians of the poor were glad to have the assistance of those gentlemen. To illustrate the kind of management under which the highways were now placed, he might mention that he had compared the cost of maintenance per mile in a large number of townships in his own district, and found that it varied as much as 7 to 1. The present Bill would remedy many of the defects of the existing system, and should have his most hearty support.

MR. BARROW said, he was decidedly opposed to the principle of this measure, as being very centralizing and bureaucratic, and as intended to take away from parishes the last remnant of local self-government. It was surprising that anybody in a free country should argue against its being made optional with those whom the Bill professed to benefit either to adopt its provisions or not, as they thought best for their own interests. The first petition which had been presented from a country district against this measure declared that at present the highways were kept in repair by substantial householders chosen by the ratepayers, and who had a due regard to economy and efficiency; that their management was infinitely to be preferred to that of nominees of the Crown, often appointed from political and other considerations, and dependent for the tenure of their office more upon their obsequiousness than upon the honest and faithful discharge of their duties; and that this Bill, which was neither sought nor desired by the great body of the people, not only struck a heavy blow at the connection between taxation and representation, but altogether ignored the growing intelligence of the community. He could speak from a personal experience of seventy years as to the improvement that had taken place in the roads of his own district. On roads along which he could hardly get a horse to travel when he was a young man he could now drive a light four-wheel spring carriage, without the least possible inconvenience. The system that had produced such results—results which might be easily worked out in other parts of the country—would be ill-changed for one that would take from the ratepayers the control over the expenditure of their own money, and transfer it to men who were admirable conservators of the peace, but not necessarily good administrators of finance. It was said that at present orders for the repair of roads must be made by magistrates in open court, and subject to public opinion. That was a strange objection to hear raised in a free country. True, the Bill would allow the ratepayers to send an odd way-warden or two to the Board; but the representative Members were pretty sure to be out-voted by the Government nominees; and farmers would not be inclined to travel a considerable distance from their own parishes to attend the monthly meetings. As the Chairman of a large Board of Guardians, he could state that in his neighbourhood the labourers were not demoralized by working upon the roads, but were often saved from pauperism by having that employment. When the proposed Boards were constituted they would spend at their own pleasure the money of parishes for which no member was present, without the check of a public hearing, and without any public complaint having been previously made of the state of the roads. If the prudence of their acts was questioned, there would be no remedy, because they would audit their own accounts. If the legality of their proceedings was appealed against, the magistrates who had sat *ex officio* at the Board would be authorized, not only to earwig their brethren upon the Bench, but to give their individual votes at sessions in defence of the orders they had made. He trusted the House would decidedly reject the second reading of such a measure.

MR. WALTER said, he did not altoge-

ther share the objections taken to the Bill by his hon. Friend the Member for Dorsetshire (Mr. Ker Seymer) and the hon. Member for East Kent (Mr. Deedes) on the ground that it was permissive. In a question of this kind, where the change proposed was rather one of degree than of principle, and the measure itself was one of a somewhat tentative character, he thought there might be an advantage in introducing it by a permissive instead of by a compulsory process. He apprehended that the same result would occur in this instance as had been already witnessed in regard to the Rural Police Act, and that in a very short time there would be few counties in England which would not adopt this measure—so great, he believed were the benefits it would confer on the country. The main objection, as he understood it, which had been advanced against this Bill was comprised in the expression that had been applied to it by the hon. Gentleman who had moved the Amendment—namely, that it would have the effect of "disparochializing" the management of our highways. Now, there were certainly some subjects with which local authorities were more competent to deal than Central Boards; but, on the other hand, there were others in respect to which Central Boards appeared to him to have the advantage. For example, in regard to the relief of the poor, which had already been alluded to, he had always been of opinion that the poor, being generally located in particular districts, and not travelling much about from one place to another, the management might be safely confided to the local authorities. But if there was any one matter more than another which he conceived ought not to be intrusted to the local authorities, it was the management of the highways. If a road running through a parish began and ended in that parish, undoubtedly he would be the last person to advocate the transfer of its supervision from a local to a central body; but a parish road was only a portion of a great system, the whole of which was affected by the mismanagment of any single part; and, remembering that the highways of England were but the veins and arteries through which the commerce and traffic of the country circulated, it would be just as reasonable to complain that each member of the human body had not a separate overseer as for each parish to complain that it had not a separate surveyor for its highways, which were merely portions of a great system ramifying throughout the entire kingdom. As far, then, as an extended area of management was concerned, he for one would have had no objection if the Bill had carried its principle further than it pretended to carry it, or even if, in fact, it had intrusted to the county authorities the supervisiou of all the highways within their respective counties. But when it was alleged that under the present law every facility was given for the good management of highways, he could only say that his experience led him to quite the contrary conclusion; for he could state from his own knowledge that the highways and parish roads in his own neighbourhood, so far from improving, had visibly deteriorated within the last twenty years, as the result of the gross negligence and abuse in the manner in which they were conducted. The hon. Gentleman who moved the Amendment had described highways as answering a purpose that might never have occurred to any one. The hon. Member thought they were made to give employment to persons who were fit for nothing else, or to accommodate the horse and cart of the farmer. That was, no doubt, only a casual remark made by the hon. Gentleman; but it indicated the slovenly mode in which these matters were habitually dealt with. It could not be expected that road-making—an art of considerable difficulty and great importance—should be properly executed unless the persons engaged in it were paid for their services, and attended to that business and nothing else. Unfortunately he had great personal experience of the construction of highways, having had many of them to look after upon his own estate, and he knew of nothing in the world that was so dear as bad roads. There was nothing to which the maxim "Penny wise and pound foolish" was more strictly applicable. At the same time there were few improvements of the value of which farmers seemed so little sensible as good roads. He would be very sorry to back his own opinion against that of any farmer in his own county upon a purely agricultural question, but in regard to roads he thought himself as good a judge as any of them. He was convinced that the class of surveyors on whom the duty of making roads now devolved were ignorant of the first principles of their art, and were no more fit for the business than for the conduct of any department in the State. He would not trouble the House with any re-

Mr. Walter

marks upon the details of the Bill, because it contained many points which would probably require discussion in Committee. He would only add that he believed the measure, as far as it went, would effect a considerable improvement in the present system, and he sincerely trusted that it would pass into law.

Colonel WILSON PATTEN said, he could not altogether agree with his hon. Friend who had just sat down, or with the hon. Member for Dorsetshire. Doubtless, the present system—under which the highways were not regarded by the inhabitants of different parishes and townships as parts of a great system, but only as an accommodation to themselves in their agricultural pursuits—was one requiring amendment. But he thought the necessary change could be accomplished in a better and less expensive manner than by this Bill. In his own county there was a strong feeling on this question, it being thought that if the principle of this measure were once admitted, it would eventually lead to the same results as had occurred in the case of the Poor Law Act. The representation given to the ratepayers by the Bill was too indirect, and he would suggest to the right hon. Gentleman the Secretary of State that the object which he had in view might be attained by a far simpler process. If the surveyor of highways were appointed by the county magistracy, with power to carry the existing law into effect, the ratepayers would still retain the control of their own affairs, and the roads might be kept in efficient repair. That plan was approved by the local bodies with whom he had been in communication, and he trusted that his right hon. Friend would consent to substitute it for the costly machinery to be created by this measure.

Sir WILLIAM JOLLIFFE said, he hoped that the principle of this Bill would meet with the approval of the House. He concurred, however, in the regret expressed by the hon. Member for East Kent, that some attempts had not been made to audit the accounts of the surveyors. He thought it was a question whether the Home Secretary might not yet introduce a clause with that effect into the present Bill. On the other hand the objections which had been raised to the Bill had caused him considerable surprise. It was said that magistrates would not enjoy the confidence of their neighbours in this respect as they did in others. This change, however, was analogous to that which was introduced by the Poor Law Amendment Act, and he believed that wherever magistrates had exerted themselves to carry out that law their services had been accepted with gratitude by the ratepayers. Nor did he think that this measure would increase the power of the magistracy. The magistrates were chosen chiefly from the squirearchy, and in many parishes the squires were perfectly absolute in the management of the roads. Unfortunately, that system did not produce good roads. The objections that this measure would perpetuate turnpikes and would destroy the parochial system were, in his opinion, equally unfounded. Such a Bill as this had been recommended by every inquiry which had been held upon the subject—many of them presided over by the late Speaker—and he therefore hoped that the House would assent to its principle.

Mr. DILLWYN said, that the general features of this measure were similar to those of the system which was some years ago applied to South Wales. Although there were some defects in that system, which were corrected in the present Bill, it had worked exceedingly well, and had saved a great deal of money to the ratepayers. He should, therefore, vote for the second reading of this measure.

Mr. CAYLEY said, he would admit that the highways were not managed as well or as economically as they might be, but he believed that the evils complained of might all be remedied under the existing law. Hon. Members of that House represented the carriage interest, which, of course, desired that the roads should be as good as turnpikes; but the question was what did the ratepayers wish. He believed that nine-tenths of his constituents were opposed to this Bill. By an Act which was now in force parishes might unite and appoint a joint surveyor, and he understood that in some counties—Warwickshire, for instance, among the number—that course had been adopted with great advantage. Farmers did not like to be subjected to the compulsion under which the Bill would sooner or later place them, and he should therefore feel it his duty to oppose the second reading. The 49th clause of the Bill referred to the abandonment of roads. He doubted the expediency of such a provision, but he was quite convinced of the necessity of providing means for obtaining access to arterial lines of communication which had been entirely altered by the introduction of railways. In some parishes there was a high-

way within two or three fields of a railway station; but there was no power to open a communication between them. The starting point of this measure was the improvement which had been worked by the new Poor Law. It was, therefore, not surprising that hon. Members from the south of England regarded the question from a point of view different from that from which it was looked at by those who represented constituencies in the north. In the northern counties the Poor Law Amendment Act added a charge of 9*d.* in the pound for machinery to a rate of only 1*s.* 6*d.*, while in the southern counties the rates were 5*s.*, 10*s.*, 15*s.*, and in some cases 20*s.* in the pound. In the south the charge for machinery was a mere fleabite as compared with the relief obtained; and therefore it was not surprising that in that part of the country less jealousy existed as to the expense which would be caused by the machinery of this Bill than was felt in the north. He thought that the suggestion of his hon. Friend the Member for North Lancashire (Colonel Wilson Patten) was a good one, and that the House might adopt some intermediate measure between the maintenance of the existing system and the acceptance of the Bill of the right hon. Gentleman the Home Secretary.

SIR GEORGE LEWIS said, that the House had during a considerable portion of the Session been engaged in the discussion of political and constitutional changes, and he hoped that they would not think that the season was now too far advanced for the consideration of a useful social improvement, such as that which was the object of the Bill now before them. The introduction of railways had of late years greatly increased the importance of parish highways as compared with turnpikes; and, having for some years devoted considerable attention to the subject, he could recommend this question to the House as one of great importance to our local internal interests. The Bill which was before the House merely authorized the magistrates at Quarter Sessions to introduce its provisions into a county if they thought fit. In a former year he proposed a measure according to which, the existing divisions of the Poor Law unions being taken as the basis of the scheme, the guardians were to be the way-wardens, and the introduction of the system was made compulsory. It was objected to that measure that it was not expedient to confound the administration of the Poor Law with that of the highways, and that the plan then proposed would lead to placing the high roads under the control of the Poor Law Commissioners. He would not say whether or not that objection was well-founded, but it led to the adoption of a different plan which was embodied in the Bill of last Session, with which the measure before them was substantially identical. He admitted that the circumstances of the country with regard to the repair of the highways differed so greatly in different districts that it might not be expedient to apply an inflexible system of legislation to all; but if this Bill was passed no such inflexible rule would be applied. If the general feeling of the tenant-farmers and the ratepayers of any county was opposed to the system which was embodied in this Bill, the magistrates would, of course, be influenced a good deal by it, and the system would not be introduced into that county. According to his experience, magistrates in Quarter Sessions were not at all disposed to undue extravagance. On the contrary, he believed that they were quite as careful guardians of the county purse as that House was of the national one, and he therefore confidently expected that when in any county there was a general feeling that the introduction of this system would lead to a profuse expenditure of the highway rate the magistrates would be disinclined to introduce it. Being firmly convinced that the Bill would lead to the more economical expenditure of money, and would produce better roads, he should, were he a dictator, and could make laws by an ukase, be disposed to apply it compulsorily to the whole kingdom; but as that was not the condition under which they made laws in that House, he trusted that he should not be accused of taking a weak or unworthy course in departing in that respect from the Bill of last Session. It had been objected to the Bill that it would annihilate the representative system which was embodied in the present law, and would introduce centralization. No such system of representation, however, existed. A surveyor of highways was chosen by the vestry, and after he was chosen he was their officer, but not in any sense their representative. It was quite an error to suppose that there was now any representative administration of highways. The theory was that the vestry elected a surveyor, but practically that body exercised very little selection in the matter. In some cases the retiring surveyor elected his successor, and in others, it being found

difficult to get any one to accept an unpaid and troublesome office, it was by arrangement passed from one farmer to another, the magistrate confirming the appointment as a matter of course. To call the present system one of representation was almost as great a departure from the fact, and as large a draft upon the imagination, as could well be conceived. This Bill would introduce a real representative system, because it provided for the appointment of Boards of way-wardens, who were to be elected by the ratepayers. Some hon. Gentlemen thought that it was wrong that magistrates should *ex officio* have seats at those Boards. In that respect he had followed the Poor Law. That system worked well, and he was quite contented to accept it as a model; but the question must be considered in Committee. It was also objected to the Bill that it created a number of paid officers—surveyor, treasurer, and clerk—whose salaries would be a burden to the ratepayers. The Bill did not provide that the treasurer should be a paid officer, and he would probably in most cases be the neighbouring banker, who would be ready to keep the account of the highway district without receiving any salary. He believed that it was desirable that some person should be appointed at a small salary to act as clerk to the way-wardens at their periodical meetings ; but if it was thought better that the surveyor should act as clerk he should not be disposed to object to such a change. The real essence of the system embodied in the Bill was that the districts for regulating the repair of the roads should be of considerable magnitude, and should not be accidentally determined or limited by the boundaries of parishes; that there should be a permanent officer to manage the roads of each district, and that he should be a paid officer. If hon. Members were not prepared to agree to that principle, let them reject the Bill upon the second reading. His hon. Friends the Members for Dorsetshire and Whitby had so fully stated the reasons which existed for the proposed change that he was quite satisfied that the case for the Bill should rest upon their speeches ; but there was one point to which he desired to call the particular attention of the House. Since Sir Robert Peel made the sound observation that nothing tended more to the benefit of agriculture than the improvement of the minor means of communication, it had happened in many parts of the country that roads which were formerly the great arterial communications, and over which was conveyed the great traffic of the country, had, in consequence of the introduction of railways, sunk into minor importance, and that many of the parish highways, which were not included in the Turnpike Acts, had, in consequence of their communication with railway stations, become roads which were traversed by much traffic. How difficult was it for a parish to repair such a road under the existing system ! There was the greatest necessity for providing more skilful means of repairing roads, and the plan now proposed was the only one by which they could be provided. It was said that the existing system was a cheap one ; but no system could be a really economical one under which the greater part of whatever sum was raised was wasted and thrown away. Another objection to this Bill was that magistrates would act in a double capacity—that they would act as way-wardens, and would also adjudicate upon disputes concerning the roads. The same thing occurred under the Poor Law ; and he had not heard that it had produced any inconvenience. It had also been stated that petitions had been presented from South Wales against a system similar to this, which had six years ago been introduced into that part of the country. As had been already intimated by the hon. Member for Swansea (Mr. Dillwyn) however, those complaints were not against the system, but against some defects, which had been remedied in this Bill ; and he had reason to believe that if this measure was extended to South Wales the petitioners would be quite satisfied. Therefore, so far as any argument could be drawn from that circumstance it was favourable, and not adverse, to the Bill. The 49th clause, to which there had been some opposition, was only an adaptation of a provision in the existing law ; and, if it was found to be open to objection, it could be amended in Committee. It had been said that the audit proposed would be unsatisfactory. Let the House contrast it with that which now existed, and according to which the accounts of the surveyor were laid before a magistrate, who might have no special knowledge of the administration of roads. No doubt, some magistrates performed their duties most conscientiously, and carefully examined all the different items ; but he did not feel sure that that was the invariable, or even the general practice. He inclined to think that the audit under the

present system was very inefficient and unsatisfactory, and that the audit established by the Bill would be more efficient than that conducted by the magistrates under the present system. If it should not be thought efficient, the only alternative would be to appoint a separate paid officer for the purpose, and then, of course, objection would be taken to that plan. The arrangement in the Bill was the best under the circumstances. The system proposed by the present Bill was founded on a principle which must be a necessary condition for the improvement of the minor means of communication—the parish roads; and it was impossible, without adopting the principle of an area of considerable extent, so that it might be superintended by a permanent paid officer, that any skilful and systematic mode of repairing the roads could be adopted.

MR. HENLEY thought there could be no difference of opinion as to the importance of having good roads throughout the country; but the question for their consideration was, whether the present Bill was calculated to effect that improvement which was so much desired. But could not the roads be improved by the means now existing, or was it necessary to have large areas with skilful and paid officers? With regard to the Welsh roads, the utmost the right hon. Home Secretary could screw himself up to say was that the expenditure was not very profuse. That, then, was not a very consoling expression. [Sir GEORGE LEWIS: The expenditure is very moderate.] The right hon. Gentleman said that the circumstances of the north were different from the circumstances of the south, and those of the east from those of the west, and yet he said that though the case of different localities varied, people should have no measure to improve their roads but the present. Yet he added, that it would establish no inflexible rule throughout the kingdom, but would leave its introduction or non-introduction to the discretion of the magistrates. He (Mr. Henley) confessed he could not concur in that line of reasoning. Then how far were the Highway Boards, constituted under the Bill, likely to appoint skilful officers? Was it not the case in reference to the appointment of medical officers by Boards of Guardians that constant applications had been made to the central authority to increase the pay in order to obtain efficient officers? If that was so, why should it be expected that these Highway Boards would appoint efficient men to look after the roads, and how long would it be possible for such Boards to go on without the control of some central authority? He believed not three years, and that circumstance itself constituted a great objection. He ventured to say that the machinery established by the Bill would be very expensive. But they were told that a representative system was about to be introduced, and that at present nothing like a representative system existed. He was astonished to hear such a statement, for in some instances the inhabitants elected the vestry, in others all the ratepayers attended the vestry, and the vestry nominated the surveyors. He asked who called for the present measure? From year to year the country had been vexed by Bills of the sort, and yet none of them ever became law. In that respect they resembled the recent Reform Bill. The present Bill had been before them since February, and he could not avoid expressing his surprise, if it were calculated to effect such immense advantage as the right hon. Gentleman believed, that the Government had not endeavoured to press it forward before the present advanced period of the Session. He believed that the ratepayers generally were opposed to it, and that it would not establish a better system than they had at present. On the contrary, he was of opinion it would lead to much jobbery and corruption, and therefore he should offer it his opposition. The public much disliked the system of centralization which it would lead to. The petitioners in favour of the Bill amounted only, he believed, to ninety-three persons, whilst several thousands, including a great many boards of guardians, petitioned against it. Under those circumstances, he was decidedly opposed to the measure.

Question put, "That the word 'now,' stand part of the Question."

The House *divided*:—Ayes 203; Noes 120; Majority 83.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Monday* next.

DEALERS IN MARINE STORES BILL.

COMMITTEE.

Order for Committee read.

MR. SPOONER moved, that the House resolve into Committee on this Bill.

MR. HENLEY said, he desired to have some explanation of the purpose of the

Bill, for it had passed through the second reading without notice. As he understood the Bill it would make it incumbent on all plumbers, blacksmiths, silversmiths, ironmongers, and on all men dealing in metal, to take out a licence, keep their books in a certain way, and submit their premises to regular inspection by the police. This was a very serious matter, and he could not help thinking that the Bill went further than his hon. Friend intended.

MR. SPOONER said, that as originally drawn the licences would have been necessary; but he should in Committee introduce an Amendment which would rectify that objection. The provisions of the measure would attach only to those persons who, in the opinion of the magistrates, were carrying on the business of marine storekeepers in an illegal manner. In the manufacturing towns there was great loss of property through the dishonesty of workpeople in factories, who were enabled to dispose of the property they took away by carrying it to those shops; and in Birmingham alone it was estimated that nearly £40,000 a year was lost in that way. In very many of those stores a "hot pot" was kept ready, into which stolen plate was thrown and at once melted down, in order that identification might be impossible. The Bill provided that where there was *primâ facie* evidence of such practices the owner of the shop should be compelled to take out a licence which would put his shop under the surveillance of the police.

SIR GEORGE LEWIS said, he would confess that his attention was not drawn to the Bill until after it had passed the second reading. Seeing the words "marine stores" on the back, he thought it was more a question for the Admiralty than for the Home Secretary. He had, however, carefully examined the subject, and although he had no doubt that the dealers in marine stores were to a considerable extent receivers of stolen goods, and that it would be desirable to place them under some supervision and control, a Bill with more arbitrary provisions than the present he had rarely seen. A very ample definition was given as to who was to be considered a dealer in marine stores, and, as had been stated, every blacksmith immediately became, under that definition, a dealer in marine stores, and must take out a licence. Now, it so happened that in an Act for consolidating the laws relating to wreck and salvage—9 & 10 *Vict.* c. 99, there was a statutory definition of a dealer in marine stores, which did not agree with the definition in the present Bill; so that if the present Bill passed, there would be two distinct statutory definitions of the same matter. The 9th and 10th *Victoria* defined as marine store-dealers "all persons who shall trade or deal in buying and selling anchors, cables, sails, or old junk, old iron, or marine stores of any kind or description." It was true that here old iron was mentioned, but the context showed that the iron of ships was meant. The definition in the Bill ought to be limited in accordance with that contained in the Act. But the hon. Gentleman proposed to empower all police inspectors and sergeants to enter marine stores, and that dealers, besides being subjected to these domiciliary visits, were to keep a book or books in which to register their dealings and enter the name, business, and place of abode of any customer. Now unless they imposed a penalty on the customer for refusing to give that information, it would be impossible for the unhappy dealer to comply with these requisitions. He had not had time to inquire whether any necessity existed for this arbitrary legislation; but if the House wished it, he should not oppose the going into Committee, though the provisions of the Bill were such as the House ought to be very cautious in adopting.

MR. NORRIS said, he thought that if the object of the Bill were to put down petty thefts by boys engaged in trades where metals were much used, the licence should be made renewable annually, and the price, instead of being *5s.*, should be something far more considerable. Then the small dealers—the receivers of stolen goods—would be put an end to.

MR. NEWDEGATE said, it might be advisable to relax some of the provisions of the Bill in Committee; but the evil which his hon. Friend wished to remedy was a crying one. These marine store-dealers, particularly in the large manufacturing towns, became, in many cases, the channels for disposing of stolen goods. This was especially so in Birmingham; and perhaps it would not be unwise, in the first instance, to limit the operation of the Bill to that town, where his hon. Friend's definition of a marine storedealer was perfectly understood.

MR. SOTHERON ESTCOURT said, a marine storedealer might very often be defined as a person who was willing to receive, at any hour, without any inconve-

nient inquiries, any goods that might be offered to him. The trade was one which, perhaps, required more stringent regulations than any other; and he thought the House might fairly be asked to go into Committee to see whether the Bill could not be so framed as to meet the evil.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3 (Definition of Terms).

SIR GEORGE LEWIS said, that was the time to consider whether the definition of marine stores given in the existing Act, to which he had alluded, should not be adopted in the Bill.

MR. SPOONER said, he thought that definition would not meet cases in which persons assumed the names of marine store-dealers with a view to receive stolen goods. He particularly wished to include silver and gold within the definition, so as to render the Bill applicable to the receivers of those articles when stolen. With regard to the suggestion of his hon. Friend (Mr. Newdegate) he was not unwilling to limit the application of the Bill to Birmingham; but he had received communications from a large number of towns asking him to proceed with the measure, and expressing an opinion that legislation on the subject was greatly needed.

SIR GEORGE LEWIS said, it might be desirable to extend the definition of the existing Act; but was not his hon. Friend proposing to extend it too far? He proposed to bring within the grasp of the Bill all persons who bought old metal. Bankers bought bullion; and bullion was old metal. Would not bankers, therefore, come under the provisions of the Bill? At all events, it would include jewellers, watchmakers, dealers in copper, iron, and other metals.

MR. SPOONER said, that the only persons who would be brought under the provisions of the Bill were such dealers in old metal as the magistrates had reason to believe to be receivers of stolen property. There must, in the first place, be application made to the magistrate, and *prima facie* proof of an illegal trade offered to him before he could compel the dealer to take out a licence. Pawnbrokers were subjected to much the same restrictions; and he did not see why they should not be extended to dealers in marine stores.

MR. BRISCOE observed it would be very difficult to carry out the Bill, if it applied only to persons who were suspected of being receivers of stolen property, as there were grave objections to magistrates acting on suspicion merely. There were, however, strong grounds for requiring every person, who professed to deal in marine stores, to take out a licence.

SIR GEORGE LEWIS observed, that every dealer in marine stores might be called upon by a policeman to show cause why he should not take out a licence. That, combined with the definition given, would be a very arbitrary provision. If the hon. Member's object merely was to enable the police to deal more effectively with these cases, why not arm them with greater powers where a reasonable suspicion existed that persons were receivers of stolen goods?

MR. ROEBUCK said, the Bill applied to dealers in old iron and metal. But suppose a person dealt in old rags, and had in his cellar a crucible—he would not come under the operation of the Bill, and yet he would be just the person resorted to by those who wished to get rid of stolen property. The manufacturers of Sheffield suffered much from these petty thefts; but the Bill would not protect them, and would merely create an arbitrary power for no useful purpose.

MR. E. P. BOUVERIE said, that if a man were only to take out a licence when suspected of being a receiver the words "dealer in marine stores" painted over his door would, in that case, be a notice to all the world that he was prepared to buy stolen goods. Now, it was certainly desirable that the trade of a receiver should be carried on without a public advertisement of this kind. If these dealers were carrying on an illicit trade, it should not be regulated, but put down. But it was contrary to the common right of the subject that a man without proof should be assumed to be dishonest, and should be visited with these arbitrary police regulations.

MR. HENLEY said, the explanation of his hon. Friend (Mr. Spooner) made the Bill ten thousand times more objectionable than before. The great iron manufacturers, who bought old stuff to work up, and ironmongers, whether great or small, were at the bidding of a police constable to go before a magistrate, who was to decide whether they were respectable or not; and if a man squinted, or there was anything else about him which the magistrate did not like, he would have to pay 5*s.*, take out a licence, be subjected to police visits, and make all kinds of entries in his books. If boy, then, came into his shop to buy a

knife, he must ask his business and place of abode. Why, a good many boys would have neither place of abode nor business. It would be very well if you could only define exactly who were thieves and who receivers, but as that was impossible, it was unjust to subject a whole class of men to such arbitrary restrictions. Policemen were always given to suspicion—it was their trade—they suspected everybody, and no one could tell whom they might include in the drag-net with which this Bill would furnish them.

MR. HANKEY said, he believed it impossible that the discussion on such a Bill could have any satisfactory conclusion, and he should therefore move that the Chairman do leave the chair.

MR. CLIVE said, there was already an Act compelling marine storedealers to keep books and to paint their names and business over their doors, and the hon. Gentleman's object would probably be attained if the definition in that Act were extended. There could be no doubt of the existence of the evil; but it was very doubtful whether it would be met by the remedy now proposed, and he therefore suggested that the Bill should be withdrawn, and that on another occasion the hon. Gentleman should try to amend the existing definition.

MR. SPOONER said, his hon. Friend (Mr. Henley) was very much like a ferret in a rabbit-warren, and when he got hold of a Bill there was generally an end of it. But his hon. Friend was inaccurate when he said that under the Bill the suspected dealer, on the mere authority of a policeman, must go before a magistrate. The policeman must first of all convince the magistrate that there were grounds of suspicion, and the magistrate alone could authorize any police visits.

MR. H. H. VIVIAN said, he thought that the hon. Member had done well in bringing the subject before the House. At Birmingham and elsewhere metal was stolen to a large extent. Whether the Bill would meet the evil he was not prepared to say, but now that public attention had been directed to the subject a remedy would doubtless be provided.

MR. RIDLEY suggested that the Home Secretary should obtain information on the subject from the stipendiary magistrates throughout the country, in which case he believed it would be found that there were every year a large number of cases of receiving which it was impossible to deal with adequately under the existing law.

MR. ROEBUCK said, he quite admitted the existence of the evil the Bill was intended to meet; but what he objected to was that they should attempt to meet the evil by a Bill so arbitrary and so likely to prove inefficient.

MR. SPOONER said, he would withdraw the Bill on the understanding that the Government would endeavour to amend the existing law, and to grapple with an admitted evil.

SIR GEORGE LEWIS said, he was quite prepared to admit that marine storedealers generally, especially in the large towns, were concerned either constantly or occasionally, in receiving stolen goods. He was also quite prepared to inquire whether any improvement could be made in the law affecting persons suspected of being receivers. He could not undertake to introduce a Bill, but so far he would pledge himself; and he thought the hon. Gentleman had shown proper deference to the feeling of the House by not proceeding with a measure which proposed such an interference with individual liberty.

House resumed. [No Report.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 5, 1860.

MINUTES.] PUBLIC BILLS.—2ª Tramways (Scotland); Ionian Islands (Marriages).
3ª Endowed Charities; Inland Bonding.

ITALY—GENERAL GARIBALDI.

QUESTION.

THE MARQUESS OF NORMANBY said, he wished to ask his noble Friend the Under Secretary for Foreign Affairs a question of which he had given him notice. There had appeared in the official *Gazette* of Palermo the appointment of the Duc di San Giuseppe as the representative of Sicily in England. Now, it was obvious that the representative of Sicily at this moment could only be the representative of General Garibaldi. He could not conceive that our Government, being in amicable relations with that of the King of the Two Sicilies, could receive a diplomatic agent from a foreign adventurer who, by force of arms, and the aid of

other adventurers, had taken possession of a portion of that Sovereign's dominions. Without entering on a discussion of the general question, he begged to ask his noble Friend, Whether Her Majesty's Government were informed of the appointment of the Envoy in question before it was announced in the official journal, and if so, whether they had intimated their willingness to receive him? His noble Friend must, of course, be aware that it was usual even for the most regular Government, before appointing a representative to any Court, to consult that Court as to whether the person they had in view would be acceptable.

LORD WODEHOUSE stated, that the Government had seen the announcement in the newspapers to which the noble Marquess referred, but had received no other intimation on the subject. He might take that opportunity of saying, in reference to a question which the noble Marquess had asked on a previous occasion, that there was no foundation for the report of Mr. Elliot's interference in regard to the vessels which were seized by the Neapolitan cruisers. Mr. Elliot did not interfere in any way whatever. His noble Friend would, however, not be astonished to learn that, without such interference, the vessels and men had been given up by the Neapolitan Government.

LORD BROUGHAM would draw no comparison of General Garibaldi with certain potentates, or say anything of adventurers who had gained their possessions by force of arms, as that might be thought invidious; but this he could not help saying, that he believed 999 out of every 1,000 persons in England heartily wished him success.

THE EARL OF ELLENBOROUGH apprehended that the last official communication from the Neapolitan Government must have been the despatch of General Lanza, announcing the complete defeat of Garibaldi. As to any person coming over here to represent Garibaldi, he could only say it would be difficult to find a more truly dignified or worthy person in Europe to represent.

THE MARQUESS OF NORMANBY said, he thought it would be worth the while of his noble and learned Friend (Lord Brougham) to read the reports which had appeared in the newspapers of Paris, Lyons, and Marseilles, of the transactions which had occurred in Sicily, since the evacuation by the Neapolitan army. The accusations therein made against General Garibaldi and his followers showed that there had been assassinations not by tens, but by hundreds. Not only had those who were supposed to be agents of the police been murdered, but women had also been assaulted and put to death. In one case it was said a woman had been burnt. Now, he gave much more credit to those statements than to the accusations against the Neapolitan Government. He believed, however, that both were very much exaggerated. His noble and learned Friend had formerly pronounced opinions on the side of order and against the revolutionary spirit then afloat, and as those opinions had been published they would remain more permanent than anything he might say in the course of this conversation.

LORD BROUGHAM: I am very much obliged to my noble Friend for volunteering an advertisement, without any payment by Mr. Ridgway. On the part of Mr. Ridgway I thank my noble Friend, as probably he has saved Mr. Ridgway five shillings. But I do not value to the extent of that sum all the information to which my noble Friend refers, and which I have read in the foreign papers. I mean to put a still smaller value on it. I do not value it so much as I do my noble Friend's own private correspondence from Florence and Naples. With respect to my opinions on revolutions, whether delivered in this House or published elsewhere, I maintain every tittle of those opinions.

LORD WODEHOUSE deemed it only just to General Garibaldi to say that the official accounts received from officers of Her Majesty's navy and from our agents abroad stated that the General had behaved with the utmost generosity and humanity, and that he had taken every possible means to prevent such excesses as were too generally incidental to a state of revolution.

House adjourned at a quarter past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 5, 1860.

MINUTES.] PUBLIC BILLS.—1° Queen's Prison; Crown Debts and Judgments.
2° Dominica Hurricane Loan; Postage (Army and Navy); Heritable Securities, &c.; Indemnity.

ISLAND OF ST. JUAN QUESTION.

MR. W. WILLIAMS said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs, Whether he has lately received a Despatch respecting the Island of St. Juan, confirmatory of certain proceedings which are said to have taken place in that quarter, at the instigation of General Harney?

LORD JOHN RUSSELL, in reply, said that it was quite true that orders had been issued by General Harney with respect to the island of St. Juan, in complete contradiction to the arrangements which had been made by General Scott, who had directed that a small number of the troops of each nation should occupy the island, and that there should be no exclusive jurisdiction. General Harney, departing from that arrangement, had given instructions that the American jurisdiction was to prevail in St. Juan, on the ground that it belonged to the United States; but the moment intelligence had reached Washington that such orders had been issued, Lord Lyons had entered into communication on the subject with General Cass. By General Cass, the matter had been laid before the President, who directed that General Harney should be immediately recalled, and that the affairs of St. Juan should be placed on the footing arranged by General Scott. He would only add that the action of the President afforded an assurance that good faith in dealing with the question would be observed on the part of the Government of the United States.

ITALY—NAPLES AND SICILY. QUESTION.

COLONEL STUART said, he wished to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have taken, or are prepared to take, any steps in concert with the French Government to prevent the bombardment of Naples by the King's Troops, in the event of General Garibaldi suddenly occupying that City, as he did Palermo?

LORD JOHN RUSSELL said, that after the intelligence of the bombardment of Palermo, and the great suffering which that bombardment had entailed upon its unfortunate citizens, had reached her Majesty's Government, they had taken into consideration the question of what steps they should adopt in order to prevent the occurrence of similar atrocities at Naples or Messina. Now, he should wish to observe that there were two points which must be borne in mind in dealing with that subject, the one involving the question of the admissibility of the interference of the English Government with the civil and internal discords of another country, while the second—supposing the objection upon the ground of principle to be got over—involved not only the difficulty but the impossibility of issuing such precise and definite orders to the commanders of Her Majesty's vessels of war as to enable them to distinguish between that which was legitimately defensive action on the part of the troops of the King of Naples against the attacks of a mob in insurrection, and that which was a wanton destruction of the city of Naples, and of the lives of its inhabitants. Such being the case, Her Majesty's Government had altogether refrained from issuing instructions which would enable our naval commanders to act by force against Naples or Messina. Her Majesty's Ministers had, however, strongly remonstrated with the Government of the King of Naples against the renewal at either of those ports of those dreadful scenes which had occurred at Palermo, and he was happy to be in a position to add that he had received accounts from our Minister at Naples, which stated that he hoped there would be no scenes of bloodshed whatever in that city, and which led him (Lord John Russell) to believe that there was no prospect at present of a bombardment taking place. He might further state that he had heard that morning that the Constitution of 1848 had been proclaimed at Naples, and that elections of representatives to a Legislative Assembly, which was to meet there in the month of September, were about to take place. It would therefore be seen that the Neapolitan people would have it in their power to dispose of their own affairs. He might mention that in this matter there had been rumours from time to time with respect to the conduct of Her Majesty's forces and of Her Majesty's Ministers abroad which were very erroneous. There was a report, the House would remember, some time ago, that the fort of Castellamare was occupied by the British Admiral during the evacuation of Palermo. That report gave great uneasiness in some quarters, and it was supposed that Her Majesty's forces were about to take possession of Castellamare. But there was no truth, no foundation whatever, in the Re-

ports. There was another report, which occasioned inquiry in "another place," that Her Majesty's Minister at Naples had interfered to induce the Neapolitan Government to restore the two vessels captured off Palermo with passengers, and taken into Gaeta. He had received a despatch from the British Minister at Naples, stating that he had not interfered at all in the matter. At the same time he was happy to state that the Neapolitan Government had spontaneously given up the vessels, and that they were at liberty to return to Genoa.

TAX BILLS.—THE RESOLUTIONS.

QUESTION.

LORD FERMOY: I rise, Sir, for the purpose of asking a question of the hon. Member for Finsbury. It happens that I have good reason to know that it is the wish of a large number of hon. Members who agree with him and me on the subject of the aggression of the Lords, that he should not press his Motion of which he has given notice as an Amendment on the Resolutions of the noble Lord the Prime Minister; I have therefore now to ask the hon. Member for Finsbury whether he will be good enough not to press his Motion as an Amendment to the Resolutions, but to reserve to himself the right of submitting it as a substantive Resolution.

MR. T. S. DUNCOMBE: Sir, I am sorry to find that the notice which I have placed upon the paper is inconvenient to what is called the greater portion of the Liberal party in this House. I was in hopes that my Amendment would rescue the Liberal party from what I consider the impotency of the Resolutions of the noble Lord; but finding that not to be the case, and that the House would be unanimous on the subject I should be sorry that any interference on my part should interrupt that unanimity, and if I can obtain no support for my Motion from the Liberal party of course it will be of no use for me to put it. Therefore there is no alternative left but to withdraw it, thereby, I believe, disappointing the public at large.

TAX BILLS—RESOLUTIONS.*

VISCOUNT PALMERSTON rose to move the first of three Resolutions of which he had given notice, and which are as follows:—

"1. That the right of granting Aids and Supplies to the Crown is in the Commons alone, as an essential part of their Constitution; and the limitation of all such Grants, as to the matter, manner, measure, and time, is only in them."

"2. That, although the Lords have exercised the power of rejecting Bills of several descriptions relating to Taxation by negativing the whole, yet the exercise of that power by them has not been frequent, and is justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the Supplies and to provide the Ways and Means for the Service of the year."

"3. That, to guard for the future against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over Taxation and Supply, this House has in its own hands the power so to impose and remit Taxes, and to frame Bills of Supply, that the right of the Commons as to the matter, manner, measure and time, may be maintained inviolate."

VISCOUNT PALMERSTONE said: Sir, I rise upon an occasion which undoubtedly will rank as one of the first importance among those which have arisen in regard to our form of Parliamentary proceedings, because there can, in my opinion, be nothing more important to this House; there can be nothing, I think, of greater importance to the country than those questions which relate to the respective rights, privileges, and practices of the Houses of Parliament. But, Sir, before I address myself to this subject, I wish to perform what I consider to be a duty—to call the attention of the House to that Report which has been presented to them by the Committee whom they appointed to investigate and examine the Journals and authorities bearing upon the question—a document, I think, containing a summary of Parliamentary lore that will prove a lasting source of advantage to the House in regard to the history of its proceedings. And, Sir, I should fail to express what I am sure is the opinion of the Committee, of which I was a Member, if I did not state to the House how thankful they felt; how very greatly they were indebted to the right hon. Member for Cambridge University, who was the Chairman of that Committee, and to those officers of this House who gave us their willing and assiduous assistance in the performance of our labours; and I am satisfied that the House will respond to the Committee in returning their sincere thanks and acknowledging their obligations both to the right hon. Gentleman the Member for the University of Cambridge, and to those officers of the House by whom we have been so ably aided.

Now, Sir, the question at issue involves

considerations of the utmost constitutional importance. Our constitution consists of authorities separate from, and independent of, one another; each possessing rights and powers which it may exercise upon its own authority. In the earlier periods of our history that was not the case. If, indeed, we go back to very remote periods, we shall find that the Lords—that is the Barons—were powerful enough to overrule the Crown, and by their exertions, by their courage, by their perseverance, by their spirit, and by their patriotism, they obtained for us the great and fundamental charter of our liberties. Then came a conflict between the Crown and the Barons, which lasted for a great length of time; but the Crown in the end prevailed, and established an arbitrary power, which ground down and controlled the liberties of the nation until at last it became an intolerable burden to the people. The extreme exercise of an excessive power created resistance. The nation rose against the Crown, and in withstanding its arbitrary authority, it not only overthrew the Crown itself, but involved the other estates of the realm in its ruin. Well, Sir, the humour of the country did not long adapt itself to that state of things. The power of the Crown was restored, but it was restored only to be again abused. That abuse of authority again produced its natural result. The Crown was once more overthrown—that is to say, those who exercised the authority of the Crown were overthrown by the very excess of their power, and their unchecked and uncontrolled exercise of it. Then came about that state of things under which we have since so happily lived and flourished—under which, I may say, this nation has enjoyed a greater amount of civil, political, social, and religious liberty than, perhaps, ever fell to the lot of any other people in the world. But how has that result been accomplished? Not by vesting in either of the three estates—the Crown, the Lords, or the Commons—exclusive or overruling power over the others. It has been brought about by maintaining for each its own separate and independent authority; and also by those three powers combining together to bear and forbear, endeavouring by harmonious concert with each other to avoid those conflicts and clashings which must have arisen if independent authority, and independent action had been exerted by each or by all. The consequence of this has been that which we now so fortunately see around us.

Well, Sir, I say that each estate of the realm retains its power. Each of the three retains the power of originating laws, and each possesses the power, in common with the other two, of rejecting laws when proposed for their acceptance. It is generally supposed that the power of the Crown to reject laws has ceased to exist; but that is a fundamental error. That power survives as before, but it is exercised in a different manner. Instead of being exercised upon the laws proposed for the Royal Assent, it is exercised by anticipation in the debates and proceedings of the two Houses of Parliament. It is delegated to those who are the responsible advisers of the Crown; and it is therefore not possible that a law passed by the two Houses should be presented to the Crown, and should then by the Crown be refused. And why is this? Because it cannot be imagined that a law should have received the consent of both Houses of Parliament, in which the responsible Ministers of the Crown are sitting debating, acting, and voting, unless those who advise the Crown have agreed to that law, and are, therefore, prepared to counsel the Sovereign to assent to it. What would be the consequence if that course were not pursued? Why, Sir, if a law were passed by the two Houses against the will and opinion of the Ministers of the day, those Ministers must naturally resign their offices and be replaced by men in whose wisdom Parliament reposed more confidence and who agreed with the majorities in the two Houses. If that were not the case the two Houses would very soon intimate to the Crown their opinion in regard to those advisers, and would not leave any choice as to the hands in which the confidence of the Crown should be placed.

I say, then, Sir, that each branch of the Legislature retains its respective power of rejection. But the Commons House of Parliament have claimed from time immemorial particular privileges in regard to particular measures. They have claimed—and I think justly claimed, as is stated in these Resolutions—the exclusive right of determining matters connected with the taxation of the people. We (the Commons) have claimed to ourselves the right of originating such measures. We have denied to the Lords the right of originating such measures: we have, moreover, denied to them the right of altering or amending such measures. And both these assertions of right we have the power to enforce; because, in either case, Bills ori-

ginating or amended in the Lords must come down to this House, and this House then has the opportunity either to confer with the Lords, thereby endeavouring to persuade them to give up their alterations, or to reject the Bill. In either alternative we have in our hands a clear, plain, straightforward, and direct method of giving effect to the claim or right which properly and legitimately belongs to us.

But, Sir, in those memorable Conferences which took place between both Houses of Parliament in the year 1671, it was admitted by the Attorney General, on behalf of the Commons—and for his conduct on the occasion of those Conferences he was thanked by this House on the ground that he had satisfactorily maintained its rights and privileges—it was admitted by the Attorney General that the Lords, although they could not originate and could not amend, had nevertheless the power to reject, money Bills. That admission, however, was no great concession, because, as I have stated, a Bill rejected in the other House at once disappears. It does not come back to this House again; and therefore no direct or immediate action is possible on the part of the Commons in regard to a measure so rejected in the Lords. Consequently, in admitting, as the House of Commons did at that time, and afterwards in the year 1678, that the House of Lords have the power of rejecting "in the whole" as was the expression used, this House only admitted that which it would be difficult to deny, and that with regard to which, if denied, there would be no direct manner of giving effect to the denial.

Thus, then, matters have stood since that period. A great number of cases, indeed, have arisen in which Bills connected with taxation and impositions upon the people, having been amended by the Lords and returned to us, have here been immediately rejected in some instances, as is recorded, with marks of contumely, or Conferences have taken place upon them, by means of which the Lords have been induced to depart from their decision. In other instances, again, where the Amendments of the Lords have been merely verbal and unimportant, or only such as were calculated to further the intentions of this House, those Amendments have been adopted in other Bills sent up to the House of Lords which have accordingly been passed by that Assembly.

But, Sir, the cases to which I am now adverting relate to Bills which have for their object the imposing of taxes. The present case is of a different nature. It is the case of a Bill repealing a tax; now, when you admitted the right of the Lords to reject Bills, if that concession were not accompanied—as it was not—by any limitation as to the kind of Bills to which the admission applies, you can only by argumentative and abstract reasoning establish a distinction between one set of Bills, and Bills of a different description. But in fact, although we contend—and I think, justly contend—for a right which is closely interwoven with the constitutional history of the country—although we contend for the right of originating measures for the grants of supply, or of shaping them according to our belief of what is for the public interest, yet, nevertheless it is well known that the Bill so prepared and framed by us cannot pass into law without the assent of the Lords; and it is clear that an authority whose assent is necessary to give a proposal the force of law must, by the very nature of things, be at liberty to dissent and refuse its sanction. To take from the Lords the power of dissenting to a Bill to which their assent is now required, you would need an Act of Parliament to which they must themselves be parties, or you must by a revolutionary proceeding subvert our existing Constitution.

But, Sir, if we look to that large number of precedents in which the Lords have returned to us with Amendments Money Bills which have been sent to them from this House, and in regard to which conferences took place by means of which the alterations thus made were either rejected or agreed to, we shall find, as I have said, that that long string of precedents relates almost entirely to Bills imposing taxes; and even in the great precedent of 1671, upon which the conference was held, and by which a mutual right of rejection was conceded, that conference originated in the Lords trying to diminish a tax which which was proposed to them. It did not arise in a case similar to that which has recently occurred, in which the Lords refused their consent to the repeal of a tax. Then, Sir, I say that the great bulk of this series of precedents is somewhat besides the question which has given rise to the search of the Committee. There are, however, precedents which bear directly upon the point at issue; because we find that between the year 1714 and the present

time there have been about thirty-six cases of Bills for repealing duties or imposts of some kind or other, which have been sent up to the Lords, and have been rejected by them, or at least have not come down to this House again. So far, therefore, as these precedents go, it may be contended that they are authorities upon which the House of Lords may ground itself to justify its recent proceeding. Nevertheless, Sir, if you look at them you will find that the Bills which were so rejected were Bills involving taxes either of small amount, or connected with questions of commercial protection, or of public policy of some kind; so that in fact it may be said that in these cases the rejection of the Bill arose not so much from the determination of the Lords to continue the imposts upon the country as imposts, but rather from their differing in opinion with the Commons as to some question of national policy with reference to which these taxes or imposts were to be continued or repealed. This also may be said with regard to those taxes, that none of them were at all to be compared in amount to the revenue which was involved in the Bill for the repeal of the duties on paper.

Well, then, Sir, admitting as I think we must do, that technically, in point of fact, we have never questioned the right of the Lords to reject Bills of that nature, yet the present case assumes a character somewhat different from that of any of the precedents, because we have maintained in word, and we have also maintained by action, that it rests with this House to frame the Supplies of the year, and to consider and determine with regard to the aids and Supplies of the year what taxes shall be imposed, and what shall be remitted, and also what shall be the proportion between imposition and remission, and what shall be the nature of the arrangements. It is our privilege to combine the whole into one scheme, and when that scheme is so framed, it certainly is not consistent with the exclusive functions of this House that any material portion of it should be rejected by the other House, so as to alter and entirely vary the bearing of all the financial arrangements.

The question is, was that done by the House of Lords upon the late occasion. One must admit, I think, that in principle it was so. It cannot be denied that the repeal of the paper duty did form one important element in the plan of finances which was sent up by this House to the Lords, and if everything had remained as it was when that plan was framed, the refusal of the Lords to pass that remission of duty, they having agreed to pass a Bill adding to another tax, would have deranged the combination of finance which, upon a balance of remission and imposition, had been thought by this House to be good for the interests of the country, and sufficient for the Supplies of the present year. At the same time, Sir, as we have admitted, that in those thirty-six cases of rejection to which I have alluded, a question of policy was allowed to enter as an element into the decision of the House of Lords in those cases, now it is not easy to affirm with certainty what were the grounds upon which the House of Lords may have acted in any one of those cases; but looking at the manner in which in those instances questions of taxation were combined with other questions of policy, it is fair to assume that in those cases the rejection of the Bill did not arise simply from the refusal of the Lords to relieve the people from a certain amount of burden, but was partly dictated by the belief that the arrangements with which the abolition of that burden was coupled was not for the public advantage, and therefore they rejected the Bill with which it was connected.

Well, Sir, can the same be alleged in the present instance? I wish to put that as fairly and as impartially as I can. This is a question in considering which I think that party feelings ought to be cast aside. It is one in which higher and larger interests than those of party are concerned, and in which the course that the House may now take will be a precedent to guide future Parliaments; and, therefore, Sir, I think that in considering this matter one ought, as far as possible, to place oneself in the position of an impartial spectator, and to state fairly and honestly that which may be said upon each side of the question.

I cannot here allude to anything that may have passed in debate in the House of Lords. That is not consistent with our Orders; that is not our function; but looking broadly at the matter I do not believe that if, under ordinary circumstances, this House had determined that a certain tax ought to be repealed, and had sent a Bill to the House of Lords for that purpose, that House would have rejected such a measure. If it had been shown that there was an excess of taxation which

pressed heavily upon certain interests of the country, that the revenue raised by it was unnecessary, or that a better arrangement might be made by transferring the burden to some other interest that could bear it better, I do not believe, judging from what has happened on many former occasions, that the Lords would have taken the step which they recently took. We know, Sir, what an immense amount of taxation has been repealed by the two Houses of Parliament since the end of the war in 1815, and in no one instance, that I am aware of, did the Lords dissent from the decision of the Commons as to the relief of the country from burdens which were thought to be no longer necessary. Therefore I cannot bring myself to believe that the Lords, in the step which they have now taken, intended to enter on a course, their progress in which, if they did enter upon it, it would be the duty of this House to resist by every constitutional and legal means which are at our command. I mean that I do not believe the House of Lords intended to take the first step towards a partnership with this House in arranging the Budget of the year, in fixing the measure, the manner, the time, or the amount of aids and Supplies, which it belongs solely and exclusively to this House to determine. If we believed that such was their intention, and that this is only the first step in such a course, then, Sir, I say that it would become us to resolve in our own minds to take those measures which are in our power to defeat and frustrate it; but until we have some more decided proof that such an intention was entertained, I would adjure the House to content itself with the record of that declaration which is contained in the Resolutions, which I have had the honour to lay upon the table, and not, without being driven to it as a matter of necessity, to enter upon a formal conflict with the other House of Parliament.

But, Sir, I ask have the Lords received no encouragement from this House to take this particular step? The Bill for repealing the Excise Duties on Paper was brought into this House under circumtances which were materially and notoriously altered when its rejection in the House of Lords took place, and although its second reading was carried by a majority of 53, its third reading was passed by a majority of only 9.

Well, Sir, if it had gone to the Lords with an equally large majority upon the third reading as upon the second, I do not believe that they would have done otherwise than pass it; but they saw—although they may not have known it officially, it was a matter of public notoriety when our proceedings were laid upon their table—they saw that during the interval between the second and third reading the opinion of this House appeared to have undergone considerable alteration. The majority of 53 upon the second reading of the Bill was reduced to 9 upon the third reading. Were not the Lords, therefore, entitled to think that the opinion of this House upon this question was not so strong as it had been? Then, as far as they could judge by public opinion, they might legitimately infer that which the hon. Gentleman the Secretary of the Treasury has since confirmed by the Estimates laid on the table of the House, that that which we had a right to expect would not take place with regard to the balance of income and expenditure had taken place; and might they not think that it would be wise to give this House time for reconsideration, with a view to see whether that amount of revenue, which was justly thought to be unnecessary when the financial arrangements for the year were made might not, by altered circumstances, the occurrence of which it was beyond our power to control, become a source of income which it was desirable to keep up for the year, rather than to make up for it by transferring to other interests the burden which had been long borne by that industry and that interest of paper manufacture which was affected by the duty.

Well, Sir, stating, as I trust, the case impartially upon both sides, while on the one hand I think the House would have been right to have resisted any attempt on the part of the Lords to enter into a partnership with us with a view to determine the financial arrangements of the year—while I think that by so doing they would be stepping out of their province and departing from the line of constitutional right which the history of the country has assigned them—yet on the other hand, if it can be believed, and I am led myself to think so, that they were not actuated on this occasion by any such intention, but by motives of policy dependent upon the circumstances of the moment, I think it would not be wise for this House to enter into a conflict with the House of Lords upon a ground which may not really exist, but to satisfy themselves with a declaration of what are their

own constitutional powers and privileges, reserving to themselves the exercise of that power, which they have within their own means if any case should arise, if that opinion which I have expressed should not be confirmed; and if a deliberate course should be pursued of changing the whole system of constitutional proceedings in regard to taxation—I say, Sir, that if that should arise we will determine to use those means which I am convinced we possess and which are quite sufficient to restrain or to prevent any such inroads on the constitutional privileges of this House. Many may think that the last Resolution is too vague, and that it does not distinctly point out the method by which we might enforce our constitutional rights and privileges in the event of an attempt being made to invade them. But there are many ways in which, upon such a case arising, we should be able, first by argument, ultimately by the exercise of our own authority, to prevent such an encroachment upon the constitutional functions of this House. If, Sir, such a mad course were to be adopted by the Lords, it would not be by a Resolution entered upon our Journals; it would not be by commencing a scolding match with the other House; it would not be by impotent words laid on our table that our constitutional rights could be vindicated. No, Sir, it would be by action, which we should not be slow to discover the mode of taking; and I have not so mean an opinion of the powers of this House and of the weight of public sentiment—which would be declared emphatically in such a case—as to believe that we should be reduced to that condition in which the Commons of 1671 represented themselves to be when they said, that their right to originate and grant aid to the Crown was the only poor thing they had to proffer for the acceptance of their Sovereign. The House of Commons stands now in a very different position from that in which it has been at other periods of our history. The course of events, the extension of representation, the diffusion of knowledge, the power of the press, and the effect of public opinion have been such that this House is daily increasing in its power instead of diminishing in that respect; and therefore, Sir, so far from feeling any apprehension that the Lords may be able to usurp our legitimate functions, I am convinced that if we pursue a steady, dignified, and consistent course—if we abstain from anything that may savour of passion or aggression—if we stand upon and maintain our own rights, using, when necessary, the means belonging to us of making those rights respected, we shall be able, whenever our real functions are deliberately invaded, to protect them in the face of day, and with the full approval and sanction of the country.

I say, then, Sir, that these Resolutions are adequate to the present occasion. They declare in plain language what our constitutional functions are—rights and functions which I may say are interwoven with the whole course and history of this country, which no man can deny, which will not be denied, I venture to say by any single individual in the other House or in any part of the country. The Resolutions moreover point out that if our rights should be invaded we have within our own hands the means of resisting such invasion. I think, Sir, it would not have been becoming or even decent upon an occasion on which there was an appearance at all events of an intention to invade our functions—it would not have been right or decent for this House to have remained absolutely silent. Such a silence might have been construed into a yielding of rights and functions which we mean steadily to maintain in our own hands. On the other hand, Sir, I think we should not have raised ourselves in public estimation: I do not think we should have done anything towards maintaining effectively those rights and functions which belong to us if we had thrown into these Resolutions anything likely to prove the commencement of hostilities with the other branch of the Legislature. It is of the utmost importance in a Constitution like ours, where there are different branches independent of each other, each with powers of its own, and where cordial and harmonious action is necessary, that care should be taken to avoid the commencement of an unnecessary quarrel. The party which acted otherwise would, I consider, incur a very grave responsibility. I will not believe that it was the intention of the House of Lords to do so. Some may think that I entertain too favourable a view of the conduct of that House, but I say that if we have not proof sufficient to satisfy us that the rejection of the Paper Duty Bill was the first step in a new system of constitutional conduct, we had better, instead of involving ourselves in an unnecessary quarrel, pursue the policy which we now recommend for the adoption of the House. I think that course is a

dignified one. I think, too, it will be efficacious. I am convinced in my own mind that these Resolutions, going forth from this House will be a sufficient warning to guard against any occurrence in future to which we might fairly take exception. We are not prepared to undo that which has been done. Perhaps in ordinary times, under ordinary circumstances, we might have advised this House to pass again the Bill which was rejected by the Lords, to return it *toties quoties*, if you will; to suspend all other business till it was passed, and by the exercise of those means which we have in our own hands, to render it necessary for the Lords to give way. But, Sir, the circumstances of the moment do not render that course of action desirable; and that being so, I say that unless we felt at liberty to return the Bill in some shape or other, and to insist in the present Session upon the repeal of the paper duty, we ought to take the course which it is my duty to recommend for adoption.

And, Sir, in conclusion, I would only urge upon the two houses the advice which a great authority in Parliamentary matters—Mr. Hatsell—has embodied in two passages of his well-known work. I would say to the Lords,

"The conclusion to be drawn from all these transactions is that it should be the endeavour of each House of Parliament to take care in their proceedings not to transgress those boundaries which the Constitution has wisely allotted to them, nor to interfere in those matters which by the rules and practice of Parliament in former ages are not within their jurisdiction, for the rights and privileges of Parliament are interwoven with the earliest establishment of government in this country."

Sir, I would recommend that passage to the consideration of the House of Lords. To the House of Commons I would venture to suggest another passage from the same author. I would say to them,

"The sole and exclusive right of beginning all aids and charges upon the public, and not suffering any alteration to be made by the Lords, is sufficiently guarded by the claims as here expressed, and it does not seem to be either for their honour or advantage to push the matter further, and, by asserting privileges which may be subjects of doubt and discussion, thereby to weaken their claim to those clear and indubitable rights which are vested in them by the Constitution, and have been confirmed to them by the constant and uniform practice of Parliament."

I think, Sir, that to refuse the Lords the right of rejecting Bills which go up to them for their assent, would bring us under the meaning of the passage I have just read. But I do not believe that the House would be disposed to follow that course. I am inclined to think that this House values highly the existence of that harmony which it is essential should prevail between the two branches of the Legislature: and if at all times that ought to be the ruling feeling of the House, I am sure there is nothing in the present aspect of affairs out of the kingdom—there is nothing, I repeat, Sir, in the general aspect of affairs in Europe and in the world which should lead this House to think less highly of the importance of a harmonious union, or to dispose them to exhibit to foreign nations the lamentable and humiliating spectacle of a disunited Legislature, of a divided people, and of internal conflicts at a time when it is desirable for the dignity, honour, and interests of this country that we should manifest to all nations a harmonious unity of action among all the estates of the realm for the common welfare of the country. I now beg, Sir, to move the first Resolution:—

Motion made and Question proposed,

"That the right of granting Aids and Supplies to the Crown is in the Commons alone, as an essential part of their Constitution; and the limitation of all such Grants, as to the matter, manner, measure, and time, is only in them."

MR. COLLIER: Mr. Speaker, it appears to me that the first Resolution which has been proposed for our adoption by the noble Lord at the head of Her Majesty's Government is sufficiently explicit. It declares that which the House of Commons has many times declared before, and it appears to me that the declaration is on a fitting occasion. But I cannot compliment the noble Lord on the perspicuity of the two following Resolutions. I am not sure whether, from these two Resolutions, it is to be collected that the House of Commons has or has not a right to complain of the proceedings of the House of Lords in respect to the rejection of the Bill for the repeal of the paper duty.

Sir, I rather collect from the last of these Resolutions that we have cause to complain, because if we have not a right to complain of the proceedings of the House of Lords, I hardly know upon what principle it is declared that we are to take proceedings to prevent the recurrence of a similar proceeding on the part of the House of Lords.

Now, Sir, I have given notice of an Amendment which would have remedied any ambiguity in these Resolutions. My

Amendment was to this effect:—that the House of Lords, by rejecting the Paper Duty Repeal Bill, had committed a violation of constitutional usage. I used no hard words; I implied no strong expressions; but it appeared to me that they had done one of two things—either that the House of Lords had committed a breach of constitutional usage or that they had not. If they had not, I do not know what reason we have for a Resolution at all. If they had, I do not see why the House of Commons should shrink from expressing our views and declaring so.

Sir, it was my determination to have proposed a Resolution then containing a definite expression of the opinion of this House. As, however, I find that the opinions of many hon. Members around me are in favour of a unanimous vote, and that I should be running counter to the feelings of the House if I were to propose that Resolution, I feel that it would not be desirable that I should take any course which might prevent that unanimous decision to which the House wishes to come.

But, Sir, perhaps the House will permit me, having been a Member of the Select Committee, and having considered the subject and given it some attention, to state very briefly the views which I entertain upon the subject now under discussion. Not one word will I utter in this discussion, I promise the House, in the slightest degree disrespectful to the House of Lords upon this occasion.

Now, Sir, all who are moderately well acquainted with the history of this country are aware that we owe to the House of Lords no small portion of our freedom. They have privileges as valuable and as dear to them as our own; their privileges are as dear to them as are the privileges of the House of Commons to the House of Commons. But while we respect their privileges we are bound to assert our own, for we hold them, not only for ourselves, but we hold them in trust for the people of England.

Now, Sir, I will state at once to the House what it is I am prepared to maintain with respect to the recent vote of the House of Lords.

Sir, I do not mean to assert that the vote of the House of Lords was illegal, but I do assert that it was opposed to constitutional usage. I assert that it is a breach of that tacit understanding which regulates the functions of the two Houses of Parliament, without the maintenance of which the constitution cannot work. And, Sir, I may in one moment illustrate the difference between that which is legal and that which is constitutional.

Now, Sir, no man will dispute the legal right of the Crown to veto any Bill or any number of Bills; but will any man tell me that if the Crown vetoed every Bill which is passed by the two Houses during the Session, let me ask whether any man would say that such a course would be constitutional?

Sir, upon the subject of the difference between what is legal and what is constitutional, I will at once quote an authority which I am sure will be respected by hon. Gentlemen opposite if they will do me the favour to listen to me. It is the authority of Lord Lyndhurst on the occasion of the discussion in the House of Lords on the Life Peerages Bill. Lord Lyndhurst upon that occasion insisted as against the Crown that although there may have been a strict legal right, still the exercise of that right was unconstitutional; and I pray the House to hear what was said by Lord Lyndhurst upon that occasion, which explains more clearly to my view the difference between what is legal and what is constitutional. Lord Lyndhurst says,—

"I hear it repeated that this is part of the prerogative of the Crown, and that the Crown may legally appoint a Peer for life. Assuming that to be the case, it does not follow that every exercise of such a prerogative is consistent with the principles of the Constitution. The Sovereign may, if he thinks proper, by his prerogative create a hundred Peers with descendible qualities in the course of a day. That would be consistent with the prerogative, and strictly legal; but everybody must feel, and everybody must know, that such an exercise of the undoubted prerogative of the Crown would be a flagrant violation of the principles of the Constitution. In the same manner, the Sovereign might place the Great Seal in the hands of a layman wholly unacquainted with the laws of the country. Other cases might be adduced, but these already cited are sufficient to establish the principle which I maintain."

And, Sir, Lord Lyndhurst concludes with these words, to which I pray the particular attention of the House.

"Every person who has studied the Constitution of this country, and who is at all conversant with the principles on which it is founded, must be aware that one of its principles is long continued usage."

Sir, the same argument was used by another noble and learned Lord, who, as against the Crown, quoted this maxim, "*Leges per consuetudinem abrogantur.*"

Sir, I will now call the attention of the House to a Resolution of the House of

Lords with respect to the conduct of this House, which directly illustrates the position which I now put before the House.

Sir, in 1702, in a Bill called the Land Tax and Irish Forfeiture Bill, we had inserted a provision creating an incapacity in the managers of the Excise from sitting in Parliament. Now we had a right to do that; there can be no doubt whatever that we possessed a legal right to do that, but the House of Lords passed this Resolution—

> "That the annexing any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the said Bill of Aid or Supply is Unparliamentary, and tends to the destruction of the Constitution of the Government."

Now, Sir, I say that if the House of Lords could assert as against the Crown the distinction between that which is legal and that which is constitutional, they cannot complain that the same distinction is asserted against them. The House of Lords were perfectly right—there was such a distinction. Our Constitution is not founded in any code, nor written in any book; happily, I say you do not describe the Constitution by defining the precise legal and technical rights of any one branch of the Legislature—for any one branch of the Legislature, by insisting on no more than its legal and technical rights, without transgressing any positive law of Parliament, may upset the whole balance of the Constitution. The three bodies politic, if I may use the expression, are not retained in their orbit by any force which it is possible with mathematical precision to define. Their harmonious action was secured by a tacit understanding which regulates the motion of each, which, though the least palpable, was one of the most essential elements of the Constitution, and when any one of them deviates from the course prescribed by that tacit understanding, the whole Parliamentary equilibrium was disturbed.

Now, Sir, having established the difference between that which is legal and that which is constitutional, forgive me for a moment reminding the House of the precise effect of that which the House of Lords have done.

Sir, the House of Commons have passed a Budget, one main feature of which was the repeal of the Paper Duty, and another main feature was the increase of the Income Tax. There were several divisions in this House upon the question as to whether the Paper Duty should be repealed and the Income Tax increased, and many hon. Members voted for the increase of the Income Tax, upon the express understanding, if I mistake not, that the Paper Duty would be repealed.

Now, Sir, the House of Lords have accepted so much of the Budget as increased the income tax, but they have refused so much of the Budget as repeals the paper duty; and I do assert that this is a course which they have never taken before. I say that there is no precedent for it; I say that it is an interference with the right of the Commons to regulate taxation which the House of Lords until the year 1860 never has attempted.

Now, Sir, let us see what the effect of this would be if the Paper Duty Repeal Bill had been intended to take effect at once. The duty would have been actually taken off, and the effect of the vote of the House of Lords would have been that a tax being taken off, it would have been reimposed, and that for the first time in the history of our Constitution.

Sir, the vote in the House of Lords has been defended, not upon the ground suggested by the noble Lord (alluding to the Earl of Derby who was sitting in the Peers' gallery,) but it has been defended upon the ground that the House of Commons did not take sufficient care to provide proper supplies for the exigencies of the State. It has been said that the House of Lords took a more comprehensive view than the House of Commons. [*Cheers from the Opposition.*] I quite understand hon. Gentlemen opposite maintaining that view of the question—that the House of Lords looking to a possible deficit this year, and a possible deficit in the next year, and the year to come—[*Cheers from the Opposition.*] I am glad that I am right in the view I take—that the House of Lords differing from the Crown and differing from the Commons, undertook to supply a million and a quarter more than the House of Commons thought necessary to supply.

Sir, I cannot accede to the doctrine broached by the noble Lord that the constitutional right of the House of Lords to deal with the Bill depends upon the amount of majority. I know of no constitutional maxim that if a Money Bill has been carried by a majority of 50, the House of Lords has no right to deal with it, but that if passed by a majority of ten they have a right to deal with it. That is entirely new to me.

Now, Sir, that then is the effect of the

argument of the noble Lord. The course pursued by the House of Lords has unquestionably taken everybody by surprise.

Sir, I will now proceed to inquire whether this proceeding of the House of Lords is or is not consistent with constitutional usage, and before I come to the precedents to which I will invite the attention of the House very shortly, I wish to remind them of what is familiar to them, but which from its very familiarity may not present itself to their minds. It is hardly necessary to remind them that this House alone is addressed by the Crown on the question of Supplies. Whether or not at the conclusion of the present Session, Her Majesty will thank the House of Lords for not consenting to the remission of taxation, I do not know, but it seems to me to be a matter of courtesy that Her Majesty should do so.

Sir, Money Bills are sent back to this House instead of being presented by the House of Lords to the Crown, and above all (and to this I beg to draw the particular attention of the House), the Votes of the House of Commons with respect to Supplies have been treated for a great length of time as practically final and conclusive.

Now, Sir, if the House will allow me I will read a short extract from Blackstone (and there was no greater lawyer than Blackstone), written more than a hundred years ago, in which it appears that the confidence of the public in the Votes of this House was then old. Blackstone writes this:—

"The Resolutions of this Committee (Ways and Means) when approved of by a Vote of the House are generally esteemed to be as it were 'final' and 'conclusive.' For though the supply cannot be actually raised upon the subject till directed by an act of the whole Parliament yet no moneyed man will scruple to advance to the Government any quantity of ready cash on the credit of a bare Vote of the House of Commons, though no law be yet passed to establish it."

Now, Sir, I ask would Blackstone, the most accurate of writers, append this passage if the House of Lords had ever dealt with this? I quote the passage as a commentary upon the precedents, and I say that Blackstone would never have appended this passage if there had been a precedent at all in point on the recent proceedings of the House of Lords.

Now, Sir, having called the attention of the House to a passage from a great lawyer, perhaps I may be permitted to call the attention of the House to the opinion of the greatest of statesmen, Lord Chatham. It is an extract from his speech on the subject of the taxation of America. Lord Chatham says:

"Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone. And I pray the attention of the House to this distinction. In legislation the three estates of the realm are alike concerned; but the concurrence of the Peers and the Crown to a tax is only necessary to clothe it with the form of a law. The gift and grant is of the Commons alone. In ancient days the Crown, the barons, and the clergy possessed the lands. In those days the barons and the clergy gave and granted to the Crown. The property of the Lords, compared with that of the Commons, is as a drop of water in the ocean; and this House represents these Commons, the proprietors of the lands. And those proprietors virtually represent the rest of the inhabitants. When, therefore, in this House we give and grant, we give and grant what is our own. The distinction between legislation and taxation is essentially necessary to liberty. The Crown and the Peers are equally legislative powers with the Commons. If taxation be a part of simple legislation, the Crown and the Peers have rights in taxation as well as yourselves."

And I pray the attention of the House to the prophetic passage in conclusion. He says:

"Rights which they will claim, which they will exercise, whenever the principle can be supported by power."

Sir, to the last Lord Chatham maintained that, although we had a right to legislate for America with respect to all other questions, even with regard to the regulation of trade, although it might incidentally involve taxation, we had no right to deal with questions of pure taxation, on the principle that taxation and representation went together.

Now, Sir, this is the creed in which we have all been brought up. Sir, it is the faith in which the country have acted; and the House of Commons, acting on this faith, have in the present century voted a large quantity of revenue, which was formerly annual, but which they made perpetual, on the understanding and belief that the House of Lords would never interfere to prevent the grant. Sir, I am satisfied that we never should have voted the Sugar Duties and Malt Duties as permanent duties, if we had believed that we, the grantors, giving a voluntary grant, should not be permitted at any time to change our minds; and the House of Lords, who have repeatedly said that we, the House of Commons, were the sole judges of the matter, the manner, and the time, would in-

terpose, and say you, are not the judges of these things, and we will interpose to prevent you exercising your own judgment as to the time for which these taxes will be taken.

Sir, I think I may instance the very appointment of this Committee, as a proof that every one was taken by surprise at this vote of the House of Lords. I hear it said occasionally, "Oh, the House of Lords have done no more than they have been accustomed to do; they have just as much right to reject this Bill as the Bill for the Abolition of Church Rates, or any other Bill." But if this proceeding was altogether analogous, why was not the Motion of the noble Lord for a Committee to search for precedents opposed; a precedent, be it remembered, which the House of Commons has never taken, except upon very grave occasions, when its liberties have been seriously endangered, either by the Lords or by the Crown?

Now, Sir, having made these observations, if the House will permit me, I will now refer to the precedents; and I promise them that if they will give me their patience a very short time, I will not abuse that patience; I will go through the precedents as briefly as possible; and I shall be able to classify them, and very shortly to deal with them; but it is absolutely necessary to do that. These precedents must be explained; these precedents, as they stand alone, would entirely mislead the House.

Now, the Committee, of which I was a Member, have not thought it necessary to go back before the year 1628. And probably the House will think that a wise step, for the greater number of the most important precedents have occurred since that time; and unquestionably it is most important to ascertain what has been the practice since the Revolution, when the Constitution may be said to have been finally settled. Let it always be borne in mind, that if the Revolution settled the Constitution, it settled it upon the old foundations. The Revolution introduced nothing new; it merely restored what was old. It is true that the foundations of our liberty had been undermined; but still the old and solid masonry remained, and is distinctly visible; and it is because the fabric of our Constitution has been erected upon these foundations that it now stands.

Sir, one of those main foundations was the exclusive right of the Commons to tax the commonalty of England; and it may be well to establish, if, indeed, there be a question of it, that this is not a comparatively new right set up by the House of Commons; it is not the consequence of usurpation, but it is as old as the existence of the very Commons themselves.

Now, Sir, without discussing the obscure points in the early history of this country, I will make this remark—that the Commons appear to have broken the egg fully fledged with all the powers of taxation. Their powers of taxation were coeval with their existence, and they were called into existence as instruments of taxation. I find in the 9th of Edward II., this extract in the Rolls of Parliament. I will not fatigue the House by reading any lengthened passages; but I think it necessary to read some passages. As early as the reign of the 9th of Edward II., I find this entry in the Rolls of Parliament:—

"Cives, burgenses et milites de comitatibus qui venerunt ad Parliamentum concesserunt domino Regi in auxilium expeditionis quere sui Scot' quintam decimam, bonorum mobilium civium burgensium, et hominum de civitatibus, burgis et dominiis Domini Regis in regno suo."

Now, Sir, it is important that the very next entry to this is that of an Act in which both Houses concur, enabling the King to raise troops; but the grant of money was from the Commons alone. In this reign, in the next of Edward III., in the next of Richard II., and in the next of Henry IV., the Commons have asserted again and again their right to the exclusive taxation of the Commonalty. I know that in ancient times the House of Lords taxed themselves, and the clergy taxed themselves up to the reign of Charles I., in Convocation; but the exclusive right of the Commons to tax the people of England was coeval with their very existence. They soon became assured of those rights, and they insisted on conditions in the reign of Richard II., which is stated by Hallam in his *Middle Ages*:—

"The Commons refused to grant a Supply except upon the condition that the King would pardon the insurgents; and thereupon a controversy arose between the King and the Commons, and the King eventually gave way."

There a controversy had arisen between the King and the Commons, and the King eventually gave way. That was a case in which the House of Lords was in no way concerned.

Now, without going at length through the earlier reigns, it may be enough to say that through the reigns of the Princes of

the House of Tudor, the rights of both Houses of Parliament were, to a great degree, in abeyance, both Houses being overawed by the Crown. But neither in the reign of Henry VIII., nor in that of Elizabeth, did the Crown ever venture to dispute the right of the House of Commons to tax the people to the extent to which it was disputed by James, and subsequently by Charles I. But the right to tax had always been valued by the Commons more than all their other rights put together, and they have always regarded the struggle for the right of taxation as a struggle for their own existence.

Now, Sir, having thus rapidly given a sketch of the previous periods of history before the Report (I am very unwilling to occupy the time of the House; I assure them that I will not do so longer than is absolutely necessary), I now come to the year 1640, when Pym asserted the rights of the House of Commons, and I venture very shortly to say that Pym insisted upon no new right; but he insisted upon a right which had existed for centuries before. I beg to call the attention of the House to what took place upon that memorable occasion. The Lords sent a message to the Commons to this effect. They intimated very politely at first that it would be desirable to begin with Supply before anything else; but they accompanied that message with these memorable words, to which I beg to call the attention of the House. They say:—

"Upon all these considerations, although my Lords would not meddle with matters of subsidy which belong properly and naturally to you; no, not to give you advice therein, but have utterly declined it, yet being members of one body, &c., they have declared by vote that they hold it most necessary and fit that the matter of Supply should have precedence over any other matter or consideration whatsoever."

Sir, the House of Lords, in 1640, declared that they would not meddle with subsidy; not so much as even to give advice. But the House of Lords, in 1860, have done a good deal more than give us advice. They have not only taken on themselves to advise, but they have also taken on themselves to correct. Upon that occasion to which I refer, Pym vindicated the rights of the House of Commons. He said:—

"Your Lordships have been pleased to affirm that the matter of subsidy and Supply naturally belonging to the House of Commons, your Lordships would not meddle with it; no, not so much as to give advice. But," he continued, "if you have voted this (referring to their vote), you have not only meddled with matter of Supply; but as far as in you lies, have concluded both the matter and order of proceeding which the House of Commons takes to be a breach of their privilege."

If the House will now kindly give me their attention for a few minutes, I think I shall be able to show that there are none of the precedents quoted in the Report of the Committee to which I am about to address myself at all applicable to the recent proceedings of the House of Lords. Those precedents are divided into two classes—where the Lords have amended the Bill, and where they have rejected the Bill. And this I must say, that if the question had been whether the Lords had a right to amend instead of rejecting, I should have had more difficulty in dealing with the precedents, because there are far more precedents for amending than for rejecting Bills. It ought to be borne in mind that the House of Lords never relinquished the right to amend. They asserted it as strongly as they did the right to reject; more so, in fact.

Now, Sir, if the House will permit me, I will proceed to deal with the thirty-four precedents relating to the rejection of Bills repealing or altering a tax. I have classified them, and I think I shall be able to state the effect of them very shortly. Let it always be borne in mind with respect to these precedents that the House of Commons does not dispute, and never has disputed, the right of the House of Lords to deal with all questions independent of taxation. All that the House of Commons maintain is that taxation is our province. We have never said that if a Bill concerning the Church, for example, or concerning highways, incidentally imposed a tax or contained taxing provisions, that, therefore, the House of Lords have no right to deal with it. If we did so, we should arrogate to ourselves a most unconstitutional power, and should be encroaching on the proper functions of the House of Lords. But I shall be able to show the House that these precedents do not contain a single case in which the Lords have rejected a Bill repealing or altering a tax upon purely financial grounds. Five of the precedents (I will go through them very shortly) relate to religion—the Gaol Chaplains Bill, the Roman Catholic Land Tax Bill, the Tithes (Ireland) Bill, the Personal Tithes Abolition Bill, and the Church Rates Abolition Bill. These all relate to religion, and I may state that several of these are what are called "tacks," that is,

provisions were added to them which the House of Commons had, strictly speaking, perhaps, no right to add, and relating to matters other than taxation. I find, for example, that the Gaol Chaplains Bill was an Act relating to the salaries of clergymen, and giving justices of the peace the power of dismissing officiating chaplains in Houses of Correction. There can be no doubt that the House of Lords had a perfect right to deal with that Bill.

Now, Sir, I come to six other Bills. I have disposed of five. Six other Bills are the Highways Bill, the Highway Penalties Bill, the Sale of Game Bill, the Court of Session (Scotland) Bill, the Tolls on Steam Carriages Bill, and the Rating Stock-in-Trade Bill. All these Bills involve questions of policy of various descriptions relative to the regulation of highways, the sale of game, the relief of the poor, &c. —questions with which this House never asserted an exclusive right to deal. Eighteen other Bills relate to the regulation of trade, and I say that the House of Commons have never arrogated to themselves the exclusive right to regulate any branch of trade. The House of Lords might have thrown out a Bill concerning the corn laws when that Bill was sent up to them, that being a question with which they had a perfect right to deal. It was a question of free trade and of protection. The distinction suggested by Lord Chatham should be clearly borne in mind with reference to this point. "You may tax the Americans," Lord Chatham says, "for the regulation of trade, but you must not tax them for fiscal purposes." The House of Lords have a perfect right to interfere with Bills for the regulation of trade, but they have no right to interfere with money Bills. Now, the Woollen Manufactures Bill was a question of protection to trade; the Irish Cattle Importation Bill and the Irish Tallow Bill were questions of justice to Ireland. The Anglesea Copper Mines Bill was a question of protection. The Thread Lace Bill involved the protection of the lace manufacture of the country. The Foul Salt Bill—salt used for manure—the Brass Exportation Bill, the Corn Regulation Bill, the Coasting Trade Bill, which has been quoted, and which is what is called a "tack"—all these Bills contained regulations on a variety of subjects with which the House of Lords had a perfect right to deal. The Duties on Coals in Wales Bill was a Bill regulating the coasting trade. Then there is the Worts Bill,

Mr. Collier

and I dwell upon this for a moment, because it has been quoted, I am informed, in "another place" as a precedent. In 1841 the price of corn was very high, and the question was whether facilities should be given for distilling from molasses—a question between the West Indian interest on the one side, and the farmers on the other, and it was so argued in the House of Lords. That, therefore, was a question of free trade or protection. We then come to the Manure Carriage Bill and the African Goods Bill, after which comes the celebrated Stone Bottles Bill, which, I believe, is the main foundation of the recent proceeding of the House of Lords. I happen to have the preamble of the Stone Bottles Bill, or rather of the Bill subsequently passed, which will show the meaning of it. The preamble expressly recites:

> "Whereas, for the protection of the glass manufacturers of the United Kingdom, it is expedient to repeal the said duties and drawbacks, and to impose other duties, &c."

And I may make this observation with respect to this Bill and a great many others, that there were always fifty other provisions besides those. This is a Bill which contains a great variety of provisions of all sorts, and finally there is the preamble to which I have just called the attention of the House. That, therefore, was a Bill for the protection of a trade with which no one disputed the right of the House of Lords to deal. Then we have the Inland Coals Bill, the Inland Navigation Bill, the Tobacco Growth (Ireland) Bill—all Bills relating to the regulation of trade.

Sir, I have thus disposed of three groups containing respectively five, six, and eighteen of those Bills. I now come to five which cannot be disposed of upon similar grounds. Two of them are Customs Officers Fees Abolition Bill—one for England, the other for Ireland. These have been quoted as precedents directly to the point, and which justify the course adopted by the House of Lords. I maintain that they have nothing whatever to do with the question. They were Bills for the purpose of preventing Custom House officers from levying gratuities on persons who had to deal with them. They involved no tax whatever on the public, nothing relating to a tax upon the public, either the levying it or the taking it off. They were simply Bills containing certain criminal provisions preventing Custom House Officers from exceeding their duty. There is another Bill—the Tobacco Duties Bill

—which I may confess, when I first looked at it, rather staggered me. Here, I said, is a Revenue Act—an Act for repealing duties on tobacco and snuff, and granting new duties in lieu thereof. This clearly is a fiscal Act. But I looked at the second Bill which passed, and the former Bill which it was to explain and to amend, and I find that the Bill which it explained and amended contained no less than 177 clauses regulating the whole of the tobacco and snuff trade between America, Spain, Portugal, and Ireland, prescribing the tonnage of vessels, the size of casks, the forfeiture of vessels, respecting warehouses, the right of entry of Custom House officers into the premises of private persons, the jurisdiction of justices, &c. This, then, constitutes no precedent at all. This was one of those Bills which nobody in his senses ever denied the right of the House of Lords to deal with, and which I am astonished to find quoted as a precedent.

Now, Sir, I have, I am happy to say, only two left. I now come to the Wine Merchants Bonds Bill, and the Tobacco and Wine Merchants Bill; and here we are getting "small by degrees and beautifully less." These precedents are so small that Mr. Hatsell does not think it worth while noticing them, and they are hardly worth quoting. A few wine merchants petitioned to be relieved from the interest on bonds which they had given for duties. They had paid the principal, and they wished to be relieved from the interest, and the question was whether a clause in an Act of Parliament then existing was sufficient to enable the officers of Customs to remit the interest. That was the question. The House of Lords differed from the House of Commons upon that subject. Thus I have disposed of these two Bills which are perfectly frivolous questions, and have nothing whatever to do with this subject. They were so small that we need not be surprised even if the Commons did not watch them very closely. They could not always be awake to their rights in regard to such questions. Perhaps the principle *de minimis non curat* occasionally prevailed.

Now, Sir, I have gone through the whole of the precedents which have been quoted of Bills altering or repealing taxation which had been rejected or postponed by the House of Lords. And allow me to observe with respect to them that several of them were dropped by the Government, one or two in consequence of the lateness of the Session, one or two in consequence of Amendments in Committee. But if the House will favour me with their indulgence for a very few minutes longer, I will proceed to deal with another class of Bills, namely, Bills imposing a tax; and I shall show that here all precedents are equally irrelevant. I shall be able to go through these in a very few minutes if the House will be good enough to follow me, and they are far less in number than the others. The Worsted Yarn Duties Bill was a question of protection to the worsted trade of this country. The Tobacco Trade Bill—(and if the House will allow me I will refer to the preamble of the Bill) if any one does not know what a "tack" is, he may learn from this—contained provisions for encouraging the tobacco trade, for disposing of goods in Her Majesty's warehouses, for the making of linen in Scotland, provisions with regard to Customs officers, to enable the Bank of England to lend on South Sea Stock, for the relief of Sir J. Lambert and others, and a variety of other heterogeneous provisions.

Now, that is gravely quoted as a precedent. If the House of Commons chose to send up such a hotch-potch as this, the House of Lords had no other course but to reject it. Again, the Pawnbrokers Regulation Bill prescribed a great number of regulations with respect to pawnbrokers' tickets, and the lodging of them, and a great number of things of that kind, but before a certain date we can find no Bills. I cannot tell you precisely what the Bill was, but it appears to have related to the regulation of the trade. There are a hundred clauses prescribing all sorts of regulations with which the House of Lords had a perfect right to deal.

It has, moreover, been just suggested to me with perfect truth, that before a certain date we cannot find the Bills, and we cannot therefore tell precisely what some of them were. The Raw Silks and Velvets Bill was a most clear "tack," for besides imposing additional duties on the importation of raw silks and velvets, it had clauses to prevent the unlawful combination of workmen employed in the silk manufacture. That is a totally different question.

It was never alleged that the House of Lords had not the right to deal with a Bill relating to the unlawful combination of workmen. I need hardly mention the case of the reward to Dr. Smith. Then there is the Bill with regard to Phillips's powder

for the destruction of insects. I can only say that if the House of Commons were inclined to fight with the Lords they would hardly have done battle with Phillips's powder. Then there is the Lotteries Bill, involving penalties under the criminal law, and even inflicting in some cases the penalty of death. The Cocoa-nut Duties Bills were precedents which were strongly relied upon, I understand, by a great authority in "another place." I maintain them to be as irrelevant to the question as any paper which may happen to lie on that table. The question involved was the charging of duty on foreign cocoa-nuts imported into the British plantations, but the Bills also contained provisions regarding the removal of sheep from Southampton and Portsmouth to Cowes; the removal of sheep and lambs and other goods under certain regulations between those ports free of cocket or bond, empowering licences to be granted to open boats of certain descriptions and subjecting boats and vessels of certain build to forfeiture. Here was a case in which, by the Standing Orders of the House of Lords, they were bound to reject the Bill. I say that these Bills have nothing to do with the question. With regard to the Lotteries Bill proposed by Mr. Pitt in 1790, I have taken some pains to inquire into this subject, and I must express my sincere thanks to the Chairman of the Committee who gave me some information upon the subject of this Lotteries Bill; that Bill contained clauses inflicting a penalty for advertising illegal lotteries, and among other things contained the punishment of death for certain forgeries. The obnoxious clause relating to the penalty for advertising having been struck out the Bill passed, containing precisely the same amount of supply as before. It was not thrown out on any question of tax or expenditure. It was not rejected as part of the Budget, or upon the ground that the House of Lords differed with the House of Commons upon the subject of the amount of Supply, but it was rejected on account of one of the criminal provisions which it contained. The Malt Duties Bill has also been quoted which was rejected on account of its being a "tack," according to the Standing Order of the House of Lords. Then there was the Extra Post Bill for regulating the postage of Great Britain, the Corn Bill, involving the question of Protection, and then comes the Corn Bill of 1827, introduced by Mr. Canning, and altered in the House of Lords by an Amendment proposed by the Duke of Wellington, and subsequently dropped. Another Bill containing the same provisions for a limited period was sent up again and again to the House of Lords. And if the House will permit me, I will read what Mr. Canning said upon that occasion. Mr. Canning said,

"I presume the House of Commons is not so reduced as to abjure what its Members have declared to be necessary principles, rescind its deliberate Resolutions, and throw away as waste paper that Bill which they have so long and so carefully considered, merely because in a certain assembly, which for many reasons is entitled to respect, it did not happen to be received with that courtesy which might have been expected."

And then Mr. Canning continued,

"If there be a single spark of pride or of shame in the House you will not submit to it."

Now, Sir, I will only refer to one more question on which the House of Lords have exercised, or rather have attempted to exercise, such a power. It was in the case of the soap duties in 1853. The House will perceive a very remarkable difference between the tone of the House of Lords in 1853, and in 1860. The Soap Duties Repeal Bill went up to the other House. Lord Ellenborough proposed a Motion to the effect that it be put off for one week; no more than that was at that time contemplated. Lord Aberdeen on that occasion asserted the constitutional doctrine, and I beg to call the attention of the House to his words. The postponement had been proposed on the ground that the money might be wanted for the Russian war, which was then impending. Lord Aberdeen on that occasion said—

"If the greatest calamity that could befall this country should be imminent, why, even then, he did not think it was the duty of the House of Lords to interfere and prevent the relief afforded to the people by the repeal of those duties."

He went on to say:—

"If it should so happen that the House of Commons should determine that this country should be placed in a state of war, the House of Commons would undoubtedly find the means of carrying it out."

Lord Derby upon that occasion used very different language from that which he so recently employed. Lord Derby said:—

"The Opposition were not disposed to bring this House into collision with the House of Commons."

So that his Lordship clearly thought at that time, that taking a certain course

would bring the Houses into collision. That statement, therefore, shows where, in the present instance, the collision began. His Lordship goes on to say :—

"His noble Friend did not ask them to refuse their assent to the measure, but to be quite satisfied before they passed it that the circumstances were the same in which the House of Commons were placed when they thought it expedient to take off this amount of taxation. Would it not be prudent to keep the amount in hand in order that the House of Commons might have an opportunity of judging whether, under the new circumstances, they could afford to dispense with this tax? It appeared to him that a short delay was the course dictated by prudence and sound sense."

Acting upon the suggestion of the noble Lord, it was moved that the Bill be put off for one week, but that was negatived without a division. The House of Commons at that time understood that it was not prudent to put off the Bill.

Now, Sir, I am sure I have to thank the House for the great patience with which they have listened to my somewhat dry speech. I have now gone through all these precedents, not perhaps at so great a length as I might have done, or ought to have done, but as fully as I thought proper or decent. The conclusion seems to me to be this—that it does not appear, at all events affirmatively, that the House of Lords have on any occasion, either rejected a Bill imposing a tax, or repealing a tax, upon purely financial grounds. I know that it was admitted in one of the conferences by the then Attorney General, Sir Henry Finch, that the House of Lords has the abstract right to reject a Bill. The question was not then one of rejection, it was one of alteration ; but the Attorney General merely discussed that question in argument, which he might safely do, that they had the power, which in his time they had never exercised, as far as I know, for these precedents, which begin in 1773, do not show a single instance in which that power has been exercised.

Now, Sir, it behoves us to consider the consequences that will arise from the adoption of this course by the House of Lords, from the assumption of these new functions by them. The immediate result must be that on no future occasion can a tax be remitted, or a tax be levied upon the vote of this House. It will be necessary for merchants before making their arrangements to ascertain, if possible, what may be the views of their Lordships upon the subject of taxation as compared with expenditure, and whether or not the Bill is likely to pass that House. And, Sir, great inconvenience must arise to the public from such a state of things. Those only who are acquainted with the mercantile world can know the vast amount of inconvenience that would arise from the postponement of the settlement of the Budget. If the Budget is not to be considered as settled when it passes the House of Commons, and has to go through a new ordeal in the House of Lords, many grave and most important results must ensue. It will create a disturbance in our commercial relations of which we cannot foresee the consequences. If the House of Lords are to assume this power, it would seem to me that they should be furnished with the Estimates for the purpose of giving consideration to the question—Estimates, be it remembered, which they have many times applied for, but which have always been withheld from them. Indeed, upon one occasion, on the House of Lords asking for the Estimates, Mr. Pitt, with great complaisance, but with great firmness, withheld them. If the House of Lords are to assume this new function, it would seem desirable for the future that the Estimates should be laid before them. It might be advisable for the Chancellor of the Exchequer to sit in the House of Lords, and it might be enough for this House if the Budget were explained to us by the Secretary of the Treasury.

Sir, it does seem to me that this vote of the House of Lords—although I take it, as I have assumed it from the beginning, to be legally and technically right—is productive of more disturbance to the constitutional functions of both Houses than any proceeding which has taken place in our times. I trust that the noble Lord at the head of the Government is right in supposing that the House of Lords do not intend to proceed in this course, but it will be necessary for this House to take care that they shall not be able to do so. If necessary we must alter the course of our proceeding, and the very necessity of considering whether or not we ought to alter it is a conclusive argument that something new has been done. I believe that a great responsibility lies on us. It is all very well to say that the country is apathetic. The country can distinguish between the paper duty and the constitutional question. The country is not so stupid as is sometimes represented. No questions can be more distinct than whether the House

Lords is financially right, and whether they are constitutionally right. If they happen to be financially right the more the danger—the danger that those who do not distinguish clearly in questions which are essentially different may accept a present benefit at the expense of a permanent evil. But, Sir, I am satisfied that the eyes of this country are upon this House. We must look well what we do. Remember we have rejected the Reform Bill. [*Cries of* "No, no!"]—we have virtually rejected it, and we have thereby refused the extension of popular rights. It remains to be seen how far those to whom popular rights have been promised by statesmen on both sides of the House will rest satisfied, if, in addition to withholding popular rights, we show ourselves inclined to abandon those which we already possess. If we show ourselves careless guardians of those rights, depend upon it that we shall entirely and irrevocably forfeit the confidence of the country, and the forfeiture of that confidence will, I believe, more than anything else, give an impetus to that democratic and dangerous reform which is dreaded by all who value the institutions of the country.

Sir, in conclusion, (and tendering to the House my sincere thanks for the indulgence which they have shown me) I am satisfied that we shall not part with our right of taxation. The exclusive right of taxation is the life blood of the House of Commons. The principle of taxation being co-ordinate with the representation is the most vital element of the Constitution. But should the time ever arrive, and I trust that time may be far distant, when the House of Commons shall bate one jot or tittle of its privileges in respect to the sole and exclusive control of the finances, I say from that day we date the decadence of the Constitution of this country.

Mr. CONINGHAM: Mr. Speaker, I have listened with great attention to the speech of the noble Lord, the First Lord of the Treasury in bringing forward these Resolutions on the part of the Government, and I very much doubt whether that speech will be received throughout the country with the same degree of favour which it seems to have met from the Opposition benches. For my part, I cannot help thinking, nay, I am firmly convinced that the determination of Her Majesty's Government to do nothing but place a mere dry and idle record upon the Journals of this House as an answer to the vote of the House of Lords, is calculated to prove fatal to the Administration. I am satisfied that no Government can last under the contempt to which it must inevitably give rise on the part of the country at large, while the noble Lord the Member for Tiverton stands forward in this House as the defender of the rights and privileges of the House of Peers instead of being the defender of the rights and privileges of the House of Commons. The noble Lord seems to forget that every word that he has uttered in palliation of the conduct of the other House of Parliament, was in reality casting a censure upon the Chancellor of the Exchequer and the body who sit beside him.

Sir, it is not a financial question, as has has been said before, which we have to consider. It is a great constitutional question whether the people of this country by their representatives are to maintain their ancient rights and privileges, which is to tax themselves by their representatives, whom they have sent into the House of Commons.

Sir, I can state to the House that I have recently met my constituents upon this very question, and I venture to tell hon. Members who would be inclined to jeer at my statements, that the constituency which I have the honour to represent is fully as enlightened and as intelligent a constituency as that of the noble Lord the Member for Tiverton, and I believe that their opinions are but a type of the opinions of the majority of the people of this country. You talk of the apathy of the people of this country! For my part I am prepared to deny that that apathy exists, and I will venture to tell the hon. Members of the Government as well as the hon. Gentlemen who sit on the Opposition side of the House, that they are tampering with very dangerous elements when they venture to bring the rights and privileges of an irresponsible House into direct collision with the rights and privileges of the representatives of the people. You think that by passing this Resolution you have disposed of the question. I can tell you that the debate which is taking place this evening, will create an agitation such as you have not seen for many years. ["Oh, oh!"] I imagined that the proceedings of this House were regulated by order and the rules of courtesy. It is not by rude interruptions that I am to be put down, and I intend to be heard and to state what I have to say. I am an independent Member of

Mr. Collier

this House, and a real and genuine representative of my constituents. I am not the representative of a rotten borough, but I am the representative of a large and enlightened constituency. [*Interruptions.*] It is not, I say, by idle clamour and interruptions of that kind that I am to be put down and silenced. I am acting upon my right and privilege in now addressing this House, and this is not the first time that I have received those rude and idle interruptions, which I will venture to say are most unwarrantable and most unjustifiable. I have never trespassed unfairly or unduly upon the time or patience of the House whenever I have spoken. I have, on the contrary, endeavoured always to adhere closely and rigidly to the question at issue, and I do certainly appeal to the hon. Gentlemen who sit on both sides of the House, to at all events give me a fair hearing when I come upon an important occasion of this kind to express my sentiments in a manner, I trust, like a Gentleman and a Member of Parliament.

Now, I can assure the House, Sir, that I do not wish to trespass at any length upon its patience. I think that fully enough has been already said upon this question. I think that an immense amount of time has been lost in the idle search that has taken place for precedents. I know well how that search will end; but before I sit down I cannot but enter my deliberate protest against the decision which has been come to by Her Majesty's Government, who have contented themselves by simply placing this unmeaning (for it is unmeaning) platitude upon the Records of this House. If there should be a division upon the present occasion, I should certainly vote against placing any such idle record upon our Journals which is calculated to bring the House of Commons into contempt—it is barking when we do not intend to bite. I am of opinion that the Petition which was presented to this House this evening by my hon. and learned Friend the Member for the Tower Hamlets (Mr. Ayrton) should be again presented to this House; and if it should be so presented, and if the Paper Duties Repeal Bill should be again brought forward, I am sure it will be passed by such a commanding majority in the House of Commons as shall compel the House of Lords to pass it likewise. I moreover warn the House of Commons that if they turn a deaf ear to the voice of the people, that voice will be raised in no unhesitating accents, and that when the hon. Members of this House go back to their constituents, those who have failed in this great crisis of our constitutional history to do justice to those constituents who have sent them here to represent their rights and to defend their just and ancient privileges — I say, Sir, that I feel that confidence in the honesty and clear-sightedness of the constituencies of this country that they will not send those, who fail in a moment like this to do their duty, back to the House of Commons again to betray the rights and privileges of their constituents.

MR. VINCENT SCULLY: Sir, I have listened with great attention and great admiration to the speech which has been addressed to the House by my hon. and learned Friend the Member for Plymouth (Mr. Collier), but although I agree with the entire of what my hon. and learned Friend has stated, I apprehend at the same time that he did not arrive at a right conclusion. If you read over these Resolutions which are now before the House carefully, as I myself read them over most carefully before I came here, I think you will arrive at the conclusion at which I have arrived. I may also add, that I have carefully gone through all the precedents which have been laid before us, and the conclusion I have come to is, that these Resolutions are in substance all that the House of Commons can do at the present stage of the proceedings. I, for one, do not consider these Resolutions as at all final and conclusive; I consider, on the other hand, that they may be regarded as only the first step in the initiation of a much bolder course. I apprehend that it will be quite open to the hon. Member for Brighton, who has just sat down, to take a much bolder course when these Resolutions have been put to the vote and passed.

Now, Sir, to refer at once to the Resolutions, because it is those that we have here to deal with. The first Resolution is a mere transcript, as I read it, of the Resolution that was passed by this House in the year 1692. The words appear to me to be identical; they are given in this printed Report of the Select Committee on Tax Bills, and hon. Members therefore may readily refer to them. As I said just now, the first Resolution proposed to the House by the noble Lord at the head of the Government is an exact copy and transcript of a Resolution which was come to in 1692 by the House of Commons, and which was

then handed to the House of Lords. In the year 1692 the House of Lords did not sit down tamely under that Resolution, but they then thought it necessary to come to an equally strong Resolution ; in fact, they thought it necessary to give the House of Commons of that day a Roland for their Oliver—at all events they did not think proper to sit quietly down under that Resolution. I find this passage :—

"After several conferences, Mr. Attorney General reported that their Lordships did not insist upon their proviso. Reasons assigned by the Lords: 'That they can by no means agree to what was offered by the House of Commons at the last Conference because, besides many precedents in former times in taxing themselves for their personal estates, they have had a very late one in the Act intituled, An Act for raising Money by a Poll and otherwise towards the reducing of Ireland and prosecuting the war against France, wherein they did nominate Commissioners of their own for taxing their personal estates. And because they conceive that the making of amendments and abatements of rates in Bills of Supply sent up from the House of Commons is a fundamental inherent and undoubted right of the House of Peers from which their Lordships can never depart ; they have therefore thought themselves obliged to assert it upon this occasion. But considering that a difference between the two Houses upon this Bill may create such delays in the passing of it as would be of the most fatal consequence in the present conjuncture, the Lords have not thought it convenient at this time to insist upon their provisos."

A Committee on that occasion had been appointed by the House of Commons to draw up reasons, and the reasons to be assigned were,—

"That the right of granting Supplies to the Crown is in the Commons alone, as an essential part of their constitution ; and the limitation of all such grants as to the manner, matter, measure, and time is only in them, which is so well known to be fundamentally settled in them, that to give reasons for it has been esteemed by our ancestors to be a weakening of that right. And the clause sent down by your Lordships to be added to this Bill is a manifest violation thereof."

And then the reasons of the Lords follow, which I have already read to the House.

Now, Sir, that occurred in the year 1692. We had thus, to a certain extent, been allowed to establish a precedent in our own favour, but there is the assumption of authority on the part of the House of Lords which, as far as I can make out from reading these Resolutions (and I have, I assure hon. Members, read them very carefully), is a direct assumption ; it is an assumption of authority to that extent, that is, as regards the right to interfere in an important matter of taxation upon purely and exclusively financial grounds. I cannot find that the question is carried to a further extent, and I certainly do not find that the House of Lords ever imagined in that day that they had a right to amend or to reject any Money Bill from the House of Commons. That question had never arisen, but the debate has now arisen, and the question before the House is whether they have a right to reject the Repeal of the Paper Duties Bill ; a Committee has been appointed for the purpose of searching for precedents, and the Report of that Committee is before the House.

Well, now, Sir, I look upon that first Resolution as a very valuable one. It raises the question of the right of the House of Lords to interfere. The House of Lords must either have taken some active steps against this Resolution, or they must have fought the battle. If, however, they have taken no steps in the matter and have done nothing, it is perfectly clear that we have got a step in advance. If they do take a step in advance, we may possibly come in collision. But then there are two other Resolutions, which are very vague.

Now, this being the state of affairs, I do not see what more we can do. These Resolutions are merely the assertion of our rights. The oldest precedent to be found in this very valuable Report contains the same sentiment. It is, that these proceedings of the House of Lords are not to be brought into action, are not to be brought into precedent, against the House of Commons. I see that quoted here in page 8 of this most valuable Report, and I will give to the House the exact sentence from the Report, in order that there may be no mistake upon the subject. It says that these proceedings of the House of Lords at that time

"Are not to be drawn into a precedent by which the House of Commons would be bound." [It is a precedent in the year 1407]—"neither in this present Parliament nor at any time hereafter."

Now, Sir, I do not for a moment say that these Resolutions of the Government might not have been framed in terms more clear and precise. I do not say that they might not have been framed in more terse, clear, and cogent phraseology by many hon. Members who are now sitting around me. I flatter myself that I could have put them into more clear and bright language than that in which they are framed. However, Sir, there the Resolutions stand, and they must be judged of and decided upon as they stand, and I leave that matter by

stating that I think I could have thrown them into more severe and striking language. If the Government does think fit to assert the right of the House of Commons, and the House of Commons supports the Government, I apprehend that that will be sufficient. The House of Lords have found means to enforce their rights in cases where the House of Commons were utterly at variance with them in the House of Lords. I have found a precedent which does not appear in this printed Report of the Select Committee which has been presented to the House, but it is connected with one of the matters which is referred to in the Report of the Select Committee. I have no doubt whatever that if the Government think fit to assert the right of the House of Commons to pass the Repeal of the Paper Duty Bill and the House would support it, the Bill would be carried. The House has the means of enforcing such a course, even if they were in the wrong. There is a precedent with regard to this point which, as I have already said, is not quoted in the Report. It relates to the Irish Cattle Importation Bill in 1758. That Bill was sent up from the House of Commons to the House of Lords, who ordered it to be postponed, which in point of fact amounted to its rejection, and it was afterwards rejected. But I find in the year 1766 a very distinct precedent, which is not given in this collection of precedents. But it appears that a direct and distinct contest arose upon this very question in the House of Lords, and after several pitched battles on the subject the House of Lords were obliged to give way, although they had declared the importation of Irish cattle a public and common nuisance. The hon. and learned Gentleman the Member for Plymouth quoted the precedent to which I refer from *Cartes Ormond*, as extracted from *The Irish Land Question*, by Mr. Vincent Scully. The battle between the two Houses of Parliament upon the Cattle Importation Bill ended by the House of Commons forcing the House of Lords to accept the measure in its integrity, however unjust, and also to swallow the obnoxious word "nuisance." If, therefore, the House of Commons were to be again driven into a contest with the House of Lords, I have no doubt as to which of the combatants would come out successful. The House of Commons came to a certain Resolution, and the House of Lords came to a counter-resolution; but I take these two Resolutions to amount to this, that they would not draw this misbehaviour into a precedent. They said, you shall not make a practice of it. That is what we say to the House of Lords now:—Although you do this now, we will not allow you to make a practice of it; we will assume your right. Like the lady who allowed her admirer to take a liberty with her on condition that he would not make a practice of it, so the House of Commons should give the House of Lords to understand that what they have done in this instance must not be converted into a practice.

Now, Sir, all I can say with respect to asserting the privileges of the House of Commons, although I gave no vote on the question before and deliberately left the House—indeed, I was not able to make up my mind upon it—all I can say is, that if it is necessary to assert the privileges of this House upon the question of taxation and finance, so much do I think that it is their interest—the existence of this House depends upon the question of taxation—that I shall unquestionably, without the least hesitation, vote for the repeal of the Paper Duty Bill, and that it should be sent back to their Lordships in order that we may assert our rights. It is to be recollected that our very existence depends upon that—our very existence depends upon the power of taxation which is vested in this House, and in this House alone. That power rests with us, and with us it ought to rest if we are to have any weight or importance with the country. When these Resolutions which have now been proposed by the noble Lord at the head of Her Majesty's Government were first talked of, I imagined that on this occasion we were to have only a consistent *finale* to all the other shams, the very numerous shams, which we have had from the beginning of this Session, and of which this Session has been fruitful; but having now carefully examined the whole of the circumstances of the case, I do not see how Her Majesty's Government can well do more than propose the Resolutions which have been submitted for our consideration, thus leaving it open to the House of Commons to take such further and stronger action as it deems necessary under all the circumstances which have taken place. Under all the circumstances of the case, I think it better that the House should adopt these Resolutions, and I hope that they will carry them.

MR. LEATHAM: Mr. Speaker, that one branch of the Legislature should in-

vade the privileges of this House, may or may not excite our surprise, but that hon. Gentlemen opposite—although those hon. Gentlemen opposite have not expressed up to this time an opinion upon this subject—and whose cheering and significant cheering, and counter-cheering to-night it is altogether impossible to misconstrue, should volunteer to abet and encourage this invasion, either in this House or out of doors, I must say surpasses all previous experience of their occult policy.

Now, Sir, I ask this House, what is the aim of hon. Gentlemen? I ask this House is the aim of those hon. Gentlemen further to humiliate and degrade this House in the eyes of the country at large? Surely, we have had enough of that in one Session of Parliament. If hon. Gentlemen suppose that the debate upon the Reform Bill has tended to raise this House in public estimation, or that the means to which they had recourse in order to defeat that Bill have inspired their constituents with any deeply-rooted idea either of the dignity of this House or of the feelings of hon. Gentlemen, I ask, have these things inspired the constituents of hon. Gentlemen with any high idea of their sincerity? I ask, do hon. Gentlemen ever read the public press? I ask do hon. Gentlemen now wish still further to lower their position in the eyes of their constituents and of the country at large? I think that there is a growing suspicion which pervades all ranks of society. I think there is a feeling which pervades every class of opinion in this country that this House is becoming contemptible. Hon. Gentlemen sneer, but I do assure you that it is my firm conviction that it is a feeling which is very prevalent throughout all classes of the State.

Now, Sir, the noble Lord at the head of Her Majesty's Government has spoken about inaction and forbearance on the present occasion. For my part, I am quite sure that I should be the last man to criticise anything that the noble Viscount has said; but let me ask the House, whom do we sit here to represent? I ask the House do we sit here to represent people intolerant of aggression and insult, or a people who lick the hand that smites them? That is the aspect which the present state of things presents to our view.

Now, Sir, when this question first came before the public, it may be said that the public did not at first perceive how grave was the issue that had been raised between the House of Commons and the House of Lords. Great efforts were made to jumble together two questions totally distinct—namely, the merits of the Paper Duty Repeal Bill, and the infringement of the privileges of this House. Great endeavours were used to lead on the public mind from the question really at issue to questions affecting the expediency of proceeding. But, Sir, I believe that when the people shall have had time thoroughly to appreciate the wrong which has been done them, I may almost say the danger which has beset our whole representative system, I believe that there is no event which shall occur for many years which shall tend more to disperse that political indolence and apathy which has been the stronghold of hon. Gentlemen opposite. The compromising aspect of affairs both at home and abroad alone serves to show on how slender a thread hangs that political apathy among the people in which hon. Gentlemen exult; and, Sir, I do think that the aspect of things generally is not very encouraging to those who build so much upon what they call the public indifference and apathy. Abroad, we have the perpetual menace of European war—at home we have the very prosperity, upon which some of us perhaps depend, threatened; a gloomy responsibility is beginning to exhibit itself, and trade itself begins to languish. Under these circumstances I say again how slender is the thread of that political apathy among the people in which hon. Gentlemen so much exult!

But, Sir, those efforts were at first successful, and we were reluctant to believe at this time of day that this House would have been subjected to so incredible an usurpation as this.

Well, Sir, to revert to the question which is more particularly before the House, you appointed a Committee for the purpose of searching into precedents. That Committee has reported. Has that Committee, I ask, found a single precedent? In point of fact, is not the result of the labours of that Committee this, that this act of the House of Lords amounts to an act of attempted taxation without representation?

Now Sir, this taxation without representation is a thing which is not altogether new in our constitutional history. It is only new when it is attempted by the House of Lords. Upon three occasions within the last two centuries and a half there have been attempts to tax the people without their consent, and all these at-

tempts have been unfortunate. The first resulted in the decapitation of one King; the deposition of another, and the loss of our American colonies were the results of three former encroachments of this kind—and the third marks what Mr. Burke has called the era of calamity, disgrace, and downfalls which no feeling mind can contemplate without being struck with—it was our attempt to tax the American colonies.

Sir, upon that occasion it was contended that the great bulk of the people not being represented in Parliament had always been taxed without their own consent. It was alleged that the East India Company had been taxed—it was alleged that the Bishop of Chester and the Bishop of Durham had been taxed. How was it that Lord Chatham, who at that time occupied a seat in this House, disposed of these flimsy artifices to lead the public mind away from the real question at issue? Sir, Lord Chatham upon that occasion said that he came not armed at all points with law cases and Acts of Parliament, but he took his stand on the well-established constitutional principle that British subjects could not be justly taxed without their consent, and I would venture to submit to the House that this is a ground on which, upon this occasion, we might dare to meet any man.

But, Sir, since I have quoted Lord Chatham I shall proceed, with the leave of the House, to refer to another speech of that celebrated statesman upon the American question, and there Lord Chatham says, that to tax America is contrary to every principle of the British Constitution, and I will venture to submit that these words of Lord Chatham apply with peculiar force to that which is the very essence of the subject at present under discussion.

Now, it has been said that these rights are imperilled by precedents? What are those precedents? Upon what occasion have the circumstances of the cases been identical? In the case of any of the precedents to which reference has been made, upon what occasion has a large and important remission of taxation, forming a portion of the financial scheme of the year, (and it is not contended for a moment, that the instance before us has injured in any way any branch of industry) —upon what occasion has such a remission of taxation been rejected by the House of Lords?

But, Sir, a precedent to be a true precedent not only requires that the circumstances should be identical but it also requires that the question of right shall have been raised and discussed. But is it pretended that in any of these cases of precedents referred to that the question of right was ever raised at all? They maintained that the right to tax themselves was a right which was imperilled by no precedent. On the contrary, the perusal of the Report of the Select Committee proves this. The Report of the Select Committee proves that the House of Commons was at all times and in all vicissitudes most vigorous in defending this one great and cardinal privilege. On that ground, therefore, which has been adopted by the House of Commons under all circumstances and in all ages, I do earnestly hope and trust that this House is now about to take its stand. But we are told by hon. Gentlemen, perhaps not within these walls but outside the House, that if a precedent do not exist, now is the time to make one. So it was said in the reign of Charles the First, and so thought Charles the First, and he made a precedent which will endure as long as history is read; and so again thought King James the Second who contributed his precedent. So again thought the political ancestors of the hon. Gentlemen who sit on the Opposition side of the House, when, against the solemn prayers and entreaties of the political progenitors of liberal Members, they proceeded to tax America, and lost her.

Now, Sir, these are the great precedents of taxation which have been attempted without the consent of the people, and they are precedents which overwhelmed with execration those who made them. In supporting the House of Lords I maintain that they would be following in the same footsteps, but I do earnestly hope and trust that the House of Commons will not relinquish their right unless it should please them that the symbol of their high privilege should once more become a bauble.

MR. BERNAL OSBORNE: Sir, with all dues submission to you, and to the House in general, I cannot help thinking that on the present occasion the House cuts but a very humiliating figure.

Sir, the noble Lord who moved these Resolutions, and certainly they are not Resolutions which are—

> "Sicklied o'er with the pale cast of thought."

The noble Lord has made a speech which if it means anything at all is, in the shape

of a defence of the House of Lords, nothing more than an attack upon his own Ministry. The noble Lord was followed by my hon. and learned Friend the Member for Plymouth, and I must say that to my mind, and I think to the mind of the House generally, the speech of that hon. and learned Member did credit to him as a lawyer and honour to him as a statesman.

Sir, I did expect after that speech that some hon. Member on the other side of the House, well fitted for the task, would at least have paid the House, if not my hon. and learned Friend, the compliment of answering that lucid speech, which I think has exhausted every argument upon the question. I lamented to find that after all that research which my hon. and learned Friend exhibited, and all the pains-taking labour which he had evidently given to the subject, that speech was not followed by any conclusion. It appears that my hon. Friend's Motion has been withdrawn totally unknown to me—but I am told at a meeting of the great Liberal party—[*Interruption*]—the hon. Gentleman said so—I am in the recollection of the House—the hon. Gentleman certainly said so. Of whom that great Liberal party consists I am at a total loss to conjecture, but I think that, however distasteful it might be to be beaten upon a division, that the hon. Gentleman was bound, after having exhausted that subject in every way, to have brought his arguments to a direct issue. However inconvenient it might have been to have been beaten on a division still I think that his speech was unanswerable, for I heard no answer or no attempt at an answer—I think he was bound to have brought his arguments to a conclusion.

Now, Sir, this question has been, I think, very much mixed up into two parts. I mean the financial and the constitutional question. As to the repeal of the paper duties I was from the first hostile, and I never gave a vote for any measure which I considered more rash, reckless and improper. Sir, I mean that particular repeal of the paper duties; but at any rate this House did not consider it in that light, they repealed the paper duties, and when it is said that the fifty-three majority on the second reading had dwindled down to nine on the third reading that is no argument for the House of Lords. It is sufficient for the House of Lords to know that we repealed that paper duty in this House by a majority. Then we come to the constitutional question. I am averse to the repeal of the paper duty, I might perhaps think that as far as common sense is concerned the House of Lords have acted rightly, but it was strictly unconstitutional. No one has attempted to answer my hon. and learned Friend the Member for Plymouth, who has shown, and shown conclusively, that all the precedents adduced in "another place" are just worth nothing at all.

Now, Sir, I believe that this House of Commons is living in a fool's paradise. We are thinking that the people of this country are paying no attention to our proceedings, and we talk of their apathy. There may be something in their apathy at the present moment, but I believe that that apathy may be very nearly allied to contempt. Does the course which they have taken, not only on this occasion but upon another occasion, did their shuffling conduct with regard to the Reform Bill conduce to the credit and respect of the constitutional Government? The noble Lord coming here and making, I admit, a very adroit, a very clever, and a very satisfactory speech as far as both sides of the House are concerned—it would be all very well if there was no public out of doors watching our proceedings. What are the Resolutions which have been proposed to the House—what will the public say? The noble Lord talks about our taking a dignified course, the Resolutions may be dignified, but they are not drawn with grammar. How can the House—how can those hon. Gentlemen who sit there in solemn silence as if they were really attending the funeral of the British Constitution—how can they reconcile themselves on the score of dignity with the grammar of the third Resolution? Will they not stand up for grammar? How can they pass such a thing as this Resolution? Really, Sir, I will not insult the House by reading it. I may say that several hon. Gentlemen have been to me to ask me what it means, and I will tell you for what it is meant. It is meant to patch up some discord, and so eager and willing are the Government to patch up these differences that they have not scrupled to pen and offer for our acceptance an ungrammatical Resolution. However we may throw dust in each other's eyes we cannot throw dust in the eyes of the constituents of this country.

Now, Sir, I had no intention whatever of mixing myself up in this debate until I heard the excellent speech of my hon. and learned Friend the Member for Ply-

mouth; but I certainly should deem myself unworthy of holding a place in the House of Commons if I did not rise as soon as I was able to testify my thanks to that hon. and learned Gentleman who at least has shown himself to be a worthy British Member of Parliament, and who has given utterance to truly British sentiments in a way which redound to his credit, and I think to the honour of this House.

MR. EDWIN JAMES: Sir, I am not at all surprised that no Member on the opposite side of the House has taken part in this discussion, because if I had advocated the same policy as they do—namely, to support the House of Lords in this, which if it is their abstract right I cannot help believing is a great stretch of their prerogative, I too would have remained perfectly silent and have allowed such a Resolution as this to pass.

Now, Sir, I agree with my hon. Friend, the Member for Liskeard, that the Resolutions which have been proposed by the noble Lord at the head of the Government do not appear to be

"——sicklied o'er with the pale cast of thought,

And following up the quotation from Shakspeare I may add, nor of—

"Enterprises of great pith and moment
"With this regard their current turns away
"And lose the name of action."

Now, Sir, beyond all question, a more lame and impotent conclusion could not by any possibility have been derived from any Resolution that could have been proposed to the House, and I do venture to think that as leader of this House, to whom the honour of the House is confided, the noble Lord at the head of the Government was the proper person to have come forward as the vindicator of these rights and privileges. Mr. Pitt came forward with a Resolution for that purpose, and on the last occasion, when the privileges of the House were affected, in the case of Stockdale *v.* Hansard, the noble Lord the Member for the City of London asserted the privileges of the House, as leader of the House of Commons. But, Sir, upon other grounds than as leader of the House, and the person entrusted with their confidence, it was the duty of the noble Lord at the head of the Government to come forward and vindicate their privileges. The conduct of the House of Lords has paralyzed the whole or a great portion of the financial policy of Her Majesty's Government, and these Resolutions appear to me rather to be intended as a compromise of opinions in the Cabinet than a dignified vindication of the policy of this House. They are surely not dictated by regard for the policy of the country.

Now, Sir, I quite concur in the tribute of admiration, I quite agree with the praise which has been accorded by the hon. Member for Liskeard to the speech of my hon. and learned Friend the Member for Plymouth. My hon. and learned Friend has exhausted the question of privilege, he has exhausted the whole constitutional question, and I therefore do not propose to trouble the House with any remarks upon it. But, Sir, in withdrawing the Amendment of which I have given notice, I wish to state distinctly that I did so in order to throw the whole responsibility on the Government who have assumed it, and who in the most sorry manner have proposed to vindicate the privileges of this House. This is no question of party politics, this is no question of policy at all. It is not a mere question which side of the House is to occupy the Treasury Bench; a more vital question, compared with which all questions of policy sink into utter insignificance, is involved in the discussion of this evening. Our system of taxation has been, as everybody who is acquainted with the constitutional history of this country knows, the battle-field of the liberties and privileges of the House of Commons. Everybody knows that the most eloquent speakers, and the ablest of writers, have struggled and have suffered for that cause; and when these events become history it would be a degradation to the Government of the day that they allowed impunity to that which, being a stretch of prerogative had become an usurpation, and satisfied themselves with a meagre and paltry Resolution.

THE CHANCELLOR OF THE EXCHEQUER: Sir, before you put the question, I wish to take the liberty of addressing a few words to the House with reference, in particular, to an expression which has been used (and, I must say, not unnaturally used) by the hon. and learned Gentleman who has just sat down. It appears to me to be the determination of one moiety of this House that there shall be no debate upon the constitutional principles which are involved in this question, and I must say that, considering that Gentlemen opposite are upon this occasion the partisans of a gigantic innovation—the most gigantic and the most dangerous that has been attempted in our times—I may compliment them upon the prudence that they show in re-

solving to be its silent partisans. Now, Sir, I should like to know with what language and in what tones those Gentlemen who assume the name of Conservative politicians would argue in support of a great encroachment by one House of the Legislature upon the other. I agree with the hon. Gentleman, the Member for Liskeard, that there are two questions involved in this matter, the question of the repeal of the paper duties (I am glad to see that there is some tendency to a movement on the other side)—the question of the repeal of the paper duties and the constitutional question respecting the rights of the Houses of Parliament. I join, I must confess, in the just compliments which have been paid to the temperate argument which was made by the hon. and learned Member for Plymouth ; and I frankly own that it appears to me that he does not deserve the censure bestowed upon him by a subsequent speaker for the withdrawal of his Amendment, and that upon grounds which I will venture respectfully to state to the House.

Now, Sir, the hon. and learned Gentleman who has just sat down, says that the Resolutions proposed by the Government are a poor and paltry compromise in the Cabinet. Now, the question comes to be, in the first place, What is the language, and what is the purport of the Resolutions that are before the House ? Well, in view of those Resolutions as they stand, I am bound to say that I cannot refuse to them a cordial support, because they contain a most mild and temperate declaration in conformity with the speech of my noble Friend who moved them ; they contain, at any rate, in themselves a most mild and temperate declaration, but at the same time an intelligible and firm declaration—as far as verbal expression goes—of the rights of the House of Commons. It has been justly said that, if the rights of the House of Commons are to be vindicated, the question has to be considered whether they are to be vindicated by words, or to be vindicated in action. So far as the vindication by words goes, that proposed by Her Majesty's Government is, I think, a good and a sound vindication ; but, in answer to the challenge of my hon. and learned Friend, the Member for Marylebone, a challenge which he has a perfect right to deliver, I do not scruple to say that, in my opinion, this House would do well to vindicate and establish its rights by action ; and without in the least degree imputing blame to, or finding fault with

The Chancellor of the Exchequer

the terms of the proposal of the Government, I reserve to myself entire freedom to adopt any mode which may have the slightest hope of success for vindicating by action the rights of this House.

Now, Sir, I do not think that at this moment the question of precedent requires to be further argued. In the presence of various Members of the Committee who sit on the other side of the House, the hon. and learned Member for Plymouth has, with great conciseness, but at the same time with great clearness, and I think with conclusive force, gone through the list of these pretended precedents, and has shown that there is not one of them that affords a rag or a shred of covering for the recent proceeding of the House of Lords. Now, Sir, do not let us be lost in discussions about the mere privileges of this House. The privileges of the Houses of Parliament are the formal dress in which their real rights are shrouded. Your privilege goes far beyond the essential limit of your rights. Your privilege covers in name twenty things with regard to which you cannot establish a substantial claim. You would not, until lately, allow the House of Lords to interfere with a fee ; you would not, until lately, allow them to interfere with a local rate ; you would not allow them to interfere with a penalty ; and absolutely of those supposed precedents which have been printed—and properly printed, perhaps, by the Committee—as bearing on this constitutional question, of those supposed precedents some relate to measures which do nothing more as regards their substance than prohibit the import or export of some article ; but because the violation of the law was attended perhaps with a penalty, perhaps with a forfeiture, they are paraded as questions affecting the privilege of the House of Commons. Now, Sir, I am not finding fault with the course taken by the House of Commons, which has found it expedient to assert its privilege largely, in order that it might stand rigidly upon that precedent where substantial rights were involved. The House of Lords, too, has pursued the same course—and, I think, with equal wisdom—for these privileges of the House of Commons are not admitted by the House of Lords. In the year 1640 the House of Lords did make a declaration which undoubtedly condemns as strongly as any Member of this House could wish it to condemn the late Act of the House of Lords in rejecting the Paper Duties Bill, because they did

then state that they would not meddle, no, not so much as to advise, in the matter of Supply, which belongs properly and naturally to us. But at the time they made that declaration they did it because they had, in fact, another form of innovation in view. On that great occasion, in the first Session of the short Parliament of the spring of 1640, they had an object in view, which was to constrain and coerce this House to give its attention to matters of Supply before matters of grievance, and it was in order to carry that point that they made this large admission, that they would not so much as advise in matters of Supply. The House of Lords failed in carrying their point, and they never repeated that admission; on the contrary, they entirely withdrew it, and in the year 1671, as well as upon subsequent occasions, they asserted largely their right to deal with matter of Supply, sometimes in broader terms, sometimes in narrower terms. Sometimes they said generally that they could not be ousted of that right; sometimes they claimed merely a right to abate a tax; sometimes they referred in particular to those cases in which considerations of trade were involved, and said that at any rate they were as good judges of the interests of trade as were the House of Commons; but since 1640 they never made any admission; on the contrary, in 1671 they entirely withdrew the admission which they had made of the privileges and rights of the House of Commons. Therefore, Sir, if we look at the theory of this case, the two Houses are absolutely at variance. With limited exceptions, introduced into the case by recent modifications of our own Standing Orders which have taken place within the memory of some of us, the two Houses are, if we look at the question abstractedly, at absolute variance. The House of Commons claims by its privilege everything wherein money is mentioned; the House of Lords recognizing by no act of its own any distinction, but also claiming a legislative power without limits. It is quite a mistake to suppose that the House of Lords has ever made the admission that a Money Bill cannot orginate there. By practice a Money Bill does not originate in the House of Lords; but there is no admission that a Money Bill cannot originate there. Just in the same way there is no admission on the part of the House of Lords that a Money Bill cannot be amended there. Strange to say, some great doctors of the Constitution are reported to have stated on a recent occasion that it was a principle admitted on all hands that no Money Bill could be amended in the House of Lords. Why, Sir, on the contrary, not only is there nothing in the rules of the House of Lords, so far at least as the researches of the Committee have gone, to prevent such amendment, but it is actually the fact that the cases of amending Money Bills in the House of Lords are more frequent than those in which such Bills have been rejected by that House. The truth is, I apprehend, that under cover of these broad, and in themselves, perhaps, untenable and extravagant, doctrines of privilege, the House of Commons formally claiming everything, and the House of Lords formally conceding nothing, under cover of that apparent conflict, there has been a real, and until the present time an unbroken, harmony for 200 years. The secret of that harmony is that both Houses by these claims, apparently so conflicting, have meant the same thing. The House of Commons, by its privileges with respect to Money Bills, has meant to reserve to itself the integrity of the taxing power; and the House of Lords, by declining to admit the claim of the House of Commons, has intended to preserve to itself an effective means of preventing the House of Commons from forcing upon it other matters of general legislation under cover of Money Bills.

Now, Sir, I have just made a statement which sounds like an authoritative exposition of the practice of the Constitution; but, of course, I mean it only as an assertion which is to be tested by the evidence of facts and documents. Let any Gentleman review the entire list of these precedents, and see whether every one of them does not completely coincide with the principles I have laid down. There is not, as far as I know, a single case upon record since the present system of taxation was established until the Paper Duties Repeal Bill of 1860, in which the House of Lords has attempted to interfere with the taxing function of the House of Commons. Therefore, Sir, when it is said that we are to maintain our essential privileges inviolate, what I ask myself, and what I ask myself in vain, is, what are the essential privileges of the House of Commons which it is intended to maintain inviolate, and which are not violated by the rejection of the Paper Duties Repeal Bill? It appears to me that the origination of a Bill for the imposition of a tax, or the amendment of a Money

Bill is a slight thing compared to the claim to prevent the repeal of a tax.

Sir, I have said that the precedents are entirely adverse to the step which has been taken. The mode in which many of these pretended precedents have exploded has really been almost ludicrous. I may refer to one case, and it will be the only one with which I shall trouble the House—it is the case of the Excise duty upon stone bottles. A Bill was introduced to "repeal the duty upon stone bottles, and to grant other duties in lieu thereof." Such was the title of the Bill. It was quoted as an instance of the House of Lords interfering to arrest the repeal of a tax. What did that Bill do? In the first place, it was a Bill which had not a fiscal, but a political object—that object being protection. But, besides that, though it is true it repealed the duty upon stone bottles—as whenever we alter duties we always begin with repealing them—yet it imposed upon stone bottles a duty double that which it repealed. It was not a Bill of repeal at all in any intelligible sense of the term, but a Bill to double the duty upon stone bottles. The precedents, I repeat, are entirely to the effect which has been substantially stated by my noble Friend—that is to say, they do not cover, in the substantial and essential points, the act that has now been done, because none of them were interferences with the taxing power of this House. Some of them were interferences with Bills that had a preamble of Supply; but these were Bills which were prepared for objects other than those of taxation. Taxation was incidental; those other objects were the main purposes; and the House of Lords justly declined to part with its jurisdiction over matters of legislation and policy, on account of the privileges of this House with respect to money.

But, Sir, I am bound to say that, even if the precedents were otherwise than they are, it seriously requires the consideration of this House whether its own essential functions are to be maintained or not. I do not deny, as responsible for the finances of the country, that the sum of, perhaps, £700,000, which will be brought into the Exchequer by the continuance of the paper duty between the 15th of August and the 1st of April, is exceedingly acceptable, provided it be honestly obtained. But, Sir, I must confess that although no person is more likely than myself to be liable to the influence and seductions of money, yet there are other things that are more valuable even than £700,000. I believe that the question, whether the exclusive power of taxation is to rest with the House of Commons, is a question of ten—nay, a hundred times greater importance and value than the continuance of the paper duty. I have said that there is no instance in which, when this House has intended the repeal of a tax, the House of Lords has interfered to arrest it. Some Gentlemen have said that on the present occasion the House of Commons was very foolish, and the House of Lords very wise; that the House of Commons made a great and undue sacrifice of public revenue; and the House of Lords interposed to arrest the House of Commons in its career of extravagance and improvidence. That is the allegation. But without entering at this moment into the argument, with respect to which, however, I am prepared to maintain all that I have maintained on previous occasions, I want to know whether that really is the Constitution under which we live? The House of Commons cannot be infallible in matters of finance any more than in other matters. No doubt the House of Commons may make errors, of which I shall give you an instance presently; but I wish to know whether those errors in matters of finance are, or are not, to be liable to correction by the House of Lords. If they are, what becomes of your privileges? Why does the House of Lords ever differ from us? No doubt because it thinks we have committed an error, and it can suggest an improvement. That is perfectly legitimate; but the question now raised is whether that power of review which is exercised by the House of Lords in all matters of general legislation is likewise to be extended to finance, and whether the function of the House of Commons in imposing and repealing taxes is to be divided as to its exercise and the responsibility which it involves with the House of Lords. I think this case, besides the positive illustration of precedents, is susceptible likewise of negative illustration. The argument is that the House of Lords has interfered to correct the folly of the Commons in giving away revenue which was supposed to be required for the purposes of the year, or rather for the purposes of future years, because, in point of fact, it does not seem to have been stated that the revenue was required for the purposes of the present year. It will be required, or other money in lieu of it will be required, for the purposes of the year; and

The Chancellor of the Exchequer

I do not at all disguise the difficulty in which this House is placed when it has to vindicate its privileges and insist upon its Vote on the one hand, and to receive a considerable addition to the income of the year on the other. But, Sir, what I want to say is, that the House of Lords has not upon former occasions considered itself to be charged with this responsibility. In 1853, a Bill for the repeal of the soap duties was passed at a considerably later period of the Session than the day on which the Paper Duties Repeal Bill was rejected. That Bill was passed at a time when, undoubtedly, the prospects of the country with respect to the probability of war with Russia had become such that there was very serious alarm, and a very general belief that war would be encountered, and that a great increase would be made to the burdens of the country. I am sure that those Gentlemen who recollect the circumstances of the month of July, 1853, will concur in the statement I have just made. If I remember right, the Emperor of Russia had already occupied the Principalities; several debates had taken place in this House; considerable excitement prevailed in the public mind; various Peers in "another place" actually urged the probability of war as a reason why the soap duties should not be repealed. I think I may say that the Government of the day would not have proposed the repeal of the soap duties in July had it not been a proposal to which they felt themselves pledged by their previous proceedings, and by the sanction which the House of Commons had given to it by its vote. But the House of Lords at that period passed the Bill for the repeal of the soap duties, and entirely declined the plea which was urged even for a short delay in the consideration of the measure.

Now, Sir, why did the House of Lords do that? If I remember rightly, the right hon. Gentleman the Member for Droitwich, and others, exercising the privilege of fair criticism on the acts of the Government, complained greatly at the time of the loss of revenue. They used just the same epithets then that we hear now. They asked what could be more unwise, more reckless, more improvident, more profligate, than to part with the revenue from the soap duties at the opening of a probable war in Europe. Yet, although a war with Russia was likely, I presume, to impose much heavier burdens than a war with China, the House of Lords entirely declined to meddle with a matter in regard to which they felt they had no responsibility. In accordance with the sound doctrine laid down by the Prime Minister of the day, they declared that it was the act of the House of Commons, and if Ways and Means were wanted to carry on the service of the country, on that House would rest the responsibility of providing them.

Now, Sir, there is a view of the matter which I should have thought would have suggested itself to those who have directed the Councils of the House of Lords. When the House of Commons entertains financial proposals, it must hereafter look, not only to their merits, but to their probable popularity. They must recollect that there are those lying in ambush for them who will be ready to interfere at the proper moment. If it chance that in considering the claims of various taxes for reduction, they make that choice which, according to their judgment and conscience, they believe to be for the good of the country, rather than that which will probably meet the popular view, they must bear in mind that there are those who will take advantage of their having acted on their conscientious convictions, and who will use the opportunity to reject the repeal of the tax. That is the very case which has happened this year. After it had been determined that a certain amount of taxation should be remitted, the question in the first place for the Government, and in the second place for the House of Commons, was, whether the paper duties should be repealed, or whether a reduction should be made in the duties on sugar and tea.

LORD JOHN RUSSELL: The tea duties.

THE CHANCELLOR OF THE EXCHEQUER: My noble Friend is quite right. The tea duties were discussed; though, I think, in consequence of the state of affairs with China, the sugar duties had rather the preference given to them. The Government certainly were well aware that the paper duties constituted an impost which had no great hold of the mind of the general mass of the consumers of the country, and I believe the House of Commons was perfectly well aware of that too. But the Government, and as I apprehend the House of Commons, thought that, under the circumstances, probably greater good would be derived from the repeal of the paper duties than from the reduction of the sugar duties, because though it would less commend itself to the popular

mind, the benefit which, through the medium of an extended trade, it would confer on the population of the country would be greater. The hon. Member for Liskeard says, he thinks the repeal of the paper duties a very bad measure, though I believe he did not vote against it. Now, I doubt very much whether he would have ventured to say that of the reduction of the sugar duties. But our proposal of that measure which, though less popular, we deemed more beneficial, was strongly resisted, and led the House of Lords to deviate from the course it had pursued, without interruption, for nearly 200 years. I want to know what is to be the influence of this consideration upon those who are hereafter to frame the financial proposals of the country? Surely, it was for the interest of the House of Lords to give us every encouragement to avoid that temptation to which, being under the influence of popular feeling, we are naturally exposed, to choose not the best but the most popular measure. We did resist that temptation; and what is the lesson the House of Lords has taught us? Did it not at once seize the opportunity of resisting our proposal under shelter of the popular feeling?

Now, Sir, I said that this case was capable of negative as well as of positive illustration, and I have shown in the case of the soap duties of 1853, which was, in most respects, a parallel; and, where not a parallel, a still stronger case, the House of Lords wisely left to us the responsibility of providing the Ways and Means to meet the necessities of the year. But I will show you, Sir, another instance by travelling a little further back. In the year 1839 the Budget was presented at the usual period of the year in which the expenditure and revenue of the country were as nearly as possible balanced. At a later period a measure was proposed, which I regard as one of the happiest and most advantageous measures that has marked the happy reign of Her Majesty Queen Victoria, I mean the measure for reducing the postage duties to the uniform rate of a single penny. The Post Office at that time returned a clear net revenue of £1,400,000 or £1,500,000 a year; and it was perfectly obvious that the reduction of the rate of postage to a penny, whatever might be its ultimate results, would have the immediate effect of sweeping away the whole of that net revenue from the country; and so it proved. Although that beneficial repeal has been worth five times over all the revenue we lost, yet at this day, after twenty-one years, our revenue has not been entirely replaced. In that year, 1839, the House of Lords, almost for the first time in its history, succeeded in obtaining a copy of the Estimates, with the help of a compliant Chancellor of the Exchequer; and much good it did them, as you will say when you hear the result. That Estimate showed them that there was no surplus. In sending up the Bill to the Lords, the Commons distinctly acknowledged that it would create a deficiency in the revenue; and, by a Special Resolution, pledged themselves to provide for that deficiency in the following year: there was, therefore, no dispute whatever that this measure would produce a deficiency. Why, then, did not the House of Lords interfere upon that occasion? They passed that Bill without difficulty or dispute, without raising the financial question at all; and, strangest of all the strange occurrences of that remarkable year, the man who sent up to the House of Lords that Bill for creating a deficiency in the revenue of the year was Mr. Thomas Spring Rice, the then Chancellor of the Exchequer. The very same Gentleman, unless the almanacks deceive us, who, having since obtained the title of Lord Monteagle, is reported to have played a leading part in advising the House of Lords to take upon itself those functions which, if ever they were to be used at all, ought to have been used in 1839.

Now, Sir, I keep to my pledge, and will not enter into the details of the precedents. If a challenge proceeds from the other side—if it is contended that in the catalogue before us there are cases analogous to the present—and that the House of Lords have ever before attempted to exercise the functions of the House of Commons—we shall have other opportunities of meeting and contesting these allegations—but for the present I content myself with stating that there is no colour of precedent for such proceedings. Sir, I beg the House to believe that this is really a matter of great importance. Since the Peace of 1815 £78,000,000 of taxes have been repealed. All the Bills that have repealed that amount of taxation have been accepted by the House of Lords from the House of Commons, upon the responsibility of the latter; and only now, when we come to the seventy-ninth million, has the House of Lords thought fit to interfere, and establish a new precedent. For my part, I cannot but feel that this is a time when men are little apt and dis-

The Chancellor of the Exchequer

posed to deal with abstract principles; and those assertions which our forefathers made of their rights we now think of little value or consequence compared with obtaining a few hundred thousand pounds. It may be that my views on this subject are little compatible with the tendencies of the age; but I confess I cannot bring my mind to take that view. I do regard the whole rights of the House of Commons, as they have been handed down to us, as constituting a sacred inheritance upon which I, for my part, will never voluntarily permit any intrusion, or plunder, to be made. Sir, I think that the very first of our duties, anterior to the duty of dealing with any legislative measure, and higher and more sacred than any such duties — high and sacred though they may be—is to maintain intact that precious deposit. I concur, Sir, in every word of the Resolution proposed by my noble Friend, which we have in our hands; but I respectfully reserve to myself the freedom of acting in such a way as shall appear (if any such way should appear) to offer any hope of success in giving effect, by a practical measure, to the principle contained in that Resolution.

MR. WHITESIDE: Sir, the right hon. Gentleman has directed an attack upon Members of the Opposition; but I am at a loss to understand why he assailed us, and why he did not rather attack the Members of his own Administration. Sir, I invite the attention of the House to the course which this debate has taken. The conduct of those with whom I have the honour to act has been remarked upon because they did not stand up to resist the speech and Motion of the noble Viscount. Now, I am as ready to enter upon a debate as any hon. Gentleman opposite. I came down expecting to find upon those benches sincere men, uncompromising patriots, who would not be content with empty speeches, but who would follow up their words with action. But what, Sir, was the first thing that took place? The noble Lord, the Member for Marylebone, the stern asserter of the privileges of the House of Commons, rose, and amid derisive cheers, made an appeal to the hon. Member for Finsbury to be so good as to withdraw his Amendment, lest the happy unanimity of the House should be disturbed by the independent Motion of an independent Member. That hon. Member, who spoke with his usual inimitable wit, yielded to the soft eloquence of the noble Lord, and withdrew his Amendment. That, Sir, was the first scene we witnessed to-night. Then the noble Viscount at the head of the Government rose, and, to do him justice his speech was everything that could be desired. I never heard the noble Viscount speak to more advantage. I think it was a satisfactory speech for the position in which he stands; and I only regret it did not produce an impression on his refractory Chancellor of the Exchequer. The noble Viscount put the question fairly and temperately; he spoke as became the First Minister of the country, that is, in the spirit of the Constitution. It was a speech in favour of peace, in which, while the noble Viscount asserted the rights of this House, he declared with equal good sense and truth that the House of Lords during the last fifteen or twenty years had not been acting in an unpatriotic spirit, or in any way to provoke the opposition of this House. Sir, the precedents in favour of the action of the House of Lords were too many to be resisted; and although they might not be held to be in point, according to the logic of a special pleader, yet they satisfied the Prime Minister, whose speech was repugnant to that of the Chancellor of the Exchequer. Well, Sir, we had then several speeches from Gentlemen who asked us why we did not attack the noble Viscount, and why we did not resist his speech when there really was nothing to resist, and why also we did not argue when there was nothing to argue. Our answer is that we did not oppose the noble Viscount because he conceded (if he had not, we should quickly have opposed him) the right of the House of Lords to do what they did according to the law and Constitution. Sir, distinctly and emphatically the noble Viscount admitted, as he was bound to do (unless indeed he was a rabid revolutionist) the right of the House of Lords to resist the repeal of an Act of Parliament. The noble Viscount thereupon counselled the House to pursue a moderate and wise course, which was, I admit, entirely satisfactory to our feelings; and furthermore, I venture to say that it will be satisfactory to the country. The noble Viscount recommended a course that was becoming his high position, although it had incensed his colleague the Chancellor of the Exchequer. And what followed? I had still hopes (for making speeches unless they are followed by action is a thing detestable) that the hon. and learned Gentleman, the Member for Plymouth, would have per-

severed with his Motion. That hon. and learned Member I observed was prepared with oranges, and I thought we were to have a debate. I could not believe the whisper of some of my colleagues that the hon. and learned Member, surrounded as he was by the zealous advocates of popular rights, and backed by the hon. Gentleman the Member for Birmingham and by the noble Lord the Member for Marylebone, would withdraw his Amendment. That hon. and learned Gentleman thus admitted that he had no arguments to convince the House that his Amendment ought to be admitted. The hon. and learned Gentleman certainly made a speech to which I did not pay the same attention as if I had thought the hon. and learned Gentleman had been in earnest. If I had thought that the hon. and learned Gentleman would have asserted by a division the principle of his Amendment I should have been glad to grapple with him. Then what happened next? Without being disturbed by any speech on this side of the House, and without a word to excite his irritable temperament at the present moment, the right hon. Gentleman the Chancellor of the Exchequer sprang from his seat and attacked the Opposition benches for being silent in regard to what he announced as a gigantic innovation. Now, Sir, I put it fairly to the country to contrast the right hon. Gentleman's speech with what he must consider the miserable Resolution of the noble Viscount. If the Chancellor of the Exchequer believed the tenth part of what he spoke, if he really thinks the House of Lords has been guilty of a gigantic innovation, and that the privileges of the House of Commons have been assailed, why with manly courage does not the right hon. Gentleman carry out his view into action? Why does the right hon. Gentleman say he cordially approves of the speech of his noble Friend, and why does he adopt his Resolution when every Member who spoke upon those benches, or who cheered the right hon. Gentleman, appeared to agree with the hon. Member for Huddersfield in thinking the Resolution worthless, pitiful, and contemptible? The hon. Member for Huddersfield heaped every epithet of scorn and contempt upon the Resolution. The Chancellor of the Exchequer, too, in a tone of virtuous indignation, which I hope was not affected, declared that the House of Lords had been guilty of a violent aggression upon the privileges of this House, that it was the duty of this House to be zealous and active in the assertion of its rights; and then the right hon. Gentleman came to this lame and impotent conclusion, which received the cheers of his hon. Friends below the gangway, "I approve of every word that my noble Friend the noble Viscount has said." [*Cries of* "No, no!"] I say, "Yes." Is there no inconsistency too gross for you to approve of? Are you satisfied with the speech which has just fallen from the lips of the right hon. Gentleman? If the right hon. Gentleman believes what he has said, why does he not act? I respect a Radical who acts up to his radical opinions. I respect the Conservative who acts up to his Conservative views. I have a sincere respect for a Constitutional Whig, like the noble Viscount, who asserts his principles. But, Sir, I have no respect for a politician who pretends that the great interests of the country are at stake; who asserts that the House of Lords have not the power which they have exercised, and who yet says that this Resolution satisfies his scrupulous mind. Now, Sir, what is that Resolution?

> "That although the Lords have exercised the power of rejecting Bills of several Bills relating to taxation by negativing the whole, yet the exercise of that power by them has not been frequent, and is justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the Supplies, and to provide the Ways and Means for the Service of the year?"

Now what does that imply? Why is it not opposed by hon. Gentlemen opposite? It admits the power vested in the House of Lords, declares that the Lords have exercised that power, does not complain of the exercise of that power, does not deny their right, but says that the exercise of that power has always been regarded with jealousy by this House. Contrast that Resolution with the speech of the right hon. Gentleman. The Chancellor of the Exchequer says, that the time for action is come; but what action, Sir, does he propose? Why does he not announce it? What is the use of these vague words? If we are to commence the battle in defence of the Constitution, the sooner the better. The revolutionary movement could not be in better hands than in those of the Chancellor of the Exchequer. He asks why do the Lords interfere in this particular, having so seldom interfered before? My answer is that they have seldom had to deal with such a financial Minister and such a state of affairs as on the recent oc-

Mr. Whiteside

casion. The right hon. Gentleman created a deficiency, and alarmed the House and country as to the state of the finances. He proposed by repealing an Act still further to reduce the financial resources of the country. The right hon. Gentleman's Bill for that purpose was rejected by the House of Lords; and I fairly and frankly admit that the House of Lords meant thereby to rebuke his policy, and to deny its soundness and wisdom. I believe that in the present aspect of affairs the proceeding of the House of Lords was an act consistent with the highest sense of duty and the loftiest patriotism.

Now, Sir, the right hon. Gentleman says, that there is no precedent to justify what the House of Lords has done. Without, Sir, wearying the House by going through the detail of precedents, I need only state that, in the other House, a set of men who have built up the fabric of our jurisprudence, a noble work, whose business of life has been to examine precedents and understand their principles and application, the deepest thinkers, the most consummate lawyers, and some of the best writers and thinkers in the kingdom, as well as those who have devoted their time to financial matters, joined with others in condemning the policy of the proposition of the right hon. Gentleman, the Chancellor of the Exchequer. We are told that it was an act of presumption on their part; but the precedent of 1671 shows that the Lords acted within their competence on a recent occasion. In that year the Lords inquired if they were not allowed to institute, alter, or amend a Money Bill, what were to be their privileges? To that question the House of Commons emphatically replied as follows:—

"Your Lordships' first reason is from the happiness of the Constitution that the two Houses are mutual checks upon each other. Answer.—So they are still; for your Lordships have a negative to the whole."

Nothing, Sir, could be more explicit than that. [*A Voice:* "Read on!"] I will read on, but that makes the matter still worse for you. The precedent then proceeds as follows:—

"But on the other side it would be a double check upon His Majesty's affairs, if the King may not rely upon the *quantum* when once his people have given it; and therefore the privilege now contended for by your Lordships is not of use to the Crown, but much the contrary."

Then again:—

"If the Lords may deny the whole, why not a part? Else the Commons may at least pretend to bar a negative voice. Answer—The King must deny the whole of every Bill, or pass it: yet this takes not away his negative voice. The Lords and Commons must accept the whole general pardon, or deny it; yet this takes not away their negative. The clergy have a right to tax themselves; and it is a part of the privilege of their estate. Doth the Upper Convocation House alter what the Lower grant? Or do the Lords or Commons ever abate any part of their gift? Yet they have a power to reject the whole. But if abatement should be made, it would insensibly go to a rising, and deprive the clergy of their ancient right to tax themselves."

The Commons, Sir, I believe, have by encroachment deprived the Lords of rights anciently possessed by them, have stopped them from amending and altering, leaving them the power, however, of negativing the whole. If you want authority on this point I refer you not so much to law books as to a book written by the right hon. Gentleman the Member for Oxford University on the connection of Church and State. The Lords do not claim the right to institute, abate, or alter, but to negative the whole: and the right hon. Gentleman uses these words in the work which I have referred to:—

"The Members of the House of Commons have the exclusive right of passing money Resolutions, and of introducing and altering Money Bills. But no such Resolution can be passed—that is to say, no money can be given by the House of Commons except upon the motion of the Crown, to which the initiative is reserved; and no Money Bill becomes law unless it receives the assent of the Upper House and of the Crown in its legislative capacity."

Sir, in another passage the right hon. Gentleman says:—

"The immediate power of granting money is divided between the executive and the popular portion of the Legislature; and only by annual statutes is the House of Lords, with its own consent, limited in its means of intervention to a subsequent stage."

Now, Sir, unless you abolish the House of Lords, it is impossible to deny to that assembly the right either to pass or reject any Bill submitted to its consideration. It has been said that there is no instance where the proposition to repeal so large a sum has been rejected by the House of Lords. Nevertheless, Sir, a great principle is not to be made dependent on a particular amount of money, but on the reason of the thing, and on the law and Constitution of the land. Why, this matter, about which you are making such a fuss, has been discussed by one likely to produce an impression on the minds of hon. Gentle-

men opposite. I always like to quote a Whig against a Whig. This great privilege you boast of has been discussed by the late Lord Macaulay. He says:

"The privileges of the House of Commons—those privileges which in 1642 all London rose in arms to defend, which the people considered as synonymous with their own liberties, and in comparison of which they took no account of the most precious and sacred principles of English jurisprudence—have now become nearly as odious as the rigours of martial law. That power of committing which the people anciently loved to see the House of Commons exercise is now—at least when employed against libellers—the most unpopular power in the Constitution. If the Commons were to suffer the Lords to amend Money Bills, we do not believe that the people would care one straw about the matter. If they were to suffer the Lords even to originate Money Bills, we doubt whether such a surrender of their constitutional rights would excite half so much dissatisfaction as the exclusion of strangers from a single important discussion. The gallery in which the reporters sit has become a fourth estate of the realm. The publication of the debates—a practice which seemed to the most liberal statesmen of the old school full of danger to the great safeguards of public liberty—is now regarded by many persons as a safeguard tantamount, and more than tantamount, to all the rest together."

So much, Sir, for the value of the privilege. But as to its legality, what is the argument of the right hon. Gentleman, the Chancellor of the Exchequer? He says that a Bill to repeal a tax is to be viewed in a different light from any other Act. Where, in the Constitution is his authority for that statement? The cases stated in the Report on the table are all the same in principle, and opposed to that view. The hon. Gentlemen on the Ministerial side seem to have arranged not to venture to move even the mildest Amendment, and the hon. and learned Member for Marylebone has withdrawn his accordingly pigmy Amendment. After the speech of the noble Lord at the head of the Government, the right hon. Gentleman the Chancellor of the Exchequer has addressed the House *con furore;* and if that be a specimen of the manner in which the Ministers conduct themselves when alone it certainly is not a proof of their being a very happy family. Every word of the right hon. Gentleman was levelled at the noble Viscount; all his arguments were directed against the noble Viscount; and all his assertions were contrary to the modest, wise, and constitutional statements which the noble Viscount laid down. Amid the cheers of a section of the House the right hon. Gentleman exclaimed that the time for action was come. Then why do not you act? Permit me to say that if you expect really to produce that impression on the mind of the public out of doors which you say you are producing, you must go beyond mere assertions; for unless you do something no one will believe you. We have had hon. Gentlemen in succession standing up in this House, and saying, "I am told by the Minister to withdraw my Amendment, and I do so because I find it will give him some little trouble." You may think that in doing this you are producing a splendid effect on the minds of the public; but the public is too discriminating to be deceived by such a transparent device. You have abandoned an Amendment that would have fairly raised the question of privilege. I should have been glad to see that question raised by the hon. and learned Gentleman, the Member for Plymouth; but he withdrew his Amendment, and in doing so condemned his speech, for what is the use of a speech when there is nothing to propose. I readily admit that the hon. and learned Gentleman the Member for Plymouth was in a difficulty, for certainly there was a general feeling in the House before the Chancellor of the Exchequer spoke that the Resolutions of the noble Viscount should be passed with unanimity. The noble Viscount produced that desire for unanimity by his good sense, and by the moderate and satisfactory speech he addressed to the House. The Chancellor of the Exchequer is, I believe, smarting under the rebuke he has received from the other House. He is smarting under the disappointment and defeat that his rash and reckless financial policy entailed on him; and hence that most unlucky speech he has delivered to-night. The hon. Member for Birmingham, and those who sit near him cheered the right hon. Gentleman; but what do they expect him to do? I, Sir, shall certainly not be surprised at any course the right hon. Gentleman may take. He denounced the income tax, and he doubled it. He denounced loans to carry on war; but now I suppose he means to have a loan to carry on a war. He denounced the war with China; but now he must have a loan to complete that war. He is a Member of a Government that supports the abolition of church rates; and he is the representative of the University of Oxford. Reverting for a moment to the great question at issue, I say it is as clear that the House of Lords has the power to reject a Tax Bill, as it is that you have the power to propose it. I

ask whether the American Senate has not the power to reject such Bills?

MR. BRIGHT: Tbey are elected.

MR. WHITESIDE: The hon. Member for Birmingham says they, the Senate, are elected; but his observation proves nothing. The men who framed the American Constitution were wise and good men.

MR. BRIGHT: Hear, hear!

MR. WHITESIDE: They were men of our own race; they were wise men; and they framed the Senate with such powers as would enable it to guard against the rash legislation of the Lower House, and against reckless interference with the finances of the country. The Senate curbs and checks the proceedings of the President and the Lower House, should occasion call for it. Then, will it be said, Sir, that the power exercised by the Senate in America is not to be exercised by the House of Lords in this country,

MR. BRIGHT: Hear, hear!

MR. WHITESIDE: Then, Sir, let the Gentlemen who cry "hear, hear," enter into a conference with the right hon. Gentleman, the Chancellor of the Exchequer, and produce a measure that will revolutionize the country. Let them produce something that is tangible, and we will be prepared to meet it. The Resolutions of the noble Viscount have been spoken of as weak platitudes, but they are at all events agreeable; there is nothing venomous in them; they contain an admission of the rights of the House of Lords, and therefore they are not objectionable to us. But, Sir, if there be a body of men who desire to strip the House of Lords of the power which they have exercised so wisely and so well, then I say to them, instead of mere assertion,—instead of declaiming against that which declamation will never prevent,—proceed to action; introduce your measure; let us have open, manly discussion, and an honest decision as to whether we are to live under the ancient Constitution of this country, or whether that Constitution is to be revolutionized or destroyed.

LORD FERMOY: Sir, I certainly must say that I had no intention whatever to-night of taking part in this debate had it not been for the inquiry which was made of me by my right hon. and learned Friend. I say that I should not have taken any part in this debate had it not been for the pointed allusion made to me by the right hon. and learned Gentleman, who seemed very angry at something which I had done in reference to this matter. Now, I certainly have not striven to please the right hon. Gentleman; and, indeed, could I but have foreseen that the course which I had taken would have put the right hon. Gentleman in such a fury as he has exhibited himself in to-night, it certainly would have been an additional reason for taking it on that occasion.

Now, Sir, I am not aware that the right hon. and learned Gentleman has any right to advise what he calls the great Liberal party in this House or anywhere else, and therefore we do not consider that he is the proper party to consult as to the course which we ought to pursue.

Now, Sir, the right hon. and learned Gentleman is angry that we are not going to have a division upon the present occasion; but, Sir, I must be permitted to say that if the right hon. and learned Gentleman wants a division he can have it himself by voting the negative to those Resolutions; but we thought it would be better, although those Resolutions do not go as far as we wish them to go, yet, nevertheless, as they travel a certain distance on what we consider the right road, we thought that it would be better for the interest of the Liberal party that those Resolutions should be passed without dissent, and unanimously by this House.

Now, Sir, the right hon. and learned Gentleman has alluded to the second Resolution which has been placed before the House by the noble Lord at the head of Her Majesty's Government. But now, I ask, Sir, why did the right hon. and learned Gentleman pass over the first Resolution? The first Resolution is a clear declaration of our rights and privileges in this House. That is a clear declaration, that you say in us, and in us alone, is the power of voting and controlling the Supplies.

Now, Sir, I think as a member of the Liberal party that it is a good step to get Gentlemen and right hon. Gentlemen opposite to assent to that proposition, because that proposition is in itself a foundation and a starting point from which we may take, and from which we, I trust, will take, ulterior measures.

Now, then, Sir, with respect to the second Resolution. If I had had the honour of being consulted as to the drawing of the Resolutions I would have said it was a thing into which we had better not enter. But then the third Resolution, although it does not go so far as we think it ought to go, and although it does not wind up as I

think it ought to wind up, by calling upon the House for deeds and not words, by calling upon the House for action and not inaction, still, I say, the third Resolution points out how we can preserve our privileges for the future, and pointing that out, I think it also shows how we may restore our rights for the present if we choose so to do. But, Sir, I think it is a great point to have the approval of Gentlemen and right hon. Gentlemen opposite who were wanting their dinners. We have heard a great deal of the right hon. Gentleman (Sir John Pakington) who sat down and talked about Resolutions at public meetings, and at public dinners. On the Liberal side you had something done ; but you had great dinners, great speaking and great declamation on the side opposite. Now, I saw and read an account of a great dinner at Willis's Rooms, at which the right hon. Gentleman opposite, the Member for Droitwich (Sir John Pakington) made a very excited and a very powerful speech. Now, in that speech the right hon. Gentleman tells us that there were heaps and heaps of precedents. I will not venture to use the right hon. Gentleman's exact words, because I dare say he has a much better recollection of them than I have ; but at all events the general impression was from what he told the meeting that there was precedent upon precedent, which would be stated here for the purpose of showing that the act which the House of Lords have done is no invasion of the privileges of the House of Commons.

Now, Sir, I think that after you have assented to the first Resolution which has been proposed by the noble Lord you will find it very difficult to proceed with respect to the second Resolution. You will recollect that there has been a public dinner on one side, and it will appear from what was there stated that there is no end of precedents, and that this is not an infringement of our rights and privileges ; and therefore I say, Sir, that reserving to ourselves as Members of the independent Liberal party in this House the right to take some other measures after we have carried those Resolutions, reserving, I say, to ourselves the right to take any other steps which we may choose to take—I say, that in taking that course we are neither abandoning our principles as public men, nor taking an imprudent part as a party in allowing those Resolutions to pass after being assented to on both sides of the House.

Lord Fermoy

Now, Sir, I certainly cannot leave this subject without saying that, although I approve so far as they go of the Resolutions, I am very far indeed from approving of the speech of the noble Lord at the head of the Government, by whom they were introduced to the House and brought under our consideration. I must be permitted to say that I think that a speech less calculated to give confidence to the Liberal party in this country than that speech of the noble Lord could not possibly be made ; and, Sir, I entirely assent to the assertion which was made by the right hon. and learned Gentleman who spoke last—namely, that the speech of the right hon. Gentleman the Chancellor of the Exchequer answered the speech of the noble Lord at the head of the Government; that is a true proposition. I say that the speech of the right hon. Gentleman the Chancellor of the Exchequer was a complete and a convincing answer to the speech of the noble Lord at the head of the Government, and I think that, great credit as the speech of the Prime Minister does him, the speech of the right hon. Gentleman the Chancellor of the Exchequer does him immense credit.

Now, Sir, the right hon. and learned Gentleman who spoke last—and he is an open and undisguised speaker on all occasions — he says fairly and aboveboard—"I admit that the act of the House of Lords was a direct censure upon the Chancellor of the Exchequer." Well, now then, I ask, Sir, is not that at once admitting the whole question ? Is not that at once admitting that the House of Lords claim the right of revising our Budget? If you submit to that quietly, delegating to the House of Lords the whole control of the financial operations of the country, because if the House of Lords censure the Chancellor of the Exchequer as a financier, and reject his Bill, which is a portion of his Budget, it follows that the Lords are taking this course—they deal potentially with the taxes and with the finances of this country.

Now, Sir, it has been said to-night by some speaker on this side of the House, especially by my hon. and gallant Friend the Member for Liskeard, that the remission of the duty upon paper is a measure which ought not to be approved of. I think that the whole question has been well put by the right hon. Gentleman the Chancellor of the Exchequer—I mean the question in a financial point of view, if I

may so say—between the House of Lords and the House of Commons; but, Sir, I deny altogether, for one, the right of the House of Lords to consider this question in a financial point of view. If it was a matter political, no doubt they have a right to have a voice; but in a financial point of view I deny that they have any right whatever to interfere in any way whatsoever, either by way of approval or by way of rejection.

Now, Sir, the hon. and learned Gentleman who spoke last certainly never attempted to question one of the precedents laid down in the speech of my hon. and learned Friend the Member for Plymouth. I say, Sir, that no one on that side of the House has ventured or tried in any way whatsoever to shake the arguments of my hon. and learned Friend the Member for Plymouth. I say that no one has ventured to attempt to shake a single proposition which he laid down; and I think that the whole force and reason of the argument went to prove, no matter how far back you went in the history of this question, you have not been able to put your finger upon any one single precedent at any time which would serve to show that the House of Lords have been allowed to interfere potentially in a matter which was purely financial.

Now, then, Sir, the precedents upon which they have acted were of a mixed character; they were something political—something political mixed up with every one of them. They were all relating to small matters; but in no case, I assert, have the House of Lords been able to put their finger upon a case in which they have been vested with a pure and simple control of the money.

Now, Sir, I do hope and trust that the right hon. Gentleman the Member for Droitwich will favour us, if he has them, with some of his precedents; and I hope that the right hon. Gentleman will give us some of those precedents that he produced at the dinner at Willis's Rooms. I am very sorry indeed to draw the attention of the right hon. Gentleman from the subject upon which he is occupied at present, but he hears me, I have no doubt, and perhaps he will make some answer to the observations which I am venturing to address to the House.

Well, now, Sir, I was glad to find by the speech of the right hon. Gentleman the Chancellor of the Exchequer, that he at least has some feeling in common—I think a great feeling in common, with the really Liberal party in this House. I beg to assure the House that I do not wish to use that word offensively to hon. Gentlemen opposite. I borrow the phrase from the hon. and learned Gentleman the Member for the University of Dublin, who has just sat down. He calls us the Liberal party, and I might accept the appellation; but I cannot help thinking that the right hon. Gentleman the Chancellor of the Exchequer has something in common—I cannot help thinking that he has a great deal in common—with us.

Now, Sir, I must freely and frankly tell you that in my opinion the speech of the right hon. Gentleman the Chancellor of the Exchequer, is, I must admit it, as different in character and in principle from the speech of the noble Lord the Prime Minister as white is different from black. I have no doubt that the right hon. Gentleman opposite (Mr. Whiteside) will take that admission; but I admit, and I admit frankly, that it is very agreeable to me that it is so, because I dissent from the principles of the Prime Minister, and I entirely adopt, and so do all my hon. Friends around me, or, to a great extent, their principle. I have no doubt that some of them do not; but we below the gangway fully and entirely adopt the speech of the right hon. Gentleman the Chancellor of the Exchequer: and if there was nothing else to prove that on the present occasion we have acted prudently, I think in not introducing any division upon this question, and the speech of the right hon. and learned Gentleman is a complete vindication of our course in that respect.

Now, Sir, the speech of the right hon. Gentleman the Chancellor of the Exchequer, if it meant anything meant this, that he dissents altogether from the proposition that the House of Lords have any right to interfere with the taxation of this country, and that when that principle has been laid down he will be prepared (this is my version of the speech)—he will be prepared at the fitting time and on the first occasion to take action upon it.

Now, then, that, Sir, is the great want of the Resolutions, namely, that they laid down sound propositions, but that they do not propose to do anything. Now, the speech of the right hon. Gentleman the Chancellor of the Exchequer is, I augur, that he is prepared to supply that want, and that want is that you should do something to restore the rights of the House of

Commons that have been invaded. It appears to me that the only simple thing to do would be to take some other means, and that a speedy means, of dealing with this question. There are many ways in which that may be done. The third Resolution shadows that out. The third Resolution says that we have the power of framing the means of Supply. The third Resolution says that we have the means of dealing with such a tax as this, and I think that that would be the proper course for the Liberal party to take; and the only reason why we do not take it at present is this, that I think it a great advantage that we should have both sides of the House agreeing to the first proposition —namely, that the right of voting taxes lies with this House, and with this House alone.

Now, then, Sir, I am told that there is one great difficulty with Her Majesty's Government in taking a decided opinion upon this subject, and that is, that a majority of this House possibly would not re-affirm the repeal of the duty on paper. Now, Sir, that is a proposition to which, I for one, cannot assent. The history of the repeal of the paper duty is this: — On the second reading of that Bill, issue was taken :—Will you have an addition of a penny income tax, or a repeal of the paper duties? Now, upon that occasion all parties made every exertion. We thought there was a clear issue. The issue was taken, will you have an additional penny income tax, or will you have a repeal of the paper duties? And what was the result? The result was that this House decided by a majority of over fifty that we would repeal the paper duties, and that we would have a penny additional income tax. Now, what was the result of that? The result of that was that afterwards upon short notice with tripping much I certainly think on this side, and probably on the other side, they may or may not, but at any rate without those general notes of preparation which are sometimes sounded by both parties, we came to another division. In that other division, no doubt, there was only a majority of nine; it ought to have been eight, because one Gentleman voted by mistake. However, there was a majority of only nine; but that is easily accounted for. Many of my hon. Friends would have been here to vote, I have no doubt, if they had thought it was to have been a real vote as to whether you would repeal the paper duties or not. There was, for instance, the hon. Member for Birmingham. By some chance, by accident, I suppose, the vote of the hon. Member for Birmingham was not recorded on this occasion, and the same was also the case with respect to other hon. Members. I say this, Sir, that the real, decided opinion in this House was upon the second reading of that Bill, when there was a majority of over fifty, and that the other, as far as the third reading is concerned, was merely what I may call a stolen march, and was no test whatever of the real opinions of this House.

Now, then, Sir, I say that that being so, I for one do not at all assent to the proposition that if you come again to this House and test its opinion you would not have pretty nearly the same number, namely, a majority of 50. As far as I am concerned I see nothing whatever in the state of the country to induce hon. Gentlemen to change their minds upon that subject. It has been stated to-night by the right hon. Gentleman the Chancellor of the Exchequer that after all, in point of finance this matter in dispute between us is not a million and a quarter. As regards the exchequer, although it is a million and a quarter, as regards taxation in one sense, as regards the tax upon paper, it is merely a duty of £700,000, because it goes from April to September. Now, let us argue it in this way. Could that have exercised a serious influence on the minds of hon. Members in this House? Could, I ask, that sum of £700,000 have exercised any serious influence upon the minds of hon. Members in giving their votes? It is really and truly only a question, as stated by the right hon. Gentleman the Chancellor of the Exchequer, of £700,000; and is it possible upon a question, upon a sum so small as that, that hon. Members who had declared it was right that the paper duty should be repealed—I ask, would they be deterred from voting the way they did before, and vote in a different way? I should say certainly not. Therefore I say, Sir, that that is a bad reason for the Government not taking action on the present occasion. I am one of those who are probably more disposed to be sanguine upon matters of this kind than I ought to be. But I cannot help thinking—I am impelled to think—that we ought to take action. I think, Sir, that when we affirm those Resolutions we ought to take a further step; and I am ready to join anybody in this House who will put the question to a test;

but, as I said before, I think we are acting prudently on the present occasion. You do not often have an opportunity of drawing Gentlemen opposite in voting upon a question of this kind, in joining them in assenting to the three propositions, especially the first, as laid down in the present Resolution, namely, that the broad and simple question in this House is this, that in this House lies the sole power of deciding the amount, the manner and the time at which the taxation of this country should be levied. When we have assented to that principle it will be time for us to take a further step in the matter, and to call upon the right hon. Gentleman the Chancellor of the Exchequer, to give effect to the principle which he has laid down this night in that speech which he has delivered. I think that we ought to call upon him to take the further step to resist this gigantic innovation, as he termed it, which has been made upon the House of Commons by the House of Lords.

Now, Sir, I humbly but confidently submit to the House that the only way to do that would be to send up the Bill for the Repeal of the paper duties. Again at any rate we will call upon him to carry out the principle he has laid down to-night, and I really do believe, from the spirit in which the right hon. Gentleman has spoken to-night, whether he be in office or out of office, I say that I believe he will be prepared to vindicate those principles, and in conclusion, asking the indulgence of the House for having detained them so long, I can tell the right hon. Gentleman, not only on the part of a large number of hon. Friends in this House, but on the part of the great body of the people out of doors, that if he is prepared to lead us, we are prepared to follow him.

MR. DILLWYN: Sir, I do not think, as far as I can understand this matter, that it is necessary to discuss the question of precedent or of legal power in the House of Lords to do what they have done in respect to the rejection of the Repeal of the Paper Duty Bill. I do not wish to go into the question of whether they have the power to do so, but at the same time I cannot help thinking that the House of Lords have acted on this occasion in an unconstitutional and dangerous manner. I wish rather to go into the question of what course it is the duty of the House of Commons to take under the present circumstances; and what is the object of the House of Lords in the course which they have adopted. That, I apprehend, is rather a difficult matter to determine. I will merely say in passing that the Resolutions which have been proposed by the noble Lord at the head of the Government for our acceptance and adoption seem to me very like the preamble of a Bill without any clauses whatever attached to it. For my own part, I do not see any very great amount of good in them, because they are not followed up by any enacting clause whatever. But what I wish, as I have already said just now, to point out to the House is my view of the conduct of the House of Lords with regard to this question, what is their object in taking the course which they have done?

Now, Sir, I have been but a short time a Member of this House, not more than five years, and I, of course, cannot shut my eyes to the many occurrences which have taken place during that time bearing upon the question as, I think, now before the House. When I first entered this House, some five years ago, it appeared to me that on some occasions the question was not so much one of the privileges of this House, but rather was one of how far the House of Lords would go without our insisting upon our privileges. I have frequently seen the House of Lords encroaching upon the privileges of the House of Commons, as far as I could collect from the course which they have thought it necessary to pursue. As one instance of their encroachment upon what I consider the privileges of this House, I allude to the case when we discussed the Resolution for admitting Jews into this House. At that time I put a notice upon the Paper with reference to this subject; but I believe it is a general understanding that we should not discuss or interfere with proceedings going on in that House, and I believe it is a general rule with them that they should not discuss or interfere with proceedings going on in the House of Commons. I remember when I proposed a Resolution to emphasise what I consider to have been, and what I still consider to be, our undoubted privilege with regard to the admission of Baron Rothschild into this House, and with regard to the admission of Mr. Pease on a former occasion—I recollect, I say, that the House of Lords, with indecent haste, as I thought, did encroach upon our privileges; they did discuss that question. Now, with regard to the House of Lords, I believe that their

main object in rejecting the Paper Duties Bill is not so much to encroach upon the privileges of the House of Commons, or to act from motives of prudence, but that they acted as they did with a view to deciding what party should govern the country. My view is that the House of Lords were actuated by a desire as to who should sit upon the Treasury benches, and not as to whether the course which they adopted would be beneficial to the country at large. When I first came into this House one of the first questions discussed here was that regarding the qualification of Members for seats in this House, and I voted in the majority—that is to say, for doing away with the qualification. I remember that I was talking to a young Member about how I should give my vote, and his telling me that I was a Radical, and so on; but, at all events, that was a matter of little or no consequence to me. However, I thought that the qualification of Members to sit in this House might be very well done away with, but there was an end of it. The abolition of the property qualification of Members was certainly not to the liking of the House of Lords, but directly it was proposed by Lord Derby's Government they assented. Had it been proposed and carried by a small majority here (that is the order of the day now), no doubt the House of Lords would have thrown the Bill out.

Well, then, Sir, there was another subject to which I have already adverted which was brought forward. The other question to which my attention has been particularly called was the Jew Bill—a Bill for the admission of Jews into Parliament. Then the same course of procedure was adopted, which, after being repeatedly rejected by the House of Lords when proposed by a Liberal Government on this side of the House, was passed directly after a Conservative Ministry came into power. Hon. Gentlemen on the other side of the House objected to that measure very strongly, and said that it would unchristianize the country. It went up to the other House, and it was rejected; but directly hon. Gentlemen on that side of the House got into power, the House of Lords passed this measure with a great deal of latitude. It seemed to have been admitted that it was a bungling, bad measure, but nevertheless it was adopted; it was passed; and so it would have been with regard to the question of Reform. The House of Lords hate Reform; but no one can doubt that if the Gentlemen on the Opposition benches had succeeded in passing their Reform Bill the House of Lords would at once have assented to it, however much against the grain it would have gone. I think so. I have no doubt whatever that that is the course which would have been adopted by the House of Lords; and I venture to think that had the Paper Duty Repeal Bill that we are now discussing been brought forward and passed by the Opposition, judging from analogy and from what I have seen in other cases, I have very little doubt that Lord Derby's Government would have assented to it. The right hon. Gentleman the Member for Buckinghamshire, if he had proposed the repeal of the paper duty, no doubt the House of Lords would have been your very obedient servants, and would at once have passed that measure; and if that had been done you would not have had this question raised affecting the privileges of this House. That is my firm conviction and belief, wright or wrong, and I do not think that there is any very great deal of doubt upon that subject.

Therefore, Sir, I say that the decision of the House of Lords in this matter is that of attempting to dictate to the people who shall govern the country. The Lords, I say, would have agreed to pass the Reform Bill without demur as well as the Repeal of the Paper Duty Bill, thus sacrificing their own principles, and passing what might be considered objectionable measures on the condition that their nominees should sit on the Ministerial benches here.

Now, Sir, with respect to the constitutional question, if we have made a mistake in this matter so much the worse for us, and so much the better for those who lie in wait for us, and who are seeking by every means in their power to trip us up. But, Sir, I deny that we have made a mistake, and I believe that the repeal of the paper duty is a beneficial measure for the people of this country, and if the same question arose to-morrow I should vote for the repeal of the paper duty.

Well, then, Sir, the question arises what ought we in the meanwhile to do for the purpose of asserting our privileges. I quite agree with the statement of the right hon. Gentleman the Chancellor of the Exchequer that this conduct on the part of the House of Lords has been a most violent attack upon our privileges, and now that that attack has been made the question is whether we should adopt measures of retaliation. One measure that

suggests itself to my mind is that we might send up a Bill carrying out our views in connection with Money Bills. I do not say that that ought to be done. We may again, as it seems to me, adopt another line of conduct; it may be more dignified not to adopt a measure of retaliation, but rather to adopt the policy of avoidance; and how are we to adopt that policy of avoidance? because it seems to me that we can do it. We may as we find that certain Bills of taxation — Bills for the taxation of the people—if we find that these Bills are rejected by the House of Lords we may be very careful in all matters of taxation to impose direct taxation, to the repeal of which the House of Lords will not be very likely to object. If the House of Lords endeavour to thwart this House in the repeal of taxes, such as that upon paper, one course is open to us, and I think that that course may be very easily adopted—namely, that of determining to carry out measures of direct taxation, the only and the natural consequence of such conduct on their part, because I apprehend it is the principle which, under such circumstances, ought to be adopted. If we, the House of Commons adopt this system of policy, if increased taxation is required, and we extend the Act of the Succession Duties, I do not very much doubt that the House of Lords will readily concur with us in our views.

Now, Sir, in conclusion, I have only to say that although I very much disagree with the Resolutions of the noble Lord at the head of the Government, and whose arguments were very lame in conclusion, and considering that the Resolutions of the noble Lord ought to have led to some more practical result than they do, I am nevertheless willing to give them my support. In the absence of any Amendment, although I should have preferred a course which would have led to some practical result—if any hon. Gentleman had proposed an Amendment I should have voted with him—but if there is no Amendment to be proposed I am willing not to give a negative, principally in consequence of the speech which has been made this night by the right hon. Gentleman the Chancellor of the Exchequer, for which I beg sincerely to tender to him my thanks, my best and earnest thanks.

SIR JOHN TRELAWNY said: Mr. Speaker, I do not rise for the purpose of prolonging this debate, although I should be very glad if it were to last for ten or twelve days, as I am of opinion that the country at large would then better understand the importance of the crisis.

Now, Sir, I will not attempt to support the Resolutions of the noble Lord at the head of the Government, because I will, as far as I am concerned, have nothing whatever to do with such a lame and impotent conclusion as the noble Lord seems to wish to be drawn from them. It is my humble opinion—nay, my firm conviction —that if the House of Lords have committed an aggression in respect to the privileges of the House of Commons, it is the duty of the House of Commons to meet them then not by mere words, but by acts which will speak for themselves. The truth of the case appears to be this—that the House of Lords have assumed to be Chancellors of the Exchequer, and that in the event of war and disaster overtaking this country, the whole responsibility for the future would belong to them and not to the House of Commons. I certainly shall be the last to deny that the House of Lords, the aristocracy of this country, have shown great qualities; but I have yet to learn that it can be said that there is financial ability among them.

Now, Sir, it is my opinion that the noble Lord the Member for Tiverton has not acted in a manner equal to the occasion, when this attack has been made upon our privileges by the House of Lords; and that being the case, I cannot support these Resolutions which have been proposed to us to-night.

I apprehend that the House of Commons is bound to defend its privileges, and means much more efficacious might be found for that purpose, such means, for instance, as refusing to vote the Supplies for the year. I have only this day heard an ominous hint that the House of Commons is to be asked for money in respect of the Chinese war.

Now, Sir, the noble Lord at the head of the Government, in order to prove that the House of Commons is not bound to follow the mandate of the House of Lords, might, without difficulty, have adopted the simple course of refusing, on the part of this House, to vote any Supplies until the wishes of this House in respect to the paper duty, and the wishes of the country at large have been made the law of the land. Instead, Sir, of adopting this plain and intelligible course, a futile and miserable proceeding has been had recourse to, and of which I decline to accept any portion of the responsibility.

Now, Sir, the noble Lord the Member for Tiverton, in the course of the observations which he thought it his duty to address to the House, appeared to me, and I dare say to hon. Gentlemen around me, to attack his own Chancellor of the Exchequer who sat by his side. Much reproach has been cast upon that right hon. Gentleman from all quarters; but he surely, under those circumstances, if for no other reason, might have looked for encouragement and support to the noble Lord at the head of the Government. But, Sir, so far from that being the course, the noble Lord the Member for Tiverton declared that the course which the House of Lords has adopted in reference to the repeal of the Paper Duty Bill, is to some extent justified on account of the impropriety of the Budget of the right hon. Gentleman the Chancellor of the Exchequer, or, at least, by something in it which had been discovered to be wrong. ["No, no!"] Sir, I may not, it is true, be repeating the exact phraseology of the noble Lord; but, as far as the substantial confirmation of my statement is concerned, I shall simply appeal to the reports which will appear in the newspapers to-morrow morning. And here I may be permitted to say that the press certainly, to some extent, compensates for the loss of our other liberties; and among the things that it will tell us to-morrow will be, I doubt not, that the noble Lord at the head of the Government in some measure in the course of his speech implied a censure on the right hon. Gentleman the Chancellor of the Exchequer in respect to the finances of the year, although I may have been wrong in the phraseology I used; but there is a press, and that press will, fortunately, make up for that loss of ours. Under any circumstances, I assert that the noble Lord at the head of the Government did, to a certain degree, imply a censure upon his Chancellor of the Exchequer. I understood the noble Lord certainly to do so; at all events, that was my impression at the time the noble Lord was making his speech, and it is my impression still; and I say that the right hon. Gentleman the Chancellor of the Exchequer ought to have been defended by him, and certainly ought not to have been attacked by him. The noble Lord has certainly given the House credit, as it appeared to me, for the supposition that, under the circumstances, there is reason on the part of the Government to believe that the amount of paper duty will fall in very conveniently to the Treasury. In point of fact, instead of defending the right hon. Gentleman the Chancellor of the Exchequer against the House of Lords, the noble Lord the Member for Tiverton has defended the House of Lords against the Chancellor of the Exchequer.

Now, Sir, as I said at the commencement of my observations, I did not rise for the purpose of protracting this debate, my object being simply that the country may at least come to know the vast importance of the course which the House of Commons is about to take, and that is the sole reason why I thought it right to address the House.

Mr. J. L. RICARDO: Sir, I am most unwilling to say one word upon the subject which is now before the House; but lest my silence may be misconstrued, I will trouble the House with very few observations.

Now, Sir, I, for one, decline to accept the Resolutions which have been proposed by the noble Lord as a settlement of this important question. I look upon it that these Resolutions explain nothing; I look upon it that these Resolutions settle nothing; but I am happy to say also that I think they will prevent nothing. I anticipate (and I have no doubt whatever that I am right in my anticipation) that Resolutions will be placed before the House of Commons which will afford hon. Members an opportunity of fully expressing their opinions upon the constitutional question, and that the elaborate apology for the House of Lords which the Prime Minister has thought it necessary to make to this House, will not be at all accepted as a settlement of the question. I must confess that it seemed to me that the noble Lord at the head of the Government had no object in view but that of calming down matters and quietly passing over a difficulty; but I think these matters will not be passed over altogether so quietly as the noble Lord seems to consider they will be. If I believed that the result of this discussion would be the mere acceptance of the Resolutions proposed to us to-night; if I for a moment believed that the question would be disposed of by the adoption of the Resolutions; if I stood alone in the House of Commons, I would oppose these Resolutions; but it is because I believe that these Resolutions will not prevent the House of Commons from going thoroughly into the question, and from dealing firmly, honestly, and constitutionally with the subject, that

Sir John Trelawny

I am willing to allow them to pass to-night, with the determination that the question shall hereafter be fairly raised, which is not to be done to-night; and that I shall then have an opportunity of expressing my views upon the whole question that is before us.

SIR CHARLES DOUGLAS: — Mr. Speaker, I can very easily understand the policy of abstaining from saying one word upon this question, after that which has passed in this House this evening, for I know that it is extremely difficult to say anything upon the question itself as regards the privileges of this House and of the other House of Parliament, after the speeches which were made by the hon. and learned Gentleman (Mr. Collier) who sat behind me, and by those hon. Gentlemen who have followed him with reference to what has taken place upon this important subject; but, Sir, I do not feel that I should be discharging my duty if I were to remain silent upon this occasion, having taken, as I confess I have, a deep interest in the question itself, and having considered, as I have, the Resolutions of the noble Lord at the had of the Government in every way that I could. I confess that I do believe that whatever may be the opinions and the feelings of any hon. Gentleman on either side of the House, be they the opinions so well exemplified in the right hon. Gentleman the Member for the University of Cambridge or any other hon. Gentleman; it would, I say, be extremely difficult to frame an Amendment to which some well founded objection might not be urged. I attempted to frame an Amendment, and I found that the only Amendment I could frame to my own satisfaction, did not meet with that general concurrence, without which, I should not feel justified in submitting it to the House. My view of the question now before the House is this—that the first Resolution is satisfactory, and the two last are inadequate, and that the question resolves itself into two points—one which is properly for the consideration of the Executive Government, and the other, for the consideration of this House; that for Her Majesty's Government is the question exclusively as regards the paper duties after the way in which the privileges of the House of Commons as I maintain have been violated by the House of Lords; and it seems to me that if this House does come to the conclusion that these Resolutions are to be unanimously supported, that it would be beneath the dignity of this House if they did not hereafter take that action which ought to follow, and, believing this, I am prepared to say that if this House shall give to these Resolutions that assent which I think they will give to them, that action ought to be taken by which this House will practically vindicate its privileges, and then it will be for the noble Lord at the head of the Government (if not for him it will for some one else) to vindicate the question of the paper duty itself.

Now, Sir, I believe that it would not have been very difficult to have met this question by some such means as have been alluded to in the Report proposed by the right hon. Gentleman the Member for the University of Cambridge. I should like to see carried into effect a Standing Order that whenever a Bill is brought into this House again for remitting taxation, it should be incorporated in a Bill of Supply or appropriation. It is true that there may be objections to that course being taken; for it may be said that you have already the power, and I suppose it is to some such course that the last Resolution of the noble Lord points.

Now, Sir, with regard to the privileges of this House, and the way in which they have been treated by the House of Lords, I, for one, am ready to admit that the other House have the abstract right to reject the Paper Duties Bill or any other; but I also maintain that it is for this House to judge, and that exclusively, how the usage of that right is carried into effect by the other House of Parliament.

Now, I think, Sir, after having heard the hon. and learned Member for Plymouth go into all the precedents with that acumen and clearness which has received the approbation of all sides of the House, it would not be becoming in one who has no connection whatever with the learned professsion to venture to intrude my opinion upon those precedents, but at the same time I think I may venture to draw the attention of the House to the somewhat more popular view of the case as exemplified in that work which has now become a standing authority, and properly a standing authority in this House, and out of doors, to which comparatively very little allusion has been made, I mean *Hatsell's Precedents.* I think I can show to the House, by one or two extracts from those precedents, laying aside for the moment all the minor matters connected with this subject, the popular way in which this

may be put, and I think I shall be able to bring conviction to the mind of every man, that my view is the true one.

But I beg in the first place to call the attention of the House to that particular precedent of 1772, which has been already alluded to in the course of this debate, and I trust that I may be permitted to read to the House that which has been said by Mr. Hatsell upon that subject. It is there said that the Amendment that was then proposed by the House of Lords was described by one of the speakers as—

"A flagrant encroachment on the privileges of the House, and as the Lords, forgetful of their duty, had interfered in raising money by inserting those words, he (Mr. Pownall) moved to reject the Bill."

Now the difficulty with which we have to contend on the present occasion is, as to what course is to be pursued after the line of conduct which the other House has adopted. I think it is not consistent with reason to suppose that the House of Lords is not to have the power of amending or altering any Bill which may be sent up to them, but they have the power of rejecting that Bill *in toto*, because if they have that power, I want to know how it can be said that we have not been treated with contempt, when we have on various occasions protested against the course which they have adopted. I should like to know how it was that these matters were taken up and dealt with by our ancestors when the privileges of this House were interfered with by the House of Lords. Did they not treat with contempt a Bill, because it was amended or made better? How did they treat it on that occasion? Why, Sir, it was moved that that Bill should be rejected. It was seconded by a Mr. Whitworth, who said:—

"Though desirous of a good understanding between the two Houses, yet he seconded the Motion, as the Lords had violated a privilege which always had belonged, and he hoped always would belong to that House."

And your Predecessor, Sir, the then Speaker declared that—

"He would do his part of the business, and toss the Bill over the table."

That was the way, Sir — that was the mode in which the House on former occasions and in former times treated Bills that came down from the House of Lords amended. And why should they not so treat a Bill, when it has been rejected by the House of Lords altogether? Why is it, I ask, that you now propose to do nothing when they reject a Bill?

Sir, upon that occasion, in the course of that debate, there was a man who made a speech which I shall beg leave to quote, for there is scarcely a line of that speech that is not applicable to the present case. There was a man who made a speech, and no man's opinions and judgment were considered to be of more value than his; no man was more respected as a constitutional authority, and no man stood up more ably for the rights and privileges of this House. My hon. Friend the Member for Birmingham has been accused of being very severe upon the aristocracy and upon the House of Lords, but what, I ask, has been the language which has been used by this House when speaking of questions of this description? I will not indorse every word certainly of the language used by the hon. Member for Birmingham, but it is nothing when compared with that which I will adopt, of a man who in this House spoke on behalf of the privileges of the House of Commons. And what, Sir, said upon that occasion a certain high constitutional authority? [*Cries of* "Name, name!"] I will give you the name afterwards. [*Cries of* "Name, name!"] I will give you the name when I have told you what I have got to say. He says:—

"I wish that there was not only a good understanding between the Houses, but I also wish there was a good understanding in one of them, and I wish both for the same reason—the better despatch of public business * * * The Lords do not know what is going on in this House, and what is worse, they do not understand the principles of the Constitution. Sir, this privilege which they have now invaded is a known and avowed right inherent in this House as the representatives of the people. For what do the Lords say when they attempt to invade this privilege? Why they plainly say to us and to the people, you shall no longer tax (or remit taxation) yourselves. Can liberty exist if we allow them to lay their sacrilegious hands upon this Holy of Holies, this palladium of the Constitution? The most servile tool of the (Government) Opposition will not have the face to defend this encroachment. What was the cause of this strange proceeding? Shall we call it absolute ignorance of the Constitution or an insidious trial of our ductility and acquiescence? I have seen enough of their conduct to make me think the former not impossible, and I know too much the sympathy existing between them and the Opposition (Government) to deem the latter improbable. Suppose, then, we compound the matter and ascribe this attempt partly to ignorance of the Constitution and partly to (Government) Opposition management. In doing so I believe we shall not be much wide of the mark. * * * Though they frequently alter Bills merely to show their power we need not suffer

them to proceed to the annihilation of all our authority."

[*Cries of* "Name, name!"]

Sir, that Bill was treated in this way at that time. [*Cries of* "Name, name!"] It was Edmund Burke. The Bill was rejected *nem. con.*, and your predecessor, Sir, tossed it over the table, several Members on both sides of the House giving it a kick as they went out. That, then, is the way in which that Bill was treated by our ancestors.

Now, Sir, it is because I believe that these Resolutions will enable us to take action, if you pass them, that they have my support, although they are not entirely such as I should be glad to see. I think the second and the third Resolution might have been amended; but unless you can amend them so as to have the unanimous support of the House, it is better to pass them as they stand. Believing, however, that these Resolutions will enable us to do all that is indicated by the right hon. Gentleman the Chancellor of the Exchequer in that speech, than which there never was a speech delivered here more worthy of any man who ever sat on that bench, or more worthy of the high reputation of the right hon. Gentleman himself. I thank the right hon. Gentleman for having made it. I shall support them. I thank my stars that I was so far fortunate as to hear it delivered, as it was, when so few Members were present; it recalled to me the days when I sat behind another statesman (Sir Robert Peel) who vindicated popular rights and popular principles. I have sat behind that statesman, when he sacrificed everything for the people and had my humble support, and I heard him vilified and abused then, as I hear the right hon. Gentleman vilified and abused in private now, because he is inclined to stand up for the privileges of this House. I say, Sir, that I had much satisfaction in hearing that speech of the right hon. Gentleman the Chancellor of the Exchequer, and I trust I shall have the opportunity of supporting him in the assertion of those popular rights which I believe to be no less important than those privileges of this House by a steady adherence to which public liberty can best be maintained, and public business be conducted with advantage to the State.

Sir, I feel that I ought to apologise to the House for having trespassed upon their indulgence at this length. For my own part, I believe that no precedent whatever can be found which, when it is fairly considered, can be held to justify the course which the House of Lords has taken by the rejection of the Paper Duty Repeal Bill, because there is no precedent to show that they have ever interfered with the financial arrangements of the year. It is admitted, moreover, that the House of Lords do not possess the right to amend Money Bills, and upon what ground, therefore, they can uphold the right of rejecting such Bills, I am at a total loss to understand. The House of Commons has always exercised the right of dealing with and regulating the finances of the country; they have always exercised that privilege and that right exclusively, and I trust that they never will allow any interference with it.

Then, I say, Sir, that if we can find no such right and privilege on the part of the House of Lords to act as they have done in the instance before us, it is right and proper that we should come to the conclusion that the rights and privileges of this House have been invaded by the House of Lords, in the course which they have taken here, and the usage of that right has never been exercised as to increase taxation or otherwise to regulate the taxation of this country. The House of Lords has interfered in a way which, by construction, may be considered as imposing a burthen upon the people. And now, Sir, let me tell the House what the popular view of Mr. Hatsell upon this subject is. I hope I have not wearied the House, and I promise you that I will detain you but a short time longer. I must say that I think the popular view of the case is to be found without going into the question of precedents at all. In page 14, of the same work I find the following words:—

"In whatever mode the Lords have at any time attempted to invade this right (namely, of granting taxes for the public service) the Commons have uniformly and vigorously opposed the attempt, and have asserted and maintained this claim through such a long and various course of precedents, particularly from the time of the Restoration, that the Lords have now for many years desisted either from beginning any Bill, or from making Amendments to Bills passed by the Commons, which either in the form of positive taxes or pecuniary penalties or in any other shape might by construction be considered as imposing burthens upon the people."

If the recent act of the House of Lords is not one of imposing burthens upon the people, I know not what is imposing burthens upon the people. Then there is another passage which I am desirous of reading to the House. I find these words:—

"Where the Bill or the Amendments made by the Lords appear to be of a nature which, though not immediately, yet in their consequences will bring a charge upon the people, the Commons have denied the right of the Lords to make Amendments, and the Lords have acquiesced."

Why, Sir, if the House of Commons have denied the right of the House of Lords to make Amendments, and the House of Lords have acquiesced, there is an end of the matter. To say that the House of Lords, therefore, has a right to act as they have done, the thing in reason is absurd, and you can only proceed upon a strict technical legal view of the case, and nothing else. Then, Sir, it is stated that—

"In no case whatever will the Commons admit that the Lords may interfere in matter of duties, however trifling or remote that interference may be."

Now, Sir, I submit to the House that the interference of the House of Lords in the present instance is an interference of the worst description.

Well, then, Sir, with these views I hope the House will allow me to say that I look forward with much satisfaction to the time when we shall be able to take some action in consequence of these Resolutions; but I must at the same time confess that I look back to the beginning of this evening with equal regret and sorrow to the speech which was then delivered by the First Lord of the Treasury. I only hope and trust that before this debate is concluded, now that that speech has been received by many hon. Gentlemen, as I understood it, that the noble Lord at the head of the Government will take the opportunity of showing he has been misunderstood on this side of the House. and of making an explanation that will be satisfactory to the Houset; all events, if not satisfactory, I think that the noble Lord should give some fuller explanation. I am quite aware that such explanation will not be satisfactory to the hon. Gentlemen on the opposite side of the House, who have maintained a silence upon this occasion, not a very dignified silence, I must say, and who have been content to rest their case upon the speech of the noble Lord. I hope and trust that the noble Lord will give some explanation of his speech, which has caused pain and disappointment, for the purpose of showing that he has been misunderstood on this side of the House; and in concluding my observations upon this very important subject, I have only now to thank the House for the attention with which they have listened to me.

Sir Charles Douglas

Mr. BUTT: I confess, Sir, that I should be very unwilling to give a silent vote upon a question of such magnitude as that which is now before the House. I should be exceedingly unwilling to acquiesce in this Resolution without stating to the House distinctly the grounds for the vote which I shall feel it my duty to give. A question more important than this, affecting as it does the privileges of this House, has never occurred, and I think that no more important subject can be broached than one affecting our privileges.

Now, Sir, I must confess that I should be disposed to accept the epithet which designates these Resolutions which have been brought forward by the noble Lord as "lame and impotent;" but I do not vote for them as being a conclusion and an end of this matter; on the contrary, I think that when hon. Gentlemen opposite come to read the third Resolution, if they assent to that passage, they are pledging themselves that this House is called upon for action. But, Sir, what does the third Resolution say? The third Resolution says, "That to guard for the future." Why are the words "for the future" inserted if it does not employ that there has been an undue exercise of right for the past?

"That to guard for the future against an undue exercise of that power by the House of Lords, and to secure to the Commons their rightful control over taxation and Supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of Supply, that the right of the Commons as to the matter, manner, measure, and time may be maintained inviolate."

Now, Sir, I cannot conceive a Resolution more distinctly declaring that some further action is called for by this House than the third Resolution which I have just read. But, Sir, at the present moment the only Resolution which is before the House is the first, and I cannot conceive that any person can object to that except on the ground that it is unnecessary; and if no infringement is made upon the privileges of this House, if nothing has occurred to call upon us to pass this Resolution, it is unnecessary, and, therefore, I say that it first declares that something has been done; and the second and third Resolutions place it beyond doubt that further action is to be taken; and it is, Sir, upon this principle, and distinctly, not as a conclusion, but as laying the ground for future action, that I shall vote for this Resolution. When I heard the noble Viscount's speech to-night I could not

help thinking that he did not understand the House of Lords to have invaded the privileges of this House, but that, nevertheless, it was necessary that we should take some steps to warn them of the consequences of the course which they were pursuing. The argument of the noble Lord reminded me of the argument of the Welsh jury, "Not guilty, but don't do it again." The noble Lord appeared to me to say that the House of Lords were not guilty, but recommended them not to do it again. It is only in this view of affirming the principle which I apprehend no one will dispute, and in the view that these Resolutions will lead us to further action, that I shall vote for the one which is now before the House. I should, as I said before, be very unwilling to give a vote without making this explanation. Let any hon. Gentleman rise up in his place and say that this Resolution does not bear the construction which I put upon it. I look upon it as a declaration that the House of Lords have infringed our privileges. Let hon. Gentlemen, if they like, get up and say that the House of Lords have not done that, and I can understand them; but I say that the House of Lords have infringed the privileges of this House. I say, Sir, most distinctly, that the House of Lords, and within the principles which has been laid down by their own advocates, have violated the privileges of this House. There are two principles involved here. Take the broad constitutional question, What are these two principles? One of them is that this House is the judge of the amount of Supplies to be granted to the Crown; and the other is, that it is for this House to judge how those Supplies are to be raised. Will any one tell me that the House of Lords, by rejecting the Bill for the Repeal of the Paper Duty, has not violated one or other of these principles; and if they have done that, then I say that they have violated the privileges of this House; they have, it cannot for a moment be denied, violated the constitutional privileges of this House.

Sir, the House of Lords appear to me to have no avowed defenders here to-night; but I should very much like to hear the arguments of any hon. Gentleman who will venture to assert that the Resolution now before the House does not declare that the House of Lords has infringed the privileges of the House of Commons. I shall vote for the Resolution as a declaration that the House of Lords has done this, and I am sure that many hon. Members around me will vote for it upon the same ground. It is true that the House of Lords may not have violated any technical privilege of the House of Commons, but, at the same time, they have violated one of our constitutional privileges. It has been admitted throughout, it has been conceded on all hands, that the House of Lords cannot adopt one part of a Money Bill and reject another part of the same Bill. In this case they have agreed to the imposition of an addition to the income tax, and they have rejected the repeal of the duty on paper which accompanied it, although in a separate Bill. If the two propositions, let me ask the House, had been made in one Bill, could they have adopted one and rejected the other? I shall vote for this Resolution beeause it is not a conclusion; but, in the first place, as affirming that something has occurred to make it necessary for the House of Commons to reiterate their privileges, and, in the second place, as affording the basis of future action.

Sir, I thank the House for having listened to these few observations of mine, but I did not think it right to give my vote without stating my reasons for doing so.

SIR JOHN SHELLEY: Sir, I will trouble the House with only half a dozen words upon the subject under discussion. There is, in the first place, one thing that strikes me as most extraordinary, namely, that it will, when this matter comes to be looked at hereafter, be thought a very peculiar circumstance—there will be no man who will say otherwise than this is a debate of the greatest possible importance, and yet, as far as we have gone, we have had only one single Member of the Opposition who has condescended to address the House, namely, the right hon. Gentleman, the Member for the University of Dublin, who has given us any opinion at all. As far as I am concerned, Sir, I am much obliged to that right hon. Gentleman for the opinion which he expressed in one portion of his speech, for he stated that the course which the House of Lords had taken was, in fact, intended to be a censure upon the policy of the Finance Minister. That is proving the case of hon. Members on this side of the House, and that the House of Lords have gone beyond their power in so doing. Now, although only one speech has been made on that side of the House, I believe that that

avowal which the right hon. Gentleman has made, will, out of doors, do very good service to those who hold the opinions which I entertain upon this subject. Upon this occasion I shall follow the course which has been taken by hon. Gentlemen who have preceded me. I believe, Sir, that, if we stopped at these Resolutions after passing them, we should disappoint the just expectations of persons out of doors. There is nothing in the Resolutions that any one could object to, except they do not go far enough. I do hope, and trust, and believe that some action will be taken upon them. I may state that I have had nothing whatever to do, as a Member of the Liberal party, with the withdrawal of any of those Notices. I came down for the purpose of supporting the Resolution which I found upon the paper to be proposed by the hon. and learned Gentleman, the Member for Plymouth, and not having heard of his intention of withdrawing it, but having listened to the whole of his speech with the greatest possible delight, I was excessively shocked to find that, after his case had been so distinctly stated, he did not persevere with that Resolution.

Now, Sir, I think that the Resolutions of the noble Lord at the head of the Government would be extremely weak and extremely impotent as they stand; but I hope that, if the Liberal Members live till to-morrow, some new course will be chalked out for them. I certainly was most anxious to clear myself of having had any part in the withdrawal of the other Resolutions. I entertain a very strong opinion respecting the course which has been taken by the House of Lords, and I came down to the House prepared to give effect to my opinion by my vote. I was desirous of stating this, inasmuch as I know that the people out of doors would be extremely disappointed if the Liberal Members stopped where they were. I feel that the House of Lords, in this instance, has far exceeded their power, and that the more you look into precedents, the more any man of judgment must feel that there is no precedent for the particular course which the House of Lords has taken.

MR. STANSFELD: Sir, we have heard of the "masterly policy of inaction," and undoubtedly the silence on the Opposition Benches this night has put the Liberal Members of this House in a practical difficulty; for it is no easy matter for hon. Gentlemen to rise one after another to repeat the same tale and to put the same construction upon Resolutions which are supposed to be not altogether intelligible in their character. But, Sir, the right hon. Gentleman, the only Gentleman who has spoken on the other side of the House (Mr. Whiteside) made an appeal, almost a personal and individual appeal to us to show to him the reasons upon which we, from our point of view, should support these Resolutions,—I, and I dare say other Gentlemen, will rise for the purpose of responding to that appeal.

Now Sir, the first Resolution states in the very words of one of the old precedents, the supremacy of this House in matters of taxation and Supply, and I am perfectly content to rest the case upon those old precedents. It is impossible for me not to be satisfied with that Resolution.

Sir, the second Resolution is an equally correct one—the first Resolution was a correct statement of right—the second Resolution is an equally correct statement of fact. It states correctly and truly, and I am perfectly willing to make that admission to the House of Lords, that there have been a certain number of cases of Money Bills in which the House of Lords have exercised the right of rejecting them, and this House has allowed them to pass. I will presently take occasion to show the bearing or the want of bearing of those cases upon the matters under our consideration.

Now, Sir, if we come to the last Resolution of the noble Lord we find that that is as positive an assertion of a power existing in this House efficiently to assert their right, as the first Resolution is an immediate assertion of the existence of the right itself; and I am at a loss to understand how hon. Members professing to uphold and approve the course which has been taken by the House of Peers can consent to commit themselves to one Resolution which declares the possession of the right, and to another Resolution which assumes the possession of the power to enforce that right. The only fault I find with the concluding Resolution of the noble Lord is this, that it does not sufficiently point the moral which the circumstances of the case suggest.

Now, Sir, the right hon. Gentleman who has a great faculty of castigation, who has a great faculty of attacking those who differ from him, without laying down anything very positive or tangible himself, he

has hardly told us anything, he has hardly expressed any opinion upon the question before the House. I tried to gather some expression of opinion from him, I do not know whether I have succeeded, but if I have gathered any expression of opinion from him, it appeared to me to be simply this, that the whole question resolves itself into one of legislative functions and powers. That the House of Lords possessed the power in point of fact to refuse their assent to any Bill, and that possessing the power *ipso facto* they possessed the constitutional right.

Now, Sir, if that was the statement as I understood it of the right hon. Gentleman, I think it would be evidence that he at once put himself and his party out of court, and at once solved the question against himself and against those who think with him, for there can be no question whatever of the existence of our power, if we choose to exercise it; and if the right hon. Gentleman will base right not on constitutional usage but upon the possession of power, why the power is ready to our hands if we chose in our own discretion to avail ourselves of it.

Well now, Sir, the noble Lord who moved the Resolutions which are now before the House made an undue admission as it appeared to me. The noble Lord said that it was undoubtedly true that the House of Lords had the right of rejecting all Bills sent up to them, and the noble Lord's argument, if I did not misapprehend it, went to this, that although this House professes of right a supremacy in matters of taxation and Supply, that although this House has from time to time thought it fit and necessary to assert that supremacy, that although as the noble Lord declares in his third Resolution, that we have the power and that we may at some future time choose to assert it to maintain that supremacy, still as we have not as in this case made use of that power, that there has been no infringement of our privileges and that there is no occasion for any strong expression of opinion against the course which the House of Lords have adopted.

Now, Sir, this argument appears to me, and I think I can show to the House, that it implies an abandonment of every constitutional right on the part of this House—that it admits the equal and co-ordinate power of the House of Lords,—and that it is an argument, therefore, if such be the truth, which coming from a person in the position and with the responsibilities of the noble Lord ought, in the language of our own precedent, "greatly to disturb this House."

Why, Sir, everything that the noble Lord appears willing to claim for this House would be conceded to it if we had the right to it. We should still have the right by virtue of the discretion vested in us of using existing powers,—we should have the right, if we chose, to refuse to accept Bills sent back to us with Amendments by the House of Lords. We should have the right to couple in our own Bills the revision with the imposition of taxes, and we should have the right in this way practically to control these questions of taxation and Supply. But the House knows perfectly well that the claims which it has been accustomed for centuries to assert have not been claims in the discretionary use of a co-ordinate power, but have been claims to the possession of a superior constitutional right which it is a breach of privilege on the part of the House of Lords even to attempt to infringe upon.

Now, Sir, if this be the case, I think the House is bound to come to the consideration of this question as a question affecting its own privileges and on the assumption that an infringement of those privileges has occurred.

Now, Sir, let me look for a moment into the spirit of those old precedents which have been laid before us, and by which we ought to be bound. Now the hon. Member for Birmingham (Mr. Bright) has been accused of attempting to make an unsound distinction between the practice of imposing taxes, and that of ordinary legislative enactments. But I am bound to say that the very first conclusion which a study of the precedents laid before us brought home to my mind was this, that had that hon. Gentleman been the most exact and the most profound of black-letter lawyers he could not have more accurately defined the question—he could not with a truer instinct have arrived at the true root of this matter.

Now, in order to understand this it is necessary to go back to the very highest precedent. It is not enough to go back to the date when the Journals of this House commenced—it is not enough to go back even to the salutary precedent of 1407. You must trace the history of our system of imposing taxes back to its very birth—and what is the first great fact that you will find there? You will find that the origin of taxes was

not that they were impositions made by force of law, but that they were voluntary offerings, free gifts and grants proffered by each of the separate estates separately by itself to the service of the Crown. You have then in the first place at the very birth of your system a separate estate each having an absolute, each having a separate, each having an exclusive control over taxation as far as it affected itself, and my first impression is this that you will find nothing whatever in the precedents which have been laid before this House abandoning on the part of the Commons of England one fraction of that original, absolute and exclusive right. But, Sir, it was naturally impossible that such a system as this should practically work, and the claim to a preponderance in such matters naturally comes back again to this House as representing the bulk of the people and as being largely interested in all questions of taxation, and in the salutary precedent to which I have referred of 1407, you will find the Resolutions of the two Houses settled by what almost amounts to an Act of Parliament. It is settled and agreed that every aid and Supply was solely given by the Commons, the powers of the Lords being confined to simply assenting. If you look at the forms of the House you will find in 1628 the preambles of the Bills of Supply settled by you. You find the Estimates submitted only to this House—you find the Chancellor of the Exchequer always a Member of this House, and you find throughout the whole of those forms the evidence that to this House belongs all questions of taxation and Supply.

Now, Sir, I suppose it will be admitted that although a rapid sketch, this is an accurate and substantial state of our system of imposing taxes. It is true, as the second Resolution argues and states, that there have been a certain number of cases in which the Lords have rejected Money Bills, cases beginning from the year 1714; but it has already been clearly shown by the hon. and learned Member for Plymouth and by the right hon. Gentleman the Chancellor of the Exchequer, it has been already shown that in those cases it was not Supply, but that it was fiscal policy upon which the House of Lords were assuming to act. There can be no doubt that the House of Lords have a right to refuse their assent to any Bill sent up to them; the only question is this, whether such right can be constitutionally exercised in all cases. There can be no doubt, as I see this matter, that the House of Lords have the right to refuse their assent constitutionally to certain Money Bills, but I deny the right of the House of Lords constitutionally to refuse their assent to a Money Bill which is really a Supply Bill, and the rejection of which involves a revision of the Budget, of the Estimates, and of the Ways and Means.

Now, Sir, with reference to this class of cases I will ask leave to make two remarks to the House, repeating what has been already said by an hon. Member below me. In the first place the House is well aware that in all cases of Money Bills with which the House of Lords have chosen to deal, otherwise than by assenting to them, and of which this House has afterwards become necessarily possessed, that in all cases without exception, however trivial the amount, this House has jealously guarded its functions and its rights, and has not allowed such Amendments to be passed. And the other remark which I wish to make is this—that logically and substantially it is impossible to say that the total rejection of a Bill for the repeal of an existing duty is not a greater interference with our supremacy in matters of taxation and Supply than it would be to propose for our consideration some trifling Amendment upon such a Bill. If hon. Members are not prepared to admit the truth of that proposition, they will find themselves in this dilemma—in this case they will have on the one hand to contend that the House of Lords were in their own right in absolutely rejecting this Bill which proposed to repeal taxation of a million a year, but at the same time they will be forced to admit that had the House of Peers proposed only for our consideration to change by one day the date upon which that repeal should commence, that that would have been a high breach of the privileges of this House.

Sir, I now pass to what is as important a branch of this question, and that is to consider the exact nature and extent of the new claim and of the new precedent which has been attempted to be set up by the House of Lords. It is impossible to mistake the nature of that claim. By rejecting the Paper Duty Repeal Bill, the House of Lords claim to revise the Budget, and the Estimates which are not submitted to them—to perpetuate taxes against the consent of the representatives of the people, and indefinitely to increase Supplies unasked for by the Crown. But, Sir, if the

reasons upon which that Act of the House of Lords was founded be wider than the Act itself, the precedent, if allowed to pass, will partake of the nature of those reasons, and will not merely be narrow and small as applied to the Act itself.

Now, Sir, it is not easy to refer within the rules of debate of this House to the reasons which may have induced the House of Lords to adopt the course which they have adopted. But the noble Lord who moved these Resolutions has told us, that there is no evidence of any disposition on the part of the House of Lords to erect this Act of theirs into a precedent. Now, I am prepared to contend that there is ample evidence of their intention to do that— and that there is that evidence—and to erect it into a precedent of wider scope than the present. We all know that the question of constitutional right, as distinguished from that of fiscal policy, was taken up in that House by a venerable and learned Lord, whose wise, profound, and accurate knowledge of Constitutional law, and whose absolute lucidity entitle us to treat his arguments as history will treat them, as a part of a precedent which the House of Lords are attempting to create. Now, we know the nature of the arguments of that noble and learned Lord. ["Order, order."] I will endeavour to obey the injunctions of the right hon. Gentleman. I believe I am at liberty to speak of what is notorious as having happened in "another place." We have heard arguments of this description. We have heard it said in behalf of the course of conduct which the House of Lords chose to adopt, that they were entitled to the exercise of every power which the forms of legislation placed at their disposal ; but we have heard more than this—we have heard it also stated that the very rights which the House of Lords have conceded in past times to this House have been conceded, not as constitutional rights, but conceded simply as the possession on our part of superior force. Those arguments will be familiar to many hon. Members of this House. We have the House of Lords repudiating those former concessions, except upon the ground that they were made to superior force. Well, but we have also heard from another quarter that this could not be an invasion of the privileges of this House, because this House has still the ability, if it chose, to refuse to appropriate the source of Supply which the House of Lords had determined against our consent to maintain. Surely this made the matter glaringly worse, for the claim of the House of Lords thus interpreted amounts not merely to perpetuating a tax against the consent of the representatives of the people, but amounts to the claim to perpetuate such a tax without the assent or requirement of the Crown, when this House has the power, which it ought to exercise, of refusing to appropriate such Supply, and when the Crown has the right (and I trust it will exercise it) to refuse to touch such stolen goods, to refuse to accept a boon at the hands of the House of Lords, instead of at the hands of the representatives of the people, who have in this Session and in all times responded with such lavish generosity to all the demands made on behalf of the Crown.

Now, Sir, I ask, can the House consent to a claim of this description? Can the House consent to a claim on the part of the House of Lords to perpetuate all existing permanent taxes, although substitutes may be provided for them all, and to perpetuate them for no possible constitutional object, but only for the bare and reckless assertion of a right, which, if the question ever came to one of power, it is the easiest thing in the world for this House to defeat. I ask this House whether it be not true that the House of Lords has repudiated all former concessions, save on the ground of submission to superior force, and whether they have not challenged the supremacy of this House in matters of taxation and Supply, and I say that the question to-night is this—Will this House, or will it not, answer that appeal?

Sir, we have been told by the noble Lord that we must not be moved in this matter by any unreasonable or exaggerated estimate of its importance. I agree in that recommendation of the noble Lord, but from a very different point of view, and from very different reasons. In my opinion, we should be dwarfing the true proportions of this question if we were to look upon it as one which regarded simply our own collected personality, or as one dealing alone with our own rights, which we were entitled to maintain or surrender at our discretion. The rights with which we are dealing to-night are not our own, they are the rights of the people. And let hon. Members look to the language of those old precedents ; they are the rights of the true Commons, they are the rights of the people of this country, of whom we are the

Representatives, without whom we have no being, and which rights it is our duty and our special function to maintain and to defend; and what I ask the hon. and learned Member for Plymouth is this,—at what juncture in the history of this House is it that an endeavour has been made to tempt us from the performance of that duty? What has this House been about of late? One of its latest acts has been to refuse its assent to a measure having for its object the widening and popularizing of our electoral system. This House does not need reform, it says. It already fully represents the intelligence, the opinions, and the rights of the people of this country, and it represents them with an independence which might be vainly expected from a Parliament elected under a degraded suffrage. Now, I ask the hon. and learned Member for Plymouth, what becomes of that plea of independence if we surrender rights which we have maintained for centuries, and what becomes of that claim already efficiently to represent the people of this country if we are about to surrender their very birthright, which has been committed to us for safe keeping and defence. Sir, some short time ago a Minister of the Crown rose in his place in this House to announce the withdrawal—under the pressure of a necessity for which he was in no wise responsible—a Minister of the Crown rose in his place to announce the withdrawal of a measure of Parliamentary Reform. An admirable discipline—such a discipline as we have seen a different example of to-day,—an admirable discipline restrained the rising cheers in the ranks of Her Majesty's Opposition. But, Sir, those who watched that scene as I did, might have perceived, as the announcement was being made, a smile of peculiar intelligence sweep like a sudden gleam of sunshine over the sea of faces which from those places looked expectant upon the noble Lord. A party *ruse* had been successful. Yielding to the tempting opportunity afforded by defections in the Ministerial ranks, and making use of the obstructive services of hon. Members who may some day or other find it no easy task to reconcile such services with the votes which repudiated as unworthy of consideration a former Reform Bill, and which ejected the former Ministry from office—yielding to such temptations, I say that a party triumph was sought and was gained. But what a triumph! and at what a cost! I confess, Sir, that it seems to me to marvel at the shallowness and at the heedlessness of a Conservative policy, whose very success consisted in the postponement of that question of Reform to those more troubled times of which the Conservative leaders were the first and the loudest to herald the approach, of which success was purchased at the very price of lowering the character of this House for earnestness and sincerity in the public mind.

Now, Sir, I ask whether we are to have a repetition of such a policy in order to gain a temporary party triumph for a special financial view, or, it may be, for the gratification of a passing reaction against a single person. I ask whether we are to witness a repetition of that policy, and whether the character of this House is to be again lowered in the public mind, and proof to be afforded out of doors that this House does not at present efficiently and with independence maintain the rights of the people of this country. I do trust that we are to witness no such policy. I venture to ask the House upon this great occasion to cast aside altogether party considerations and objects of minor importance. I ask them to rise to the "height of this great argument." Let the House remember that we are making history to-night. We are about to maintain or to surrender a part of the constitutional rights of the oldest, the freest, and the greatest representative assembly in the world. The precedent of 1860, whether we will or no—for good or for ill, to our honour or to our shame, is about to take its place in the inevitable historic page by the side of those older and greater precedents which have been laid before us, and which are the laurels and traditions of our past. I entreat this House so to act as not to tarnish those laurels. I entreat this House so to act as to be faithful to those great traditions, as efficiently to re-assert and to defend the rights of the people of this country, and to maintain the privileges and enhance the character and the dignity of this House.

MR. DISRAELI: I should be extremely unwilling, Sir, that the House should come to a vote upon this subject without expressing to the noble Lord the First Minister of the Crown, both upon my own part, and I am sure on the part of all hon. Gentleman sitting on this side of the House, our sense of the able, patriotic, and constitutional speech with which he has introduced these Resolutions to our consideration. And, Sir, when the hon. Gentle-

man who has just sat down calls upon us to consider this question not in a party spirit—when he adjures us to rise to the "height of this great argument," and to divest ourselves of all party considerations in its discussion, I am gratified that it falls to my lot in the first sentence I presume to utter, to offer to the noble Lord the First Minister of the Crown, whose general policy I oppose, the sincere tribute of my adhesion on this occasion.

When, Sir, the real privileges of the House of Commons are assailed or questioned, I can tell the noble Lord, if he be then the leader of his party in this House, that he will not appeal in vain to us to uphold those privileges, or to support him in their vindication; as also I can with equal sincerity assure him, that if there be an attempt in the course of the proceedings of the two Houses of Parliament to raise some artificial agitation, occasioned perhaps by the necessity of satisfying the wounded vanity or gratifying the distempered ambition of some individual, the First Minister might appeal with the same success for us to support him under these circumstances, and vindicate that course which is necessary to uphold the welfare of this country. Sir, the noble Lord has to-night acknowledged—had it not been for circumstances which have since occurred, I should have said on the part of the Government—that the course taken by the House of Lords with reference to the Bill for the Repeal of the Paper Duties was one which the state of the law justified and authorized them to adopt. Now, Sir, if the law of the country justified and authorized such conduct on the part of the other House of Parliament, there is at once an end to any question of the privileges of this House. A privilege that cannot be asserted ceases to be a privilege, and is only a pretence; and those who remember what occurred only twenty years ago, when this House attempted to assert a privilege which was contrary to the law of the country, will not, I think, with any hope of success, counsel the House again to adopt a course which was replete with so much disaster, and so humiliating to the dignity of this Assembly.

But, Sir, the noble Lord was not content with simply acknowledging that the conduct of the House of Lords was justified by law; he has manfully confessed that it was sanctioned by policy. What then, is conduct justified by law and sanctioned by policy—is that conduct which you are compelled to admit is the observance of the law, and the pursuit of a course which policy approves, to be made the ground and basis of your calling upon us to assert that our privileges have been violated, and our due authority questioned? If the privileges of the House of Commons can only be vindicated by opposing that which law justifies and policy sanctions, I fear that we shall hardly be able to recommend to our constituents the character of those privileges, or to induce them to support them with the spirit which the hon. Gentleman who has just sat down contemplates and desires. It may be said, "If the conduct of the House of Lords in this respect be such as the Chief of the Government has thus publicly announced, what necessity is there for the Resolutions which we are to-night called upon to vote?" When this misunderstanding was first noticed in this House, had any one in authority come forward and laid before the House the nature of the case, and had indicated the precedents that had formerly been established and pursued, we might then have illustrated the present position of things, and have obtained facts and arguments to justify that illustration; and then, Sir, I do not think it would have been necessary for this House to come to these Resolutions. I think that if the question had been then debated with sufficient learning and deliberation—with sufficient calmness and clearness—we might then have avoided a state of affairs which all must confess to be unsatisfactory; but, Sir, when a perplexed House of Commons, rashly and hastily I think, determined to appoint a Select Committee to search for precedents—when you placed upon that Committee the most considerable Members of this House—when they devoted for that purpose all their energies and attention for a considerable period of time, and when they formally reported to this House the result of their investigation, it seemed to me impossible that this House should escape from a formal expression of the conclusions to which that investigation had led them; and I further think it was impossible, after appointing that Committee, that Resolutions for the acceptance of this House should not have been laid upon the table.

Now, Sir, what are these Resolutions? Under other circumstances I might be inclined to cavil at some of the expressions employed in these Resolutions. A word here and there might, I think, be critically noticed. The composition which has at-

tracted the attention of some hon. Members, might be dwelt upon in the spirit of Aristarchus; but after the speech of the noble Lord at the head of the Government, and after the large view which he has taken of the whole question, it would be quite unbecoming on my part to enter upon such verbal trifling.

There are, Sir, three Resolutions before us, I doubt not with a distinct purpose. The first is an assertion of our privileges, copied from ancient precedents in the Journals of this House, and claims the sole right of Supply to Her Majesty. That Resolution has been criticised by the highest constitutional authorities. Mr. Hallam, himself a high Whig, has noticed in his *Constitutional History* the very language which the noble Lord has adopted in his first Resolution; and he notices it as one that cannot be precisely vindicated or proved. That we have the "sole right of granting aids and Supplies to the Crown" which is the language, I think, of the original Resolution, and which is here equivalently expressed, is an assertion that cannot be maintained by a House which, when it carries a Bill of Supply, in that very Bill states that the Supply can only be granted with the assent of the House of Lords. But, Sir, it would be unwise at a moment like the present when, although our privileges may really not be assailed, many think, from the representations that have been made, that they are endangered, to make use of language which might be more accurately precise, but which, to the vulgar ear, might seem to make a modified claim of privilege compared with that put forth by our predecessors. Therefore, I think upon the whole, although precisely and critically you could not word for word vindicate the assertion which is embodied in the first Resolution, it is proper after all that we should adhere to that old language which was used on great, critical, and solemn occasions by our predecessors, and not seem to bate one single inch of the ground which has always been taken by this House on the subject.

In short, Sir, the first Resolution, as far as the constitutional, and I would say the classical, assertion of our privileges is concerned, is one with which I cannot in any way find fault. The second Resolution is an admission—to my mind a legal, proper, and constitutional admission—of the right of the Lords to reject Bills of Supply; and although there may be expressions in it which some may feel disposed to criticise, such as the statement that the exercise of the right on their part has not been frequent, as if in the nature of things it would be frequent, and that on all occasions such an exercise would be viewed with jealousy by this House, as if it ought not to be viewed with jealousy; still it appears to me that the second Resolution is one—containing, as it does, not a qualified, but an absolute acknowledgment of the right of the Lords to reject Bills "on the whole," the propriety of which could not by any one sitting on this side of the House for a moment be questioned.

I now come to the third Resolution, which seems to give such consolation to hon. Gentlemen opposite below the gangway. I have read the Resolution with the attention it deserves, and I find it embodies a suggestion made in the last two paragraphs of the draught Report of the Chairman of the late Committee upon Precedents.—That Chairman, whose ability the noble Lord at the head of the Government has candidly acknowledged, and whose moderate and safe opinions upon all political subjects must be admired, I think, even by those who do not agree with him. If hon. Members will only look at the two last paragraphs in the draught Report of the Chairman—paragraphs that were not admitted into the Report that was presented to the House—they will find the suggestions which form the gist and marrow of the third Resolution. We threw them out in the Committee, generally upon the ground that our expression of opinion should not be admitted into our Report, and those paragraphs expressed an opinion. There were, however, some Members of the Committee, to whom I shall not particularly refer, who were opposed to the admission of these paragraphs upon other and perhaps higher grounds. They thought they took too low and desponding a view of the privileges of this House. So, Sir, what with the general desire not to admit an expression of opinion on the subject, and the objection of some Members who thought that the view of those two paragraphs of the privileges of this House was of too desponding a character, these, as I thought at the time, unhappy paragraphs of the Chairman, were omitted. But little did I think that they would be so elevated in public, and even in Ministerial estimation, that they would become the basis of that third Resolution which, as I said before, has been the source of so much solace.

I admit, under circumstances of some adversity to hon. Gentlemen opposite.

The House will see that I may be able, from my knowledge of the two paragraphs in question, to throw some light on those mysterious modes by which in the third Resolution we are told that we have it in our power to vindicate our privileges, and that, in fact, it will be our own fault if those privileges are ever successfully assailed. I may say; in passing, that it is rather unfortunate, considering the tone taken by hon. Gentlemen below the gangway, that they should find their only satisfaction to-night in a Resolution which, in vindicating their privileges against the rude assault of the Lords, admits that those privileges have been endangered by the laches and negligence of the House of Commons itself. The Chairman of the late Committee in those omitted paragraphs—the only paragraphs of his draught Report which expressed an opinion and afforded remedial counsel—showed that this House had unwisely parted with its due command over the annual taxation of the country by converting annual taxes into taxes for a term; and he indicated that there were modes by which we might vindicate our ancient privileges by including the whole financial system of the year in one Bill. But it is not the House of Lords that has converted our annual taxation into a permanent taxation. It is not the House of Lords that has made that dangerous assault upon the privileges of the House of Commons. It is the Ministers in the House of Commons that have made these proposals, and it is a willing House of Commons that has sanctioned them. Probably it may be said that they were Tory Ministers, who presumed to propose and who dared to accomplish such gigantic innovations. But it was nothing of the kind. The last and greatest innovation of the kind occurred under a Whig Ministry, presided over by a statesman who had the honour and, as I think, the high privilege of sitting in the House of Commons. The Chief Minister in 1846–7 sat in this House as the Chief Minister does now, and it was the noble Lord the Member for the City of London, whose devotion to the privileges of this House is not questioned, and whose reputation for constitutional learning and constitutional spirit all will admit—who in proposing that our annual sugar taxes, to the amount of more than £5,000,000, should become perpetual, himself, by that proposition lessened our command over the resources of the country, and diminished proportionately our ability to vindicate our privileges. I shall, however, do the noble Lord the justice to admit that, when he made that proposition he accompanied it by a distinct statement that he acknowledged the importance and absolute necessity of the House of Commons exercising a due and efficient control over the annual taxation of the country, though he thought there were peculiar reasons, and I admit them, in the state of the sugar trade at that moment. It was a moment when great changes were taking place in our Colonies, and when the question of protection to those Colonies had assumed a character that demanded the attention of this House—why the sugar duties should become a source of permanent taxation; and he added the declaration, if not the pledge, that he would substitute for that branch of taxation annual taxes to an equivalent amount over which the House of Commons should exercise its accustomed and beneficial control.

Well, Sir, the noble Lord was never able while he continued Minister (although he was Prime Minister for six years) to fulfil that pledge. It has been my lot upon more than one occasion to call on the noble Lord to remember that pledge. I entirely acquit the noble Lord of any negligence in the matter; he yielded to the insuperable difficulties of the case. In this country there are not only constitutional Liberals, but there are commercial Liberals. The constitutional Liberals were ready to have a control over the annual revenue of the country. The commercial Liberals and many of those who now must loudly call upon us to assert the privileges of this House, exercised such a pressure over the Minister of that day that for commercial purposes the control of this House over its annual taxation was lost.

This, then, is one of the mysterious modes in which we are for the future to vindicate our privileges when they are assailed. But I ask the commercial Liberals whether they are prepared to allow the sugar duties, the tea duties, or the malt duties to become a source of annual taxation. I have no doubt the noble Lord and many of his colleagues who love commerce well, but who love the Constitution more, may be disposed, if the House would encourage them, to restore to it its ancient control over the revenue. But, Sir, I doubt very much whether the Gentlemen who

have spoken so loudly this evening in favour of our privileges would be prepared to support a Minister who should propose this important change in the mode of levying the taxation of the country.

I now come, Sir, to the second method of defending our rights suggested by my right hon. Friend, and, I take it, adopted in the Resolution—that is by insisting that the whole of our financial scheme shall be embodied in one Bill. We do not—at least I for one and the Prime Minister for another—do not question the right of the House of Lords to reject such a Bill; but of course the responsibility of such a step would, under these circumstances, be greatly enhanced, and the difficulty of disturbing the financial arrangements of the House of Commons proportionately increased. For my own part, Sir, I have no objection to such a course; I should have liked, for example, that that course should have been pursued this year; I should have liked to have had the whole scheme of the Chancellor of the Exchequer in one Bill; I should have liked to have seen the additional two-pence of income tax set down in the same Bill that was to repeal the duties on paper. Such a proceeding would have afforded us, no doubt, an opportunity for deliberation very different from the manner in which the financial measures of the Government were carried in that unhappy first month of the present Session, which we all now so bitterly and deeply repent. Is there any one present who believes that the scheme of the Minister if embodied in one comprehensive measure would have met with success. No. Not even in the frenzy of March, when we were as mad as individuals sometimes are in that month—as mad as March hares—not even then would the scheme have been passed. There are the constitutional methods pointed out in this somewhat mysterious third Resolution which were copied from the draft Report of our right hon. Chairman. There are the two constitutional methods which afford such relief to the perplexed Liberal party. You want action—this is the action that awaits you. Of these two courses, one at least must be repugnant to your great principles, and the other destroys all the schemes of the Minister whom you particularly support. I see nothing to object to in that third Resolution, and for an additional reason. The principles and policy which I strove to assert during the whole course of the Committee are embodied and expressed in this Resolution. I tried with, I am glad to say, a majority of the Committee to vindicate the just privileges of the House of Commons. I tried to uphold the constitutional truths which rendered them independent of the other House of Parliament. I tried to recall to the attention of the Committee that in our modern practice the House of Commons had unfortunately lost its ancient and due control over the annual taxation of the country.

Well, then, if I find that this third Resolution expresses my views, why am I not at liberty to support it? It appears, however, that we are not to enjoy this privilege. The Chancellor of the Exchequer has made a violent attack upon us because we support the Government. "It is outrageous," says the right hon. Gentleman. "What! does a party that calls itself Conservative presume to support a Government of which I am a Member?" "I call upon you," exclaims the right hon. Gentleman, "to interfere in this matter, because a gigantic innovation has been perpetrated."

Now, Sir, I listened with great attention, and with the utmost gratification to the mature speech which has fallen from the noble Lord the head of the Government, which commenced these proceedings, and which I accepted as the wise, calm, and ample declaration of a Cabinet that had carefully and deliberately considered this important subject. I heard from the noble Lord that the House of Lords had, in the opinion of the Government, not only acted in a manner by law permitted and justified, but in accord and consonance with no less than thirty-six precedents. Now, Sir, it seems extraordinary to me that a body that acted in accordance with the authority of no fewer than thirty-six precedents, that that conduct should be described very shortly afterwards by the colleague of the First Minister as a gigantic and dangerous innovation. But the noble Lord did more than this. He made this most important communication to the House—which I believe will be a source of great satisfaction and comfort to the country to-morrow—that it was not the intention of the Government to attempt to reverse the decision of the House of Lords with regard to the paper duty. But what says the Chancellor of the Exchequer? He says:—

"I am going to support the Resolutions which in my opinion are utterly unfit and inadequate, because I take them as I have taken other things before, in a non-natural sense, and because, inasmuch as they are utterly passive, it necessarily ensues that they are to be followed by action."

Now, Sir, I should like to know from the Chancellor of the Exchequer, or if not from him, not from some of his colleagues, because it is possible they may not agree with him, but from some more sympathizing Member of the House who may follow in this debate—I should like to know of what the action is to consist? what is the course contemplated, and what are the views to be accomplished? Because, I myself, though I am entirely approving of the course which the Government pursued, although I think the statement of the noble Lord was dignified, impartial, and statesmanlike, equal to the occasion, and one which will give satisfaction to the country, still I have that respectful sympathy for hon. Gentlemen opposite, which one cannot help feeling for men you are in the habit of acting with, although you may not share their opinions and agree with them exactly in the case under our consideration — I want to know what balm there is for their tortured feelings? I want to know whether they may not all this time be labouring under some temporary hallucination? I want to spare them the remorse of to-morrow, when, after having summed up the wonderful experience of this night they discover that they have received only a word and not a remedy, and that action, like the action of Demosthenes, thrice repeated, may mean nothing more than what I believe the correct Greek version expresses, namely, a skilful gesture.

Well, Sir, I maintain that the charge of the Chancellor of the Exchequer is utterly untenable and has no foundation. I say with the views which we entertain, and the entire approval that we give to the course of the noble Lord, it was not our duty to oppose the Resolution which we wish to support. Leaving then the right hon. Gentleman answered, I think satisfactorily upon that point, let me for a moment contemplate the position of those whom I suppose I may still, if only in courtesy, call the great Liberal party. Now, Sir, the conduct of that party to-night, especially in the attacks they made on this side of the House—the repeated wonderment which they have expressed at our taking no part in the debate, when really we thought it might have been closed hours ago with the unanimous feeling of the House—seems to me very extraordinary, even if they themselves had been prepared to second their speeches by actions so much wanted. But, Sir, that does not appear to be the case. I remember very often in old days the ridicule that has been thrown on some unhappy Member who on an important occasion has given notice of an Amendment, and who when the House was full, and its pulse beat high, and the atmosphere was loaded with rhetoric and excitement, surprised the House by withdrawing his Amendment. I have always considered that one of the most perilous and perhaps one of the most absurd positions in which an hon. Member can be placed. But now there is not one but three. There are three Richmonds in the field. There are three Amendments, and strange to say, the same sad destiny to suicide which awaited them all. That three hon. Gentlemen should be rash enough to propose Amendments is strange; but that three Gentlemen having determined to take such a course should be equally prepared to follow it up by one that must cover them with absurdity, is perhaps one of the strangest events that ever happened in the House of Commons. But what are more wonderful even than the three Amendments are the reasons given for withdrawing them. They are Amendments to the Resolutions on the table of the House, and because, to use the language of hon. Gentlemen opposite, who belong to what is called the great Liberal party, the Resolutions are mean, impotent, express nothing, and are altogether so inadequate to the occasion that it is necessary to meet to-morrow to consider what is to be done, therefore they are going to vote for the Resolutions. That is a course which is extremely perplexing to comprehend. But see the aggregate of the circumstances that render the position of these hon. Gentlemen contradictory, inconsistent, incoherent, and I might even say absurd. It is that they have had the whole debate to themselves. It is not that they have not enjoyed the opportunity, that they have not availed themselves of the occasion to vindicate their course and to explain it, in the words of the hon. Gentleman who preceded me in the debate with absolute lucidity. Every advantage that men could have in demonstration, illustration, and repetition they have had, and the only consequence of the monopoly of the debate which a party professing free trade principles have enjoyed is that, being unaccustomed to monopoly, they know not how to deal with that portentous implement. Having, however, had the whole debate to themselves, and having conducted it with an ability still more remarkable, because they have not had the

advantage of replying to any one, they have so managed affairs that they have brought forward three Amendments and withdrawn them because those Resolutions are in their opinion mean, inadequate, and imbecile. I forgot to do justice to the hon. Member for Banbury: for besides the three Amendments, the hon. Gentleman, with an ingenuousness which, considering the circumstances appeared to be marvellous — the hon. Member for Banbury informed us that he also had prepared an Amendment, but had not thought fit to place it on the table of the House. I think, Sir, the hon. Member must have blessed his stars for his prudence, and I think he has very good cause.

Now, Sir, I have touched with the impartiality which the noble Lord claimed for himself to-night on the unjust remarks on the conduct of Her Majesty's Opposition. The Chancellor of the Exchequer, not satisfied with answering the Prime Minister, fell foul of the Opposition, because they did not follow him and assist him in the unseemly fray. The organized opposition below the gangway apparently not yet experienced in opposition, trembling over their own Amendments and getting up successfully answers to themselves—not satisfied with the result of the debate, can do nothing else to get themselves out of the scrape, but turn round and abuse the Opposition on account of their silence. There are moments, Sir, when silence is, I think, the better part of valour. Fine things, indeed, might be said of the virtue of silence, and I recommend hon. Gentlemen to consult the Greek sages and Greek poets, and they will find how inconsistent is the course pursued by hon. Gentlemen opposite in their unauthorised attacks upon hon. Gentlemen here for their silence. But that attack never in my mind assumed a form of grosser injustice than in the speech of the hon. Gentleman who preceded me. He deplored the loss of the Reform Bill, and attributed that loss either to the silence or the speeches (for he spoke rather ambiguously) of the Opposition. And then the hon. Gentleman read us a great lecture, dealing with the future with all that liberality which distinguishes the prophets of the new school, and fastening on our heads the defeat of that measure of Reform, for the discomfiture of which he said the noble Lord the Member for the City of London was blameless. But is it true that the Reform Bill was defeated either by the silence or the speeches of the Opposition? Why, there were troops of orators on the other side who opposed the Bill, and not the least eloquent of those who distinguished themselves on that occasion was a young Knight who won his spurs with great distinction, and who to-night maintained that reputation with an ability which I am only too glad to acknowledge. Who was that hon. Gentleman? It was the hon. Gentleman who preceded me in the debate. The hon. Member said he should vote for the Government measure, and he made an able speech to show that it was a most inadequate and injurious measure. I believe that the hon. Member has taken the same course upon both these questions. What the hon. Member wanted was something that would lead to action; and I think he will observe there will be about as much action on these Resolutions as there was on the late Reform Bill.

MR. STANSFELD: Sir, I am sorry to interrupt the right hon. Gentleman, but I feel it my duty to explain to the House that the right hon. Gentleman has misrepresented what I said on both the occasions to which he has been referring. It will be in the recollection of hon. Members who were present on these occasions that I said that I intended to support the measure of the Government, but that I went further than that which was expressed in the measure of the Government, and it will also be in the recollection of the House that I did not attribute the loss of the Bill entirely to the speeches of hon. Gentlemen on the Opposition side of the House, but I attributed the loss of that Bill partly to defections in the ranks of the liberal party. I only feel it an act of justice to myself to make this explanation in reference to the remarks which the right hon. Gentleman has just addressed to the House.

MR. DISRAELI: I confess, Sir, I did not expect to hear another speech on the Reform Bill in the present Session. I am sorry if I have misapprehended the hon. Gentleman, but it is not very material to the case.

Well, Sir, I venture to express the hope that I have stated the reasons which induce me and those who sit near me to give our cordial support to the Government on this occasion. It would have been just as well not to have had a Committee of precedents, and then we should not have needed any Resolutions. It is, however, of no use to regret the past. The Committee on their part have done their duty, and have

placed before us a Report of great value. It will be an addition to our library, the value of which cannot be over-estimated; the Resolutions are a necessary consequence of that Committee. I think that these Resolutions express a temperate and wise course on the part of this House. If they vindicate the privileges of this House in language which may be criticised for its precision, but which is still language used by our predecessors on memorable occasions, and if they assert more than they practically maintain, I should still think it unwise to alter language of which the popular interpretation is one favourable to the maintenance of the just privileges of the House of Commons.

I think that the second Resolution, with all its qualified terms, admits distinctly and deliberately the power of the House of Lords to reject Money Bills; and no other power for a moment have I claimed. They have not the power to originate, alter, or amend Money Bills, but the power to reject Money Bills must be theirs, or the Constitution of England, of which we hear so much, must instantly change.

We have heard, Sir, very much of late of new principles of taxation of very dangerous import in my mind, but which, fortunately for this country, will no longer be submitted to a new Parliament elected by a new and inexperienced constituency. But, if new principles of taxation ever come into fashion, I will suppose for a moment the House of Commons passing a Money Bill which taxes at a higher rate the estates of the House of Lords. Are we to maintain that the House of Lords are not to have the power of rejecting that Bill, and that it may not alter or amend it. A Bill may then pass this House which lays a peculiar and large charge on the estates of the House of Lords, for such Bills have passed before, and we are now told that the House of Lords would be deprived of the security they possess against an unjust imposition of taxation which all feel to be the greatest grievance. I think the second Resolution, distinctly acknowledging the right of the House of Lords to reject Money Bills, is a Resolution which we, as a Conservative party, ought to support.

Then, Sir, the third Resolution, though vaguely, and from the nature of the subject, necessarily vaguely expressed, is only an intimation of a recurrence to those constitutional courses in fiscal subjects and money affairs which I think it would well become this House to consider whether it might not adopt. If any proposition of that kind be made to the House I anticipate from Gentlemen opposite much more opposition to it than from Gentlemen on this side of the House.

That, then, being the nature of the three Resolutions, I ask the House whether it is not our duty not only to support, but to support cheerfully the Minister who has proposed them, and who in making the proposition has made it in a spirit equal to the occasion, and free from all party and petty considerations? One observation has been made to-night which I cannot pass entirely unnoticed; for if the policy which many hon. Gentlemen opposite have recommended were to prevail, the critical influence of a Senate on subjects of finance would entirely cease, and it becomes a question whether the absence of such critical influence is in harmony with the rest of our Constitution, and might not be extremely injurious to the public welfare. The hon. Member for Birmingham was reminded to-night when my right hon. Friend spoke, that the Senate of America has the power of rejecting Money Bills, and not only that, but of altering and amending them. The hon. Member for Birmingham immediately said across the floor that that is an elected body.

Now, a very important consideration occurs. If it be advisable that some control, modified, and wisely fenced in as it is by the privileges of this House, should be exercised by what we call the Senate of this country over the popular branch of the Legislature with respect to money matters, are we to conclude that that control can only be entrusted to an elected Senate? Thus, the hon. Member for Birmingham and his friends have changed the issue before us, and what we really then have to consider is, if we have a Senate, whether it should be an elected or an hereditary one. Now, Sir, I am in favour of maintaining the hereditary Senate of this country. I would not entrust the large powers which the Senate of America possesses, and of which the hon. Gentleman reminds us, to any elected body. Whatever control the House of Lords possesses in matters of finance, I wish it to possess as an hereditary body, while we guard ourselves against any undue or unwise exercise of that control by the privileges of the House of Commons — privileges acknowledged for centuries, and which, whenever assailed, we find ourselves able to up-

hold and vindicate. The test of privilege is that it can be asserted. The hon. Member for Birmingham will pardon me for this reference, because he told me that when it was said that he wanted to Americanize the institutions of this country he did not know what the expression meant. To-night the hon. Member has explained what he meant; it is a Senate that should be elected, and not hereditary; and now that the consideration of the question has been introduced, I trust that the House, by supporting the Government Resolutions, will show that it is prepared to uphold the privileges not only of this House, but of all the estates of the realm, which the Constitution has hitherto acknowledged, and under which this country has so eminently flourished.

LORD JOHN RUSSELL: Sir, I must, in the first place, express, on the behalf of the Government, their gratitude for the support given by the right hon. Gentleman to my noble Friend's Resolution and speech; and, Sir, I may, at the same time, vindicate my noble Friend's speech and Resolutions from the interpretation which the right hon. Gentleman has been pleased to put upon them. Now, Sir, no doubt the right hon. Gentleman is in a position of considerable difficulty. The right hon. Gentleman, as a Member of this House, and as leading a great number of Gentlemen on the Opposition side, can hardly abandon any of the ancient rights or privileges of this House. But Lord Derby is connected with the right hon. Gentleman; and so, on the other hand, the right hon. Gentleman can hardly abandon Lord Derby in the course he has thought proper to pursue.

Now, Sir, in consequence of this position, the right hon. Gentleman, I think, has placed an interpretation on my noble Friend's words which they do not bear. The right hon. Gentleman said that my noble Friend had admitted that the act of the House of Lords, in rejecting the Paper Duty Repeal Bill, was not only justified by law, but by constitutional usage. My noble Friend must know the danger of candour exhibited towards an adversary; and a greater proof of that could not be afforded, than by what has taken place to-night. What my noble Friend said was, that with respect to the technical right of rejecting any Bill that may come before the House of Lords, there could be no question that that right belonged to the House of Lords. So far as the technical right goes, my noble Friend, no doubt, made that admission; but with respect to the policy, my noble Friend, going as far as possible in charity to the opposition which the Paper Duty Repeal Bill met with, said that he believed that the majority of the House of Lords that defeated that Bill, did not so because they wished to take a general power over the finances of the country, but because, in this particular case, they conceived themselves justified by policy. That was, I submit, Sir, giving them the utmost credit for the motives by which they were governed; but it was very different from saying that, in my noble Friend's opinion, policy justified the course pursued by the House of Lords; because, if that had been his opinion, the President of the Council would hardly have been the person to propose the Bill to the House of Lords. But the right hon. Gentleman, taking advantage of the statement of my noble Friend, has contended that not only was the House of Lords justified in what it has done within the technical confines of law, but also that it was justified by custom.

I must say, Sir, that for 200 years there is no instance of the House of Lords having exercised such a power as that which it exerted on a recent occasion. The right hon. Gentleman referred to the Resolutions, and gave the House his own interpretation of them. The first Resolution points out that the right of granting aid and Supplies to the Crown is an essential part of the Constitution. The grants in aid to the Crown are not in this country in the form of imposing taxes. There is no power in the Crown of imposing taxes; neither is there any such power in the House of Lords: but there is in the Commons the power of granting a part of that which is their own. If that be the case, then, what a strange anomaly it is that from the 15th of August next a tax of more than £1,000,000 a year is to be levied, not on the authority of the Commons, or of the Crown, but on the authority of the House of Lords alone. The right hon. Gentleman says the second Resolution admits the power of the Lords to do what they have done; but at the same time it states that the exercise of that power has always been regarded with peculiar jealousy. Why, I ask, with peculiar jealousy? If the Lords have done what is quite right and usual, and if there be many precedents for what they have done, surely there is no reason for jealousy? But, Sir, we regard these acts of the Lords with

peculiar jealousy, because they are not usual; and because they are not the proper functions of the Lords. The House of Commons have it in their power to reject the Mutiny Bill; and if we were to do so, no one could say we had gone beyond our powers; but that would be an act of very great indiscretion on our part, unless it were done under circumstances of overwhelming danger; such as the Sovereign attempting, by means of a standing army, to put down the liberties of the people. In such circumstances only would the Act be justifiable. That, Sir, is the way in which I view this Act of the House of Lords. It is one that could only be justified by very extraordinary circumstances. If this had occurred when the Duke of Wellington was leader of the House of Lords, I should have believed that there was in his mind some extraordinary case of necessity that led him to take such a course. He would only have been led to do it from what he considered the peculiar circumstances of the case; but as the House of Lords is now led, I have no such confidence. I believe, on the contrary, that this is a rash and unjustifiable proceeding, and which may be followed by others unless the House of Commons should interpose.

The right hon. Gentleman, moreover, says we rashly and hastily appointed a Committee to search for precedents. Then why did not the right hon. Gentleman oppose the appointment of that Committee? The right hon. Gentleman, seeing nothing extraordinary or unjustifiable in the rejection of the Paper Duty Repeal Bill, should have said that there was no call for the appointment of any such Committee. But he took no such course. The appointment of a Committee was in itself a declaration that something extraordinary and unusual had occurred, and that the House of Lords had stepped out of the usual path of the Constitution; but it is only now that we hear the right hon. Gentleman describing the appointment of that Committee as a rash and hasty measure. Certainly it was rashly and hastily done if it were true that the House of Lords have only done what is usual, and acted within the rule of the Constitution; for in such a case there could be no need for the appointment of any Committee. The right hon. Gentleman (Mr. Whiteside) has animadverted on the circumstance that so much stress has been laid on the amount of the tax proposed to be remitted. Now, Sir, we can easily understand that on questions affecting a very small amount of taxation—as, for example, the duty on salt used for manure—the House of Commons may have allowed the interference of the Lords to pass on account of the insignificance of the sum; but when it comes to be a question of upwards of a million, we are bound to consider the question seriously. If the House of Lords reject a Bill for relieving taxation to the extent of £1,000,000, may they not do so to the extent of £10,000,000? And might they not have rejected the whole of the £70,000,000 of taxes that have been remitted since the year 1815? If the House of Lords have power to do that, then it is a total change in our Constitution. It would be an entirely new form of Government under which we now live, but one in which the House of Lords, having no representative character, would have the power of taxing the people; and it would be an overturning of the state of things that has existed not for 200, but for 400 years. The right hon. Gentleman says the last paragraph is, in fact, little more than the last paragraph of the Report as drawn up by the Chairman of the Committee. There is, however, I maintain, a great distinction between them. I myself found fault with the last paragraph of the proposed Report of the Chairman, because I thought it would have appeared to give up all our powers, and left the House of Commons in a state of dependency.

But, Sir, the Resolution, as it stands, affirms that this House has the power to guard for the future against an undue exercise of the power claimed by the House of Lords; that, in short, the power is completely in the hands of the House of Commons. That, of course, means a great deal. It means, Sir, that the House of Lords may, in the future, resort to an undue exercise of power; and that if they do, the House of Commons has the means to prevent that undue exercise of power. It would have been unwise to state in detail what are the means by which that power may be exercised. Some Gentlemen may have one opinion, and others another on this point; but it is quite clear that in one way or other the House of Commons has the means, when it thinks proper, to vindicate its rights and privileges.

The first question, Sir, with us is, whether the House of Commons has always had this control over the taxation of the country; and the second is, whether it is right that we should retain it. The hon. Member for Birmingham proposed to the

Committee a statement that contained the usual practice. It is the duty of the Sovereign to ask for a Supply, and it is the duty of the House of Commons to furnish that Supply. The Speaker carries to the Sovereign, in the House of Lords, the Bill which provides for that Supply. Nay more, the House of Lords, on sending down for the Estimates, has been refused those Estimates by this House. A very remarkable case occurred in 1786, when Mr. Pitt was Chancellor of the Exchequer. It was proposed that a quarter of a million should be applied every three months to the redemption of the National Debt, and there was a question in the House of Lords whether any such surplus was likely to arise. It was argued that the real surplus of the year was not £1,000,000, but only £25,000; and it was said there, "In order to be able to judge of the matter, let us send to the House of Commons for the documents showing the expenditure and the income; the mode in which the £1,000,000 is expected to accrue, otherwise, instead of having a surplus of that amount, we may have a deficiency of more than £900,000 to make up." If the House of Lords had been made the judge of the expenditure, and of the sums necessary to be raised for the maintenance of the national credit, nothing could have been fairer and more natural than the proposal; but as soon as the message came to the House, Mr. Pitt proposed an answer by which this House refused to give any information.

I believe, therefore, that according to all former practice of the Constitution, the whole question of granting is in the House of Commons. As Lord Chatham said, "We give and grant what is our own." We balance the expenditure with the revenue. If the House of Lords have any doubt upon that, they ought to rely in confidence on the House of Commons that any such deficiency will be made good. That was the manner in which the Duke of Wellington and the majority of the House of Lords acted in 1839. A deficiency may be had for the House of Commons; it may be had for the Minister; but it was not for the Lords, upon their own calculation, to supply what they think a deficiency. But would it be any improvement for the House of Lords to have that power? The right hon. Gentleman opposite quoted a passage from Lord Macaulay, in which he expressed an opinion that that would not excite any great amount of discontent amongst the people at large. That may be quite true; but I do not think that such a change could exist for a year, nor for six months probably without exciting the greatest discontent. Suppose the House of Commons next year reduced the wine duties. The merchant would import his wines, great consumption would take place; but if the Lords were to say it is not fitting to make that change, and were to refuse to sanction it, the whole commerce in wine would be thrown into confusion. It is impossible that such things could take place without the whole commerce of the country being disturbed. I suppose it would hardly be said that we should not have a concurrent power, that the sole power of taxing should be in the House of Lords; but I believe, Sir, that that would be a far better change than that the two Houses should have a concurrent control of the finances. It is, therefore, not only true that with regard to all past time, ever since our Constitution was a Constitution, we have had this power of regulating the finances; but it is true likewise that if we were to part with this power—if the House of Lords were to be admitted into partnership in it, the consequences must be utter confusion in our finances. The remission or imposition of taxation would be in a perpetual state of uncertainty; each House would endeavour to take off the tax which was most unpopular, thereby to gain for themselves popular credit and applause, and the popular sympathies of the country.

Then, Sir, as to the question of the indifference of public feeling on this question, I say it is because our powers and functions are considered settled and safe, that so little alarm is felt as to our maintaining our rights against the Lords. It was only the other day that I read that when a question of privilege arose on Charles I. coming to ask for the five Members, some 5,000 men came from Buckinghamshire, in order to defend their Member against any breach of privilege in his person. The right hon. Gentleman the present Member for Bucks needs no such escort; he and the other Members of this House are quite secure in their persons. The difference is this—that at that time our privilege was supposed to be in danger; at the present time it is believed to be perfectly safe.

But, Sir, although that is the case, it is our business to see that there is not a change in the Constitution, according to which the power of the House of Commons to give, and grant, and regulate the

finances of the country should be transferred from the House of Commons to the Senate, which is a non-elected body. That is not the case in America, because those who exercise the power there are either directly or indirectly representatives of the people or of those who represent the people. The only Constitution with which I am acquainted under which that practice prevails is the Constitution of Prussia, where the Estimates and the expenditure are laid before the Senate, and voted by them; but no such Constitution, of course, could be adopted in this country.

The right hon. Gentleman in the latter part of his speech alluded to some new plan of taxation, by which landed property particularly was to be made to bear the whole burden of taxation. Whatever plans of the sort may be proposed for the future, that, at least, is not the case of the history of the present year. What we have been doing for many years past has been to diminish the Excise and Customs duties, and, at the same time, to provide means for the service of the year to allow time for the Excise and Customs to recover themselves. So far from increasing direct taxes and diminishing indirect taxes, the Customs and Excise, which some years ago were £33,000,000, are now £44,000,000. That increase has shown the wisdom of the financial policy adopted for many years past by this House. Since the year 1815, we have got rid of the taxes on such things as salt, leather, candles, glass, soap, and other articles of general consumption, and, at the same time, we have increased not only the general productiveness of the revenue, but especially that part of it which is derived from indirect taxes. The abolition of the paper duty was a measure quite in conformity with the measures adopted in former years. It was a measure of the same nature as the abolition of the taxes on bricks, soap, and glass. It should have been adopted on the same authority as those measures, and if it had been, I have no doubt it would have been followed by the same results. We are, therefore, obliged to ask in what view of finance that measure was rejected. It cannot be because a deficiency was apprehended, because the Lords had not sufficient information on that point. They could not tell what would be the total expenditure voted for the year, nor what would be the total Ways and Means provided. It may be that the vote was given in another sense—namely, to put a stop to the wise and healthy measures of finance which have been adopted in former years, to prevent industry being relieved in future years, and to continue taxes on articles of consumption. If any disproportionate taxes had been proposed on land, there might, perhaps, have been some excuse. But there is nothing of the sort; and if this vote was given merely to stop the wise legislation which has been adopted in former years, to prevent us following the path which Sir Robert Peel asked us to follow, and to leave industry as much fettered as possible in future years, it is an additional reason for jealousy in this House.

The right hon. Gentleman at the end of his speech intimated that he should be ready to consider any plan by which the House might in future vindicate its powers of taxation. I have no doubt the right hon. Gentleman will be ready to vindicate our powers. These Resolutions state moderately but firmly what those powers are, and what it is we shall endeavour to maintain. The right hon. Gentleman said, and said truly, that the speech of my noble Friend was, in part of it at least, statesmanlike, patriotic, and dignified. It was statesmanlike, patriotic, and dignified, because it met the case. and went no further than the occasion required, being intended to provide a remedy for the evil we have suffered, and a security against danger for the future. But my noble Friend did not attempt to thrust a defiance against the House of Lords, nor did he propose, by mere Resolutions, to enter upon a conflict with the other branch of the Legislature. However indiscreet the House of Lords may have been upon this occasion, it is our duty to continue in a calm and even course, and I should be very sorry that these acts should at all endanger or weaken the authority of the House of Lords—a great branch of the Legislature, highly important in its place, as I trust it may ever remain.

MR. DIGBY SEYMOUR: Mr. Speaker, I move that this debate be now adjourned.

MR. BRIGHT: I am desirous of asking the noble Lord at the head of the Government when the debate will be resumed.

VISCOUNT PALMERSTON: In answer to the question which has been put to me by the hon. Member for Birmingham, I can only say that if the hon. Member is desirous of expressing his views upon the Resolutions which I have proposed, he is

entitled to do so; and, under these circumstances, I propose that the debate be resumed this day (Friday).

Debate *adjourned* till *To-morrow.*

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, July 6, 1860.

MINUTES.] PUBLIC BILLS.—1ª Augmentation of Small Benefices (Ireland).
2ª Jews Act Amendment.

ST. GEORGE'S-IN-THE-EAST.

QUESTION.

VISCOUNT DUNGANNON in rising

"To call Attention to the continued and serious Riots occurring on each successive Sunday in the Parish of St. George's-in-the-East, more especially to those which took place on Sundays the 17th and 24th of June; and to inquire whether any or what more effective measures of prevention were to be adopted by Her Majesty's Government,"

said that after the very unsatisfactory reply that had been given on a previous evening in "another place," he feared he should not obtain any better information from the noble Lord who represented the Government in that House. But these riots, under the very prostituted name of religious dissensions, had now assumed a more serious character. They were no longer limited to hissing and hooting, but personal assaults were committed upon individuals. On the 24th of June a ruffianly rabble pursued and assaulted the evening preacher, who was obliged to take refuge in a public-house, whence he was ejected at the command of the mob, but, fortunately, succeeded in jumping into a cab and effecting his escape. On the 17th of June some choristers were pursued in like manner, and ill-treated. They also took refuge in a public-house, and were turned out to the fury of their assailants. Who were the persons who were promoting these successive weekly riots? They were not Mr. Bryan King's congregation, because some of them abstained from attending the church, in consequence of their disapproval of Mr. King's extraordinary proceedings, and others on account of these disturbances. He wished it to be distinctly understood that he was in no way taking up the cause of Mr. King, whose conduct was, in his opinion, characterized by the most culpable want of judgment and perverse obstinacy. Mr. King had adopted proceedings distasteful to his congregation, he adhered to those proceedings, notwithstanding that he must have foreseen how fearful would be the consequences. When their Lordships remembered that these riots had been going on for nearly ten months, and that the short days of the winter season were approaching, they could not doubt that, unless decisive means were taken to put them down, serious affrays, and perhaps loss of life, would ensue. The answer of the Home Secretary a few days since informed them that the authorities had reported that nothing amounting to a breach of the peace had occurred which would justify interference; but if the occurrences of the two Sundays which he had mentioned did not amount to a breach of the peace, he was at a loss to know what constituted a breach of the peace. He had always thought that the law took cognizance of anything calculated to disturb the public peace, but he might be mistaken. The question was, what was to be done? They could not interfere with Mr. Bryan King, who, however culpable, maintained that he was adhering strictly to the rubric. Technically speaking, it might be so, but Mr. King was adhering to a course which was thoroughly distasteful to his parishioners, and he could not help regarding him as the indirect promoter of the evils which were so much to be deplored. They could not close the church. The right rev. Prelate who presided over the diocese of London had tried, but discovered that the law would not warrant that course;—still, in a case of emergency such as this, he should like to know whether it could not be closed by an Order in Council. He did not say whether it could or could not, but it would be far preferable to close the church, if it were for twelve months, rather than suffer these outrageous proceedings. The right rev. Prelate had given his advice, but his monitions appeared to have been disregarded, and he had no power to put an end to that which was not only a scandal to religion, but a positive disgrace to a civilized country. He thought the churchwardens had been deficient in their duty, because they admitted into the church persons whom they knew very well to be the leaders of these disturbances. It might be said that

the church was open to all; but persons who resorted there merely to create disorder should be refused admittance. He could not but believe that if the police had executed their duty, as it was intended they should, that the present state of things would not have continued. It was clear that the mob were solely urged on by a sheer love of mischief; and it must not be forgotten that they were establishing a precedent of a most dangerous description. What occurred in St. George's-in-the-East might equally happen elsewhere, and the consequences of an extension of those disturbances become exceedingly serious. An Act had been passed to confer greater powers to check such disturbances on the churchwardens; but judging from past experience it was hardly to be expected that, in this instance, there would be any change in the conduct of these officials. The right rev. Prelate had no doubt done his best to put an end to the riots, and would probably have succeeded had his advice been attended to. He much regretted that the right rev. Prelate had not the power to carry his views into effect. He wished to ask the noble Earl opposite whether the Government were prepared to adopt some decisive measures for repressing these outrages.

THE BISHOP OF LONDON hoped the noble Earl (Earl Granville) would allow him to interpose for a moment before he gave an answer to the question put to him by the noble Viscount. He wished to point out to their Lordships and to the Government strongly that this was not a question to be trifled with, but one which was every day becoming more and more important. He could not quite agree with the account which the noble Viscount had given of recent occurrences in St. George's —namely, that the disturbances were each week becoming worse. From the information which he (the Bishop of London) received weekly, he believed, on the contrary, that the disturbances were not so bad as they had formerly been. But the improved state of affairs was simply and entirely owing to the presence of the police. The riots would be as bad at this moment as when the attention of their Lordships was first called to them, only for the presence of the police. What he wished to call the attention of the noble Earl to at present was, that while Parliament was sitting there would be some check on the riotous violence of the mob; but they were rapidly approaching the time when Parliament would be prorogued, and when it could no longer be possible to ask Her Majesty's Government questions on the subject; and the noble Earl had to consider whether it would be possible to go on until February next with the present system of keeping down the disturbances by the presence of a body of police. It was painful for him (the Bishop of London) to have thus to speak of any church in the Metropolis, or anywhere else; but he could not avoid saying that there must be great fault somewhere when a clergyman required the presence of a large body of police to enable him to continue his ministrations. Neither their Lordships nor the other House of Parliament had been inattentive in the matter, for a Bill had passed both Houses which would give churchwardens greater power than they had hitherto possessed, and the difficulty which had been experienced in enforcing the statute of Queen Mary would not be felt under the new law. The statute provided that any person disturbing a congregation, or guilty of brawling in a church, might be taken before a justice of the peace and fined £5, or committed for two calendar months. He hoped that no long time would be suffered to elapse before the statute was put in force in respect to those misguided people who were ringleaders in these disturbances in St. George's. Reference had been made to the Churchwardens of St. George's. He had endeavoured to see that they did their duty, and he believed they had done so; but, no doubt, they had done it unwillingly, as any men would under similar circumstances; but he need not point out the difficulties which there were in the way of two churchwardens, aided only by four sidesmen, coping with a mob of a thousand people. He wished to put it to the Government whether, as a law had been passed to punish the persons who had committed these outrages, some legislation was not also required to prevent the cause of them. So far as he had been able to ascertain it, the law of the Church of England, as at present administered, allowed to every parochial clergyman the undivided responsibility of settling the form of his services within certain limits prescribed by the Act of Uniformity, without any consultation with his congregation or with any one else; and there was no check on his arbitrary will except the power of the congregation to leave the church when the services were distasteful to them. The

parishioners, of course, had it in their power to leave the parish church, and he believed there were very few parish clergymen so utterly dead to all right feeling as to persist in maintaining a service which could only have the effect of making his parishioners leave their church. The good sense and feeling of the clergy generally prevented them from thus trifling with those whose souls were committed to their charge; but experience now showed that this undivided responsibility of the clergy required to be looked into. It had been supposed that, as the clergy generally had shown such good sense in those matters, it might be left to them to settle what changes should be made in the ornaments and fittings of the church as such changes became necessary; but, unfortunately, examples had occurred in which some clergymen had not shown the good sense and feeling which might have been expected from them. He had had the matter investigated by his own lawyers, and he had come to the conclusion that the clergy had no such power in respect of ornaments and fittings. He had gone into the matter and issued a circular to his clergy informing them that no change whatever should be made in the chancels without the permission of the faculty of the Bishop's Court. But with regard to whether there should be musical services or read services, as at present advised, he believed the responsibility of deciding did rest with the clergyman of the parish. What he wished to put to Her Majesty's Government was this:—why was it that one single man was to have it placed in his power to set at nought the feeling of the whole parish to which he was appointed? It had been frequently suggested that the Bishop should have the decision in such cases. No doubt that would cause a great increase of anxiety to the Bishop; but he was sure that experience had already shown that the undivided responsibility ought not to be left in the hands of whatever clergyman might happen to be placed in a parish. The present case, it might be said, was an isolated one, and it certainly was unlike any other; but still there were other cases in which the feelings of the parishioners had been greatly trifled with by innovations. He thought, therefore, that the time was come when some check ought to be put to an individual proceeding in this way in spite of the feelings of the parishioners. He had himself, several months back, submitted a measure to the Government, but it had not obtained their approval. He should now be glad to hear, first, that it was the intention of Her Majesty's Government to take such vigorous steps under the recent Act as would deter those who took part in these outrages; and, secondly, that it was their intention seriously to consider, with the assistance of the ecclesiastical lawyers of the Crown, whether a new system could not be devised by which the root of the evil might be reached, and individual clergymen prevented from giving rise to these disturbances by outraging the feelings of their parishioners.

The Bishop of London

EARL GRANVILLE said, that the noble Viscount was not quite accurate in his statement of what had taken place, for nothing had occurred which amounted to a breach of the peace, though there had been serious interruptions to the performance of divine service.

VISCOUNT DUNGANNON said, he referred to what took place outside the church.

EARL GRANVILLE said, he would read the reports of the police which had been sent to the Secretary of State for the Home Department, and which reports showed that the reports in the newspaper were not correct [which the noble Earl then read.] Every Sunday for some time past there had been, inside and outside the church, seventy-three policemen—a force larger by far than was ever employed in one place except in cases of danger from the assembling together of great numbers of persons. So far as putting the law as it stood into action, he did not think the Government could take any further steps in the matter. He did not wish to say anything which might appear to sanction these disturbances, but it certainly was a matter for comment that a clergyman should require the assistance of seventy-three policemen to protect him in his parish church, and especially after an offer had been made to him by the Bishop of his diocese to arrange the dispute and bring back peace and quietness to the parish. He thought the Bishop of the diocese should have been vested with power to put a stop to these disturbances, but under any circumstances all must reprobate the proceedings of the mob. The right rev. Prelate had been good enough to communicate a scheme for stopping such proceedings by putting more power in the hands of the Bishops to deal with clergymen, but Her Majesty's Government, after giving it their careful consideration, found it would be attended with

such disadvantages that they could not agree to adopt it. They would, however, carefully consider the question during the recess with a view to see whether some remedy could not be devised for putting an end to such scandalous scenes.

THE EARL OF ELLENBOROUGH said, this was really a matter which was becoming more serious every week, and he did not think that the Government had paid very great attention to the subject. It was said that this was an isolated case; but whether that were so or not, it was a gross violation of the law, and it was monstrous that the law should give greater protection against a riot in the house of a private individual than it afforded against the desecration of the house of God. He believed that the root of the evil was a want of power in the Bishops to control their clergy. He had heard the parochial system praised over and over again, as if it were perfection. But parishes were independent states, subject only to the suzerainty of the Bishop, and the incumbents were practically as independent of the Bishops as the Danubian provinces of their suzerain the Sultan. It would not do to trifle with a question of this kind, or else it would affect all other churches and be fatal to the peace of the Establishment.

THE LORD CHANCELLOR said, it appeared to be supposed by a number of persons that the Government or the Queen in Council had power to make an Order to shut up the church; but neither the Queen in Council nor the Government had any authority to do that. The Bishop of the diocese was the only authority who could make such an order, and he could not do it without the consent of the incumbent. There must be a change in the law before such a power as that supposed to be in the Government could be exercised.

EDUCATION (INDIA)—PETITION.

EARL GRANVILLE said, that a right rev. Prelate (the Bishop of Oxford) had given notice of his intention to call their Lordships' attention to the introduction of the Bible in the schools and colleges of India. The right rev. Prelate had heard the appeal that had been made to the noble Duke (the Duke of Marlborough) a few nights ago to postpone his speech on this subject, and therefore it was not likely that anything he could say would alter the right rev. Prelate's intention. Still, it was only respectful to the noble Duke to make an appeal also to the right rev. Prelate not to discuss the matter, and to assure him that it was not desirable that he should enter upon the discussion at present.

THE BISHOP OF OXFORD *presented* a Petition from Inhabitants of Ham, praying that the Holy Scriptures may not be excluded by Authority from the Government Schools in India. He said he did not intend to enter at length upon the great question to which the petition referred. Their Lordships had recently had an opportunity of hearing all that could be said upon the subject stated ably, completely, and temperately by the noble Duke on the cross-benches (the Duke of Marlborough), and he felt it would be improper for him to attempt to repeat the arguments and statements which had been already submitted to the House. He was, however, anxious, in the first place, to do away with an impression which might probably prevail in the public mind from the mode in which the discussion on a previous evening had terminated. It might appear to the country that the noble Duke (the Duke of Marlborough) stood alone in that House in the opinions which he had expressed. Now, that was very far from being the case. He (the Bishop of Oxford) had been ready and desirous of stating how entirely he concurred in the sentiments expressed by the noble Duke, but the mode in which the discussion terminated prevented his doing so. He was also anxious to suggest two grave considerations to the Government in connection with the subject. He had laid upon the table fifty petitions from various parts of the country with the same prayer as that of the petition he now held in his hand, that the Bible might be introduced into the schools in India; but he was fully persuaded they were not a tithe of the petitions which would pour in upon both Houses of Parliament upon this grave subject, and he would venture to predict that in a matter like this, upon which the religious mind of the people of this country was to a remarkable degree unanimous —when those who differed upon many points of Church government were united in opinion that the Bible ought not to be excluded from the Government schools in India, but that it should be accessible in school hours to all those who desired to study it—that at no distant day that question would be brought to a practical and a successful issue. If there was any danger at all to be apprehended, it would arise from a belief being raised in India that

the Government resisted the demand that was made because they thought it would be an infraction of the fair dealing which had been guaranteed to those who differed from us in religion, and that if the demand were carried it would be carried by the religious mind of this country in spite of the wishes of the Government. Such a belief would lead to an impression, untrue, indeed, that the admission of the Bible into schools was something at which they had ground to be alarmed, and which constituted a violation of religious liberty. For his own part he believed that sooner or later the Bible would have to be introduced into these schools, and he was of opinion that it would be much safer to introduce it now, than to postpone it to a later period. It would be a danger in its worst form if the question was left as a subject for agitation in this country. He thought, also, that the introduction of the Bible taking place after an interval would be an evil, because the Native mind would form an opinion that we feared to do so as long as the recollection of the late mutiny remained in our minds, but that only when the memory of that event had passed away did we venture to take the step. There was another consideration he would urge upon the Government. He did not undervalue the dangers of our Indian Empire, but he was convinced that those dangers did not rest upon our simply giving fair play to Christianity, while we cautiously abstained from attempting to inflict Christianity by force, and from entrapping the Natives into Christianity by fraud. Our security would be greater if the Native mind could be taught that we abstained from those courses, not from fear, but because our consciences forbade them. The great danger was that in turning our attention to a false danger, we might overlook the real source of danger. The mode in which the question of Native adoption had been treated was, he believed, full of danger, as also was the annexation policy, and he believed also the proposed change in our army system in India. He was therefore most anxious, without reopening this great subject, to urge as earnestly as he could upon the Government a reconsideration of the position they had taken upon this grave question.

THE EARL OF GALLOWAY sincerely hoped the Government would give their earnest attention to the appeal of the right rev. Prelate. It was highly inconsistent with our promise to elevate and improve the condition of the Natives of India if we excluded from our schools in that country the Bible, which was the only standard of right and wrong. It was said that the fear of exciting distrust among the Natives and of weakening our hold upon India was a necessity for excluding the Bible; but that would imply that we valued the material welfare of England more than we cared for the moral condition of India. In a speech lately delivered by Sir Herbert Edwardes on the propagation of Christianity among the Natives that distinguished officer had expressed opinions which he commended to the consideration of the Government, and which he earnestly hoped would have their due influence.

THE DUKE OF MARLBOROUGH thought that the spectacle which their Lordships presented the other evening when he had the fortitude, or perhaps the hardihood, to bring this question before them was one of the most extraordinary ever witnessed in this House. A subject of the highest importance as affecting the material and the moral interests of the people of India was submitted to their consideration. He was appealed to at a time when he was unable to accede to the request not to proceed with the Motion; he felt the greatest regret that he could not comply with the appeal; but until the last moment he had not supposed that any impediment existed to the consideration of the question, and he was taken by surprise by the remonstrances addressed to him. He rose now for the purpose of vindicating their Lordships' House. [*A laugh.*] He was willing to accept any derision with which he might be met; but he repeated that he rose to vindicate their Lordships' House, for when a subject of such sacredness and importance was brought forward, it might be expected to receive some attention and some expression of opinion—especially from Her Majesty's Government. He was, however, convinced that the silence observed on that occasion did not indicate any want of interest in their Lordships' minds in regard to the subject. In this House and in the country strong convictions prevailed, which would, he believed, make themselves felt; and so deeply was he impressed with the injurious effects and the dangerous consequences of the present system of education in India, by which the Bible was utterly excluded from the knowledge of the Natives, that he should lose no opportunity of bringing the matter under the notice of their Lordships.

The Bishop of Oxford

EARL GRANVILLE said, it must have been by inadvertence that the noble Duke had declared that he was taken by surprise at the objection raised to his bringing on the Motion. On that occasion the noble Earl (the Earl of Derby) appealed to him, though, as he remarked, without much hopes of success, because he had already privately urged the noble Duke not to proceed with the Motion. The noble Earl (the Earl of Shaftesbury) made a similarly ineffectual appeal; and he himself wrote to the noble Duke urging postponement, on the ground that the health of the Lord Privy Seal made it unadvisable that his noble Friend (the Duke of Argyll) should attend. The noble Duke declined compliance, though in general an appeal made on such grounds was at once acceded to. Afterwards, in privately discussing the subject with the noble Duke, he represented, what was the almost universal feeling of the House, that it would be most desirable on public grounds altogether to withdraw for the present a Motion relating to this most delicate question. The noble Duke was therefore not justified in stating that he was taken so complelely by surprise.

THE DUKE OF MARLBOROUGH admitted that his noble Friend (the Earl of Derby) expressed an opinion that it was unadvisable to bring on the Motion; but his noble Friend certainly made no strong remonstrance. He had also received a private communication from the Earl of Shaftesbury to the same effect. But the noble Earl had for months past held peculiar views on this subject, views not shared in by many with whom he was in the habit of acting. The letter from the noble Earl opposite (Earl Granville) stated that the noble Duke (the Duke of Argyll) could not attend in his place, and requested, on that ground alone, that the Motion should be postponed. But he (the Duke of Marlborough) did not conceive that that was a sufficient ground for postponing a Motion on a subject of such importance. In the absence of any reason of a public nature which would have justified such postponement, he was, on coming down to the House, taken by surprise by a proposal for the postponement of the Motion on public grounds proceeding from an official quarter.

EARL GRANVILLE said, that when he found the noble Duke declined to postpone the Motion on account of the illness of the Lord Privy Seal, he added another reason in conversation for postponement—namely, that he found it was the general opinion of their Lordships that it would be inconvenient to bring the matter forward.

LORD BROUGHAM said, that the noble Duke would be entirely mistaken if he supposed that the House was disposed in the slightest degree to treat this important question with levity; and it should be remembered that a noble Earl (the Earl of Shaftesbury), in appealing to the noble Duke to postpone the Motion, stated that he did so because he entirely agreed with the noble Duke on the subject. The effect of the decision on the Previous Question was only to prevent the Motion being put at that particular time, and in proposing it he believed he gave vent to the almost unanimous feeling of the House.

Petition to lie on the table.

NEW ZEALAND BILL—COMMITTEE.

Order of the Day for the House to be put into Committee read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

LORD LYTTELTON said, he hoped that before this Bill was sent down to the other House fuller means would be given for coming to a conclusion on the question by the production of the Correspondence which had passed between the Colony and the Government at home upon the subject.

THE EARL OF DERBY confessed that the measure appeared to him of very doubtful policy, and he hoped that the noble Duke would enable them by means of the Correspondence to ascertain what specific grounds might be shown for this exceptional legislation. It was a point worthy of consideration how far advantage might be taken of the services of Natives in the proposed Council. He understood that a Bill had been sent over from the colony to this country for the purpose of carrying into effect something analogous to the present proposal, and that that Bill had been disallowed by the Government. He thought it would be desirable that papers should be laid before Parliament showing what the colonists themselves proposed, and the reasons for which the Crown was advised to disallow the Bill he had referred to. As far as he could understand the Government of New Zealand was without any knowledge that this Bill was to be introduced. He hoped that before the Bill reached its final stage the noble Duke would give them further information as to what had taken place between the inhabitants of the colony and

the Government, and as to what were the critical circumstances which rendered necessary a piece of legislation which the noble Lord himself must admit to be of a very exceptional character.

THE DUKE OF NEWCASTLE acknowledged that the legislation now proposed was of an exceptional character. He quite admitted that their Lordships were entitled to ask for the production of the despatches which had passed between the Governor of the Colony and the home Government; but he had abstained from laying any papers on the subject on the table, because the communications contained the names of persons and statements of a private character which it would have been inexpedient to publish. As, however, he had been requested to produce the papers by the noble Earl opposite and the noble Lord who had preceded him, he could only say that the House had a right to them, and that he would endeavour to furnish their Lordships with such papers as would acquaint them with the full reasons why this Bill had been introduced. He was confident that when their Lordships saw these papers and considered the whole circumstances of the case they would admit that this Bill, though exceptional, was justifiable. He believed that the body which was constituted by the Act would act in harmony with the Colonial Legislature; and that the colonists would appreciate the advantage of having some body interposed between them and the Natives which would enable them to extend the advances of civilization without exciting that antagonism and hostility which now prevailed among a considerable portion of the Natives of New Zealand. There was nothing to prevent Natives being on the Council, but he was not sure that he would encourage their appointment. Whatever might be his opinion of individual Members of the Legislature of the colony, he had nothing to say against it collectively, but at the same time there was no disguising the fact that the Natives did not repose in it the same confidence as they would do in a body appointed by the Crown. The Bill, as a whole, he believed, met with the approval of many of the most intelligent and experienced colonists. Without being too sanguine as to the result of this attempt at mediation, he felt that it was only right that the experiment should be made, and hoped their Lordships would not retard the progress of the Bill.

The Earl of Derby

Motion *agreed to.* House in Committee accordingly. Bill *reported* without Amendment; an Amendment made, and Bill to be read 3ª on *Tuesday* next.

House adjourned at Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 6, 1860.

MINUTES.] PUBLIC BILLS.—1° Plea on Indictments; Endowed Charities; Clearance Inwards and Lien for Freight.
2° Court of Queen's Bench Act Amendment.
3° Local Taxation Returns.

ANNUITY-TAX ABOLITION (EDINBURGH) BILL.—COMMITTEE.

Order for Committee read.

MR. HADFIELD expressed his surprise that the two Liberal Members for the city of Edinburgh should support a measure of that description, which was formally opposed by the Town Council of that city, and met with the almost unanimous disapproval of the inhabitants. He had intended to propose upon that occasion that it should be referred to the examiners of private Bills, to inquire and report how far the Amendments made by the Committee in the Bill were in accordance with the Standing Orders of the House; but he had ascertained upon the highest authority that there had been no violation of the Standing Orders in the case; and as he was at all times prepared to bow to that authority he would not press that proposal.

MR. CAIRD said, he wished to make a final Appeal to the Lord Advocate to withdraw the Bill. The Lord Provost and Town Council of Edinburgh had petitioned against it, and declared that it was opposed to the wishes of their fellow townsmen. The Bill had already been changed in its form in passing through Committee; and the parties whom it would specially affect had as yet had no opportunity of considering it in its altered shape.

THE LORD ADVOCATE said, it was true that the Bill had been changed since its first introduction in the House; but the change had been made at the request of the Town Council of Edinburgh and of a public meeting; but no sooner did he make the change they asked for by making the rate permanent, than the Town Council turned round and said it was a new Bill,

that the Standing Orders had not been complied with, and that the Bill should be withdrawn. Such was a simple statement of the facts of the case; he made it reluctantly, and he left the House to draw from it their own conclusions.

MR. DUNLOP said, he believed that the right hon. and learned Gentleman the Lord Advocate had not adhered to the arrangement originally proposed in the Bill, with respect to the mode of ascertaining the value of the quit-rents; and it was in consequence of that change. to which the Town Council had been no parties, that they opposed the measure as it at present stood.

House in Committee.

Clauses 2 to 6 inclusive *agreed to.*

Clause 7 (Pews in the City Churches to be let by the Kirk Session, and the Surplus of the Rents to be paid to the Commissioners).

MR. DUNLOP moved the addition of a proviso to the effect that whenever, after deducting the charges on the particular church, the balance should exceed £1,600 a year, the excess should be divided — one-half to the Commissioners for the purposes of the Act, and the other half to be held by the Commissioners in satisfaction *pro tanto* of the amount payable under the head of annuity towards the extinction of their claims thereunder for each year.

MR. BLACK supported the Amendment.

MR. HADFIELD expressed his astonishment at the course taken by the hon. Member for Edinburgh (Mr. Black) on the question, considering the strong language in which he had in former times denounced this iniquitous tax, which had the effect of deadening all religious zeal among the people.

THE LORD ADVOCATE objected to the Amendment as altogether unnecessary.

Question put, "That those words be there added."

The Committee *divided:* — Ayes 11; Noes 66: Majority 55.

Clause *agreed to.*

Clause 8 *ordered* to stand part of the Bill.

Clause 9 (Property of the City deponed in Security of the Payment of the Annuities).

MR. DUNLOP objected to the clause as unnecessarily offensive. He had an Amendment on the paper by which he proposed to give a security, not over the property of the town itself, but over the income. A security over the property of the town would lead to great inconvenience, and it was in order that the degradation of the magistrates of the city might be avoided that he wished to see the nature of the security changed. According to the Amendment the security would still remain ample. However, he did not intend to divide the Committee upon it.

THE LORD ADVOCATE said, there was nothing in the security provided by the Bill that was not absolutely indispensable, and there was nothing in it that ought to be offensive to the Town Council. In 1853 the Town Council agreed to a kind of security far more stringent than that proposed in the present Bill.

Amendment *negatived.*

Clause *agreed to;* as were also the remaining Clauses.

MR. STIRLING moved the insertion of a clause to the effect that the patronage of the churches in Edinburgh should be transferred from the Town Council to the Kirk Sessions and the male communicants of three years' standing. The present was, he thought, a good opportunity of transferring the patronage from the hands of those who were seldom members of the Church of Scotland, and putting it into the hands of those who were members of the Church and likely to take an interest in its welfare. He did not think that the conduct of the Town Council since this Bill was introduced had been such as to increase the confidence of the people of Edinburgh in their wisdom. He only wished to have done in Edinburgh what had already been done in Montrose.

Clause (The right of patronage or presentation of ministers of each and every one of the parochial churches or charges in the said city (other than those of which the patronage is hereby expressly transferred to the Commissioners) shall be and the same is hereby, from and after the passing of this Act, transferred to and vested in, and may at all time thereafter be held and exercised by the elders and other male Members of each of the said churches, or any majority of their number, being in full communion, and whose names shall have stood in the Roll of Communicants of the church and parish in which there is a vacancy, for not less than three years next preceding the occurrence of the said vacancy.")

Brought up, and read 1°.

THE LORD ADVOCATE said, he hoped the hon. Member for Perthshire would not press his Amendment. He believed, notwithstanding what had passed, that the Town Council of Edinburgh would carry out the Act with perfect fidelity. He was not prepared to take the property of the Town Council and hand it over to the Kirk Sessions of the various churches. His hon.

Friend referred to the case of Montrose, but the difference between Montrose and Edinburgh was this—that the Town Council of the former place was willing to give up the patronage, whereas the Town Council of Edinburgh were not willing to do so. He maintained that the patronage of the Town Council of Edinburgh had hitherto been wisely exercised. He hoped his hon. Friend would not endanger the safety of the Bill by pressing his clause.

Sir JAMES FERGUSSON said, he approved of the principle of the clause; but he was not prepared, by urging it, to risk the success of the Bill.

Mr. BAXTER said, that the Town Council of Montrose had surrendered their patronage because they had received an equivalent for that loss; but no such equivalent was offered to the Town Council of Edinburgh in the present instance.

Mr. BLACKBURN said, he was not aware that the Town Council of Edinburgh was opposed to the transference of the patronage from their hands. It was not a question of property at all, for the patronage in this case was not a saleable thing, being held by the Town Council in trust for the public. The feeling in Scotland was in favour of vesting the patronage in the congregations.

Mr. BUCHANAN said, he would propose an Amendment on the clause to the effect that the Town Council should be empowered to sell the patronage of the churches to the congregations.

Mr. DUNLOP objected, that the hon. Member for Perthshire proposed to transfer the patronage only of those churches that were supported by a public tax, while the others were to be under the patronage of the Commissioners. He congratulated hon. Gentlemen opposite on the progress they had made in favour of the popular election of ministers.

Major CUMMING BRUCE expressed a hope that the hon. Member for Perthshire would not persist in pressing his clause.

Mr. E. ELLICE (St. Andrews) also expressed a hope that the clause would be withdrawn.

Mr. BLACK said, he thought that if the congregations would not pay a reasonable sum for the right of patronage, it ought to remain where it was.

Mr. HADFIELD said, he would call upon the congregations to pay their own Ministers, and then no one would dispute their right to elect them.

The Lord Advocate

Mr. MURE expressed a hope that the Lord Advocate would introduce a clause which he had inserted in a former draught of the Bill, giving the Town Council the power to sell their patronage.

The LORD ADVOCATE said, he had no hesitation in saying that he was prepared to support the proposal for empowering the Town Council to dispose of patronage by sale.

Question put, "That the Clause be now read a second time."

The Committee *divided:*—Ayes 25; Noes 87: Majority 62.

Mr. BUCHANAN proposed a clause to the effect that the Town Council of Edinburgh should be enabled tos ell to the Kirk Session, or to the Commissioners, the right of patronage of the parochial charges in the City of Edinburgh, on the receipt of £600 in each case.

Mr. STIRLING said that £600 would be a very moderate amount for a rich parish to pay; but in the poorer parishes it would form a very considerable sum.

Mr. BLACKBURN said, the clause was substantially the same as one which had been originally inserted in the Bill. He feared its tendency would be to induce the Town Council to bully the congregations in order to make them purchase the Church patronage.

The LORD ADVOCATE said, he should not object to the clause, which was then agreed to and added to the Bill.

House resumed.

Bill *reported;* as amended, to be considered on *Monday* next.

TAX BILLS.—PETITION.

Mr. T. S. DUNCOMBE *presented* a Petition, assuming the shape of a remonstrance, from the Committee of the Constitutional Defence Association, complaining that the Select Committee on Tax Bills had placed the vote of the House of Lords in reference to the paper duty among their recorded precedents, such voting being still in dispute. The Petition concluded by praying the House to expunge the precedent in question (No. 212) from the Report.

Mr. PACKE said, he wished to call the attention of the Speaker to the wording of the document, and to ask whether, according to the rules of the House, it could be received?

Mr. SPEAKER: There is a precedent exactly in point, establishing that, although

in the first instance it may bear the appearance of a remonstrance, yet if the paper concludes with a Petition respectfully worded, it can be received.

On Motion "That the House at rising adjourn till Monday next,"

INLAND REVENUE OFFICERS.

QUESTION.

MR. NORRIS said, he would now beg to ask Mr. Chancellor of the Exchequer, Whether it is the intention of Her Majesty's Government to take steps for the transfer, from persons locally appointed, to the Officers of Inland Revenue, of the duties of assessors and collectors of Income, Property, and Assessed Taxes and collectors of Land Tax?

THE CHANCELLOR OF THE EXCHEQUER said, the question which the hon. Gentleman had put was one of great importance—the possibility of transferring the collection of the Queen's taxes from local to central authorities. There had been some manifestation of feeling in the House on the subject, but he believed the feeling in the country was favourable to the transfer. It was evident, however, that whatever might be the abstract merits of the question it ought not to be proposed or carried into effect except with the general concurrence of those who were affected by it. The course which the Government had taken was this:—A circular had been sent by the Board of Inland Revenue to all the Boards of Land Tax Commissioners in the kingdom, amounting to 699 in number, and a large number of answers had been received from those Boards—about one-half of the entire number; and another circular had since been sent, spurring up those that had not yet answered, so that they might be able to ascertain their sentiments. As far as the answers had gone they showed that the greater number of the Boards were favourable to the transfer. Speaking generally, the Boards in the large towns were unfavourable, those in the country were decidely favourable to the transfer. There were, therefore, two questions—first, whether the transfer was to be carried by a compulsory measure. To that he could answer at once, that as several of the Boards connected with great masses of the population were unfavourable to the measure, he did not think that the Government would be prepared to introduce a measure of universal application on the subject. It might, however, be that in those instances where the inhabitants of an entire county, or division of a county, were found to approve such a transfer, it might be desirable to take the necessary steps to give effect to their wishes. That question it would be the duty of the Government to decide as soon as they received the answers from the other Boards of Commissioners.

SCOTTISH SCHOOLMASTERS.

QUESTION.

MR. H. BAILLIE said, he wished to ask the Lord Advocate, Whether he intends to bring in a Bill to maintain the Salaries of the Scotch Schoolmasters, or whether he intends to leave them to their fate until he is able to pass through both Houses a general measure for Education in Scotland?

THE LORD ADVOCATE said, it appeared to him—and he believed he was supported by the general feeling of the House—that it would not be right to deal with the salaries of the parochial schoolmasters till they dealt with the question of exclusive tests. Repeated attempts had been made to repeal those tests, but never with success. He hoped next Session to find such unanimity prevailing among the Scotch Members on the subject as to enable him to place it on a satisfactory footing.

OFFICERS OF CUSTOMS AND EXCISE.

QUESTION.

MR. BLAKE said, he rose to ask the Secretary to the Treasury, Whether it is expected that many Officers of Customs and Excise will lose their situations in consequence of recent reductions and abolition of Duties; and whether it is intended that such officers shall be re-employed in the above and other departments according as vacancies require to be filled up in preference to persons not heretofore employed under Government?

MR. LAING replied, he was not aware of any reduction of duties in the Excise, or that they were likely to part with many officers in that department. In the Customs there were very considerable reductions in the number of the establishment. These were made as far as possible by anticipating the period of superannuation of old officers approaching their period of retirement, and the object of the Government was, as far as possible, to re-employ

those reduced by stopping the admission to new places, that patronage having been entirely suspended both in the Customs and Excise for some time. He had every reason to hope that the greater number of men parted with in these departments would find employment elsewhere.

ATROCITIES IN SICILY.—QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received any information of atrocities, stated by a noble Lord in "another place" to have been committed by General Garibaldi and his associates in the Island of Sicily, since its evacuation by the Neapolitan Troops; and whether it is probable that if such acts have been committed Her Majesty's Government can have remained altogether ignorant of the circumstance?

LORD JOHN RUSSELL: In answer to the hon. Gentleman I may state that Her Majesty's Government have received information from Palermo and various parts of Sicily that several atrocious murders have been committed by the mob and armed bands on persons employed in the police of the late Government; but there is no account of General Garibaldi having in any way protected or favoured those committing these atrocities. On the contrary, the accounts state that he had done everything to prevent them, by restraining the people from attacks on the instruments of their former misgovernment.

BANKRUPTCY BILL.—QUESTION.

MR. CRAWFORD said, he wished to inquire, Whether his noble Friend at the head of the Government can give any assurance that the Bankruptcy Bill will be proceeded with this Session?

VISCOUNT PALMERSTON: I conceive that Bill to be one of very much importance; and certainly I will endeavour to persuade the House to pass it this Session, however long it may require the House to sit for that purpose.

RESERVE FUND.—QUESTION.

LORD HOTHAM said, he was anxious to put a question to the right hon. Gentleman the Secretary of State for War with regard to the state of the Reserve Fund. Few hon. Members were aware of the existence and extent of that fund; and of the mode in which it was disposed of nobody perhaps knew but the right hon. Gentleman himself. His right hon. Friend would require no assurance that he had no intention to impute to him any misappropriation of the fund; but it was contrary to constitutional practice for any Minister of the Crown to have at his disposal a large sum of money without rendering an account of it. The secret service money was a case in point; it was necessary even there that a statement should be signed by a Secretary or some high officer of State that it had not been improperly disposed of. What might be the increased demands on that fund he had no means of knowing; but certain it was that the fund was largely increasing in consequence of a rule which the right hon. Gentleman had recently made to prohibit the disposal of any first commissions except by purchase, with the exception of those to the military colleges where certificates had been granted entitling the parties to receive commissions. He wished to know whether his right hon. Friend had any objection to lay on the table of the House a statement by which they might be enabled to know the condition of this fund and how it had been disposed of?

ENLISTMENT OF APPRENTICES.—CASE OF JOHN BISHOP.

QUESTION.

MR. HUMBERSTON begged to call the attention of the Secretary of State for War to the Petition of John Bishop, presented to the House on the 3rd inst., praying for Inquiry into the Enlistment of his son, John Bishop, into the 7th Dragoon Guards, on the 27th day of June, 1859, his son being at the time of Enlistment a lawfully bound Apprentice, and asked Whether he would consent to such Inquiry being made?

MR. SIDNEY HERBERT, in reply to the Question of his noble Friend (Lord Hotham), said the subject was one which had, with some others, been for some days under investigation by a Committee upstairs. His noble Friend was mistaken as to the rule with regard to the augmentation of the Reserve Fund. His noble Friend had stated—not quite accurately—that this fund was augmented by the sale of the first commissions, excepting those which were adjudged as prizes at Sandhurst. He had never laid down any such general rule on the subject. The Report of the Committee would, however,

shortly be laid on the table of the House, showing the state of this fund, and in all probability the Committee would make some recommendations as to the disposal of it.

With regard to the case of John Bishop, referred to by the hon. Member for Chester, it had been very fully investigated, and the circumstances were these. By the 61st clause of the Mutiny Act of last year, any apprentice who enlisted could be claimed by his master, and, after the expiration of his apprenticeship, the enlistment would hold good. But the Act said distinctly that no master should be entitled to claim an apprentice who had not been bound for the full term of seven years, and he must not have been above fourteen years of age when he was bound. Now, in this case it was found upon inquiry that the boy was not bound for seven years, but four years; he did not therefore come within that clause of the Act, and his enlistment was perfectly valid. If the Mutiny Act had been transgressed, and the boy had been illegally taken, it would have been his (Mr. S. Herbert's) duty to protect this civilian against such a misapplication of military enlistment, and he should have directed the boy's discharge. But the facts of the case were not disputed. It was admitted that the boy was not bound for seven years. It was stated by two witnesses that the boy was asked, upon his enlistment, whether he was an apprentice or not, and that he said no. The boy, to justify himself, now stated that he said yes; but so far as the law was concerned it did not matter whether the boy now spoke truth or not. The boy's father had made an application to be permitted to purchase his son's discharge, and the usual payment having been made he had been discharged accordingly. The father had since said that he paid the money in the full conviction that, having great Parliamentary interest, the money would be paid back to him. That, however, was a miscalculation on his part; for the Government could only deal with such cases according to a uniform rule. This was clearly a legal enlistment, and the boy had been discharged on payment of the money to procure his discharge.

MR. HUMBERSTONE asked, whether the Government had therefore power to enlist any Apprentices who were bound for five years, or less than five years?

MR. SIDNEY HERBERT: Yes, certainly; by the law as it stood, under the Mutiny Act of last Session, there is a power of enlisting those who are apprenticed for less than seven years in England, five years in Ireland, four in Scotland.

OUTRAGE IN DUBLIN.—QUESTION.

SIR EDWARD GROGAN said, he rose to ask the Chief Secretary for Ireland, if his attention has been called to the Trial which lately took place before Barons Fitzgerald and Hughes, connected with the wrecking of Mrs. Sherwood's house in the City of Dublin; if any, and what steps have been taken, or are intended to be taken by the authorities, to mark their sense of the conduct of the Policemen on duty in the neighbourhood who permitted such an outrage to occur? It appeared that Mrs. Sherwood's husband was a seaman in a ship that had been lost, and it was supposed that he perished in the wreck. Mrs. Sherwood had seven children by him. A philanthropic person proposed to take charge of four of the children. Owing to her consent to that proposition, her house was wrecked by a brutal mob, who twice threw a burning chair into her house.

POOR RELIEF (IRELAND) BILL.

QUESTION.

CAPTAIN ESMONDE said, he wished to ask the Chief Secretary for Ireland, what course the Government intend to pursue with regard to the Poor Relief (Ireland) Bill, and the renewal of the powers of the Irish Poor Law Commission? The powers of the Commissioners would expire this month, and he trusted that they would not be renewed for more than one year.

MR. CARDWELL said, with respect to the question put to him by the hon. Baronet (Sir Edward Grogan), he could only state that as soon as the circumstances elicited at the trial held the week before last came to their knowledge, the Government called upon the Crown solicitor to furnish an accurate statement of the depositions of the witnesses. When that statement was obtained, an inquiry was immediately instituted, which was still pending, and of course he could not say what would be its result.

With regard to the other question put to him, he had fixed the Committee on the Poor Relief (Ireland) Bill for twelve o'clock on Friday the 13th; but owing to the state of public business he feared there would not be that opportunity for the full discussion of this subject which he desired

to afford the Irish Members. It was therefore the intention of the Government to limit themselves this Session merely to proposing the continuance of the powers of the Commissioners, which would otherwise lapse, together with the adoption of another clause that was necessary for restricting the expenditure.

PRIZE MONEY IN INDIA.—QUESTION.

COLONEL DUNNE said, he rose in accordance with the notice he had given to ask a question of the Secretary of State for India as to the amount of prize-money which will be granted to the different corps of the Indian Army employed in suppressing the mutiny of the Native Troops in that country, and to call attention to the General Order of the Governor in Council on the subject, as to what is to be considered prize. He need hardly recall to their minds the fact that the operations in India were not carried on by one army, but by several columns. There was the column which attacked Delhi; the column which advanced to Lucknow; the column, under Lord Clyde, which relieved Lucknow; the column from Bombay, and the column from Madras, composed chiefly of Madras troops—infantry, cavalry, and batteries—with Her Majesty's 50th and 43rd Regiments. In each case victory attended their efforts, and on taking different places they seized the treasure found on them as lawful captors. He was perfectly aware that all prize-money was merely a concession of the value by Her Majesty, and that the captors had no legal title to the treasure which they had taken. But at the beginning of the mutiny the Governor General issued an order in which he promised to recommend for Her Majesty's approval that all property of mutineers should be given to the troops as prize. The division from Madras, which operated in Bundelcund, distinguished themselves. They assisted essentially the advance of Sir Hugh Rose, and they greatly contributed to the subjection of a large tract of country. Their operations were continued during the greater portion of 1858 and 1859, and they suffered as much as the other columns from exposure to the climate. A battle was fought in Bandar by 600 of the column against 8,000 of the rebels, in which they covered the British name with honour and distinction. Eight hundred mutineers were slain and nine guns captured, and the result was that a state of tranquillity was brought about in a large portion of the country. The column was then directed to advance against the Rajah of a neighbouring State who sided with our enemies. The chief made preparations for defence, but on the advance of the British column retired, and was afterwards made prisoner. His capital town was captured, and the question was whether the treasure found there was properly prize. The chief had a sum of £320,000 in the Indian funds, which the Government seized, and they also derived a revenue of £80,000 a year from the seizure of his estates. The troops by whom this capture had been made were, therefore, entitled to some consideration. He contended that this must be considered as prize-money taken in war, and as coming under the order of the Governor General, who announced that the property of any rebel would be held to be a fair prize, and would be distributed as such among the soldiers. In addition to the question whether particular property was to be divided as prize, he wished to know also whether money in respect of the capture of the Alumbagh, Delhi, and other places was to be thrown into a common fund, or whether each column was to divide the prize of its own captures? Perhaps, therefore, the Secretary of State for India would state—first, the amount of prize-money which would be granted to the different corps of the Indian army employed in suppressing the mutiny of the Native troops in that country; and, secondly, whether the division would be made upon the principle adopted in the Russian war, which gave greater advantage to the lower ranks of the army than the mode which had been previously acted on?

SIR CHARLES WOOD said, he would give as complete an answer as he could to the question, but he was not sure that it would prove satisfactory to his hon. and gallant Friend. His hon. and gallant Friend had stated quite correctly that prize money was the gift of the Crown. What was to be considered prize money in India was decided by the Government there. They reported to the India Office here, that office reported to the Treasury, and the Treasury, who were the advisers of the Crown in the matter took Her Majesty's pleasure, and distributed the sum so reported. The first case reported was the prize-money of Delhi. The Treasury proposed a scale of distribution different from that heretofore adopted in India. That new scale, which was sanctioned in the

Russian war, was much more favourable to the private soldier than the old, and it received the approval of the India Office. Objections, however, were taken to it, and the result was that a Commission was appointed to consider the scale of distribution. The matter was still under the consideration of the Commission, and he could not, therefore, answer the question put to him. As to the prize-money of Delhi, it was to be given to the troops that captured it; but with regard to the rest, he had heard that a representation had come home that it was so difficult to say what troops had contributed more or less to the capture of any particular place, that it might be fairer to throw the prize-money into one common fund, and distribute it among the troops who contributed to the capture. He believed that this point also was under the consideration of the Commission. With respect to the property of the native chief to whom the hon. and gallant Gentleman had referred, he had not received any report from the Indian Government as yet of anything captured from any such chief which was considered prize-money.

APPOINTMENT OF MR. KEOGH.

OBSERVATIONS.

MR. M'EVOY said, in rising to call the attention of the House to the recent appointment by the Attorney General for Ireland of Mr. Keogh to be Sessional Crown Solicitor for the county of Meath, he wished to observe that the duties of that office were very important, and required an extensive knowledge of criminal law. He (Mr. M'Evoy) was informed that the gentleman who had been selected possessed no such knowledge, and, moreover, had no connection with the county in which his duties were henceforth to be performed. The duties of the late Crown prosecutor during his illness had for some time been performed by his son to the satisfaction of all parties, but he had been put aside. He (Mr. M'Evoy) made no charge against Mr. Keogh, except that he was unfit for the office. The only reasons that he had heard assigned for the appointment were that Mr. Keogh had been an active agent in the management of the registration for the Liberal party in Dublin, and also that he had the good fortune to receive his legal education in the office of the brother of the late Attorney General for Ireland. If those were not the reasons for the appointment, he would be glad to hear what the real reasons were.

MR. CORBALLY said, he had no objection to the gentleman who had been appointed, but at the same time he regretted that another gentleman, who had for some time discharged the duties of the office very efficiently, had been set aside. If the objection to appointing that gentleman to succeed his father was a desire not to let it be supposed that the office was hereditary, there were plenty of other gentlemen perfectly qualified for the office, and who possessed the advantage of local connection and acquaintance.

MR. DEASY said, he was sorry that the appointment of Mr. Keogh, for which he was solely responsible, had not given satisfaction to the people of Meath, but he felt certain that when they had experience of the manner in which the gentleman whom he had selected discharged his duties, that dissatisfaction would disappear. The hon. Member for Meath made two charges against Mr. Keogh—first, that he was not connected with the county, but the Attorney General was not bound to select only gentlemen who were natives of or residents in Meath, and neither had that been the uniform practice. The late Crown solicitor for Meath, Mr. Ford, was not a resident in that county but in Dublin, to the corporation of which he was clerk. The other charge was that Mr. Keogh was unfit for the office. He met that charge with a confident denial, for he believed that gentleman to be the most efficient of all the candidates for the office. That was the reason why he appointed that gentleman, and neither his predecessor, the present Justice Fitzgerald, nor any one else, had anything, directly or indirectly, to do with the selection he had made. The reason he had declined to appoint the son of the late Crown solicitor, who had acted as his father's deputy, was that it would have been virtually to deprive the Attorney General of the patronage if such a practice were sanctioned. It was true that Mr. Keogh had conducted ably the registration of the Liberal party in Dublin, and gained the respect of those before whom he practised, and even he believed that of those to whom he was politically opposed. He (Mr. Deasy) admitted that that fact had been one of the reasons which influenced him in making the appointment, for he thought services honourably rendered to a party in opposition should not be forgotten when the party was in power.

MR. WHITESIDE said, he did not think the hon. and learned Attorney General for

Ireland had given a satisfactory answer. He would say nothing against the personal character of Mr. Keogh, who, if known to the hon. Gentleman, was no doubt deserving of the high character he had given him. No doubt, that gentleman had rendered services to the great (or small, as the case might be) Liberal party in Dublin which entitled him to a reward at the expense of the public. The objection that was made to him, however, was that he was not acquainted with criminal law, and it was understood that he never had practised at Quarter Sessions. When he (Mr. Whiteside) was in office, and was called upon to make such appointments, he always addressed a letter to the Chairman of Quarter Sessions to ask whether the applicant was in good practice, and performed his business satisfactorily. If the Attorney General had addressed such a letter in the present instance, the answer would have been that the gentleman was entirely unknown in Meath. From the nature of the duty which sessional Crown solicitors were called on to discharge, they were always supposed to be resident in the county to which they belonged, as application was constantly made to them by the law officers for information; and when a homicide occurred, they were directed in many cases to attend promptly to prevent the coroner from spoiling the administration of justice. He could add his testimony to that of his hon. Friend, that in trials in Ireland it was very desirable that the Crown solicitor should be acquainted, not only with the faces, but with the characters of most of the jurors. Seeing that Meath must contain many gentlemen well qualified to hold the position, he thought the county had been somewhat hardly dealt with.

VOLUNTEER CORPS FOR IRELAND.

QUESTION.

CAPTAIN O'CONNELL said, he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Government have taken, or intend to take, any steps to enable the people of Ireland to form Volunteer Corps in that country?

VISCOUNT PALMERSTON: There is no intention on the part of the Government to propose that Parliament shall alter the law bearing on volunteering in Ireland, and under the present law there is no power on the part of the Crown to frame regulations under which these corps ought to serve.

Mr. Whiteside

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

TAX BILLS—RESOLUTIONS.

QUESTION.

LORD FERMOY apologized for putting a question to the noble Lord of which he had not given him notice, but felt bound to press it, because on the answer would depend the course which he should take with regard to the debate which was about to recommence, and perhaps also the course which would be taken by other hon. Members. Inasmuch as the Chancellor of the Exchequer had stated that the rejection of the Paper Duty Repeal Bill in "another place" was the most gigantic innovation upon the privileges of the Commons which had occurred in his time, and that the House would do well to vindicate and establish its rights by action; and inasmuch as, subsequently, another Cabinet Minister addressed the House and did not dissent from that proposition, the question which he had to ask was, whether, in case the House carried the three Resolutions proposed, Her Majesty's Government would be prepared by some practical and efficient measure to give effect to the proposition laid down by the Chancellor of the Exchequer, and the policy which he had pointed out?

VISCOUNT PALMERSTON: Mr. Speaker, with regard to the question that has been put to me by my noble Friend the Member for Marylebone, I have to state to the House that I am perfectly satisfied with the Resolutions which it has been my duty to submit to them, and if those Resolutions should be carried, as I hope they will, it is not my intention to make any other proposal.

TAX BILLS—RESOLUTIONS.

ADJOURNED DEBATE — SECOND NIGHT.

Order read, for resuming Adjourned Debate on Question [5th July],

"That the right of granting Aids and Supplies to the Crown is in the Commons alone, as an essential part of their constitution; and the limitation of all such Grants, as to the matter, manner, measure, and time, is only in them."

Question again proposed.

Debate *resumed.*

MR. DIGBY SEYMOUR: Sir, the House has just heard from the noble Lord at the head of the Government the declaration that, so far as those Resolutions are con-

cerned, he does not propose to go further than the Resolutions of which he has given notice. So far as those Resolutions themselves are concerned I am not going to express an opinion at all different to that which has been expressed by the noble Lord at the head of the Government. Those Resolutions in themselves I believe to be excellent, but in my humble opinion they stop far indeed short of the extent to which this House ought to proceed. That is what I complain of, and I trust that I shall be supported in this view which I venture to take of them. Those Resolutions stop far short of giving a true effect to that which ought to be their proper purport, and they content themselves with reciting and laying down that which is true in the abstract and which cannot be contradicted; but there a line is drawn. I think it would have been much better for the dignity of the House and for the consistency of the noble Lord if they had proceeded to draw the inference which I think inevitably and necessarily follows from the Resolutions which the noble Lord has placed on the table of this House.

Now, in the first place we have there stated by the noble Lord—

"That the right of granting Aids and Supplies to the Crown is in the Commons alone, as an essential part of their constitution, and the limitation of all such Grants, as to the matter, manner, measure, and time, is only in them. That, although the Lords have exercised the power of rejecting Bills of several descriptions relating to taxation, by negativing the whole of it, yet the exercise of that power by them has not been frequent, and is justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant Supplies, and to provide the Ways and Means for the Service of the year."

Now, Sir, if the sole right, as the Resolutions aver, of originating and controlling the Supplies rests in this House, if this House is jealous of its ancient and undoubted functions, if it is true that the House of Lords has not often exercised the power of interference, and if an undue exercise of power has now been made by the Lords, I think that there ought to have been some plainer and some less equivocal enunciation of their privileges on the part of this House, and I do trust that when we come to that Resolution, that either the noble Lord will consent to amend it in some particulars for the purpose of giving entire effect to it, or that a majority of this House will support me in the Amendment of which I have given notice, declaring that by the rejection of the Bill for the repeal of the paper duty the Lords had violated the constitutional rights of the House of Commons.

Now, Sir, I must at once state that I listened with great admiration and attention to the eloquent speech of the noble Lord at the head of Her Majesty's Government last night. I confess, however, that I admire him more as the advocate of the rights of this House than as the apologist for the excesses of the House of Lords, and I certainly thought that the first portion of the speech of the noble Lord was very much in contrast with the concluding portion, and I cannot help thinking that one portion of that speech entitles me to call upon the noble Lord to support me in the Amendment of which I have given notice, and which it will be my duty to submit to the House.

Sir, I find that the noble Lord in his speech last night said—

"It is our privilege to combine the whole into one scheme, and when that scheme is so framed, it certainly is not consistent with the exclusive functions of this House that any material portion of it should be rejected by the other House, so as to alter and entirely vary the bearing of all the financial arrangements. The question is was that done by the House of Lords upon the late occasion? One must admit, I think, that in principle it was so."

Now, Sir, if the noble Lord really entertained that opinion, I ask the House why has he stopped short from any affected reserve towards the other House? From what the noble Lord said in his speech upon this subject, it would appear that the House of Lords have taken upon themselves to interfere in that which the noble Lord has declared to be the undoubted and ancient function of this House, and if so why does the noble Lord feel any affected reserve with regard to the position of this House in respect to its relation to the House of Lords? If the noble Lord was in earnest in that declaration—if the noble Lord was in earnest in bringing forward these Resolutions, why, I ask, has he not proved his sincerty by declaring not what the House of Lords has done in principle, but that they have in fact violated the privileges and made an encroachment on the functions of the House of Commons? But if I was astonished at those observations on the part of the noble Lord, I was still more astonished at the language which he addressed to this House in justification and apology for the conduct of the House of Lords. The language of the noble Lord was to this effect, he put it to the House

whether the House of Lords in the course which they had taken might not have thought that it would be wise to give the House of Commons at least time for consideration, with a view to see whether the revenue under the altered circumstances might not be seriously affected by the contemplated change in respect to the repeal of the paper duty. What! Sir, are we come to this —that the noble Lord the leader of this House, the noble Lord at the head of the Government, standing up in his place to vindicate the privileges of the House of Commons, and to place on record Resolutions declaratory of our undoubted rights and privileges, is to become the apologist of the Lords, and to find an excuse for them in the suggestion that the right hon. Gentleman the Chancellor of the Exchequer, in the course which he has taken, has exhibited so little wisdom or foresight in his proposition for the Supply of the year, that, therefore, the House of Lords were entitled to review the Budget which he has laid upon the table of the House? If the apology of the noble Lord amounts to anything, it amounts to that. But are we so likely to forget the Speech of the Queen in the opening of the Session of Parliament, in that stereotyped form of expression which, though vulgarized by perpetual use, is ever present to our minds, as to in whom resides the right to furnish the Supplies? Does not Her Majesty, I ask, on every occasion of the opening of the Session of Parliament call upon her "faithful Commons" to grant the Supplies for the public service, and does she not tell them that she will take care that the proper Estimates for the year shall be laid before them for that purpose? If the noble Lord be right all this must be reversed, and in future we must have an Address to the Throne asking both the House of Lords and the House of Commons for Supplies, and suggesting that the Estimates for the year shall be laid before both Houses of Parliament. This, I cannot help thinking, is the legitimate conclusion to be derived from the apology made by the noble Lord at the head of the Government, for I confess that I can read it in no other way. For my own part, I must be permitted to protest against the course which has been taken by the House of Lords in setting themselves up as a Court of Appeal from the House of Commons, from the Committee of Ways and Means. The Lords have clearly made this question, every one knows, a question of party struggle in the other House, and they have not hesitated to single out the proposition of an individual Member of the Government for comment and criticism with regard to the financial preparations for the year. Talk of a simple assent! Talk of a simple negative! Is it a simple assent or a simple negative? Instead of a simple assent or a simple negative, they have gone into a debtor and creditor account upon the subject of the balance of finances for the year, and they have indulged in a somewhat angry and personal debate upon the merits of the Budget which the right hon. Gentleman the Chancellor of the Exchequer has laid before the House of Commons. I think, Sir, that the apology of the noble Lord at the head of the Government was not only misplaced but mistimed, and in his anxiety to justify the course which has been taken by the House of Lords, and to harmonize their act with that of the House of Commons, he has only placed their position in a more unconstitutional light. But the noble Lord has made matters worse by suggesting that the House of Lords might have been guided in the course which they took by the extent of the majority in the House of Commons. The noble Lord referred to the numbers that had carried the third reading of the Bill for the Repeal of the Paper Duty. Now, I think that the argument of the noble Lord upon that subject was a most unfortunate argument, and I do protest against the argument being addressed to this House—I do protest against the principle that the House of Lords are to measure the degree of a majority of the House as to the course of policy which they are to take. That argument is opposed to every constitutional principle, and to every sound reason of philosophy or argument which can be addressed to this House, and I certainly am utterly astonished to find that the noble Lord has seriously urged it upon the attention of this House. But it did not for a moment occur to the noble Lord to ask what the numbers were that placed the Ministry in power. It did not occur to the noble Lord that it took nine votes which might well suffice to carry a Bill for the Repeal of the Paper Duty, and that it only took a majority of thirteen to place the Ministry in power. Ministers who are the guardians of the British Constitution, Ministers who advised the Queen on matters of peace at home and war abroad, Ministers who have to give their opinions in matters of state

affecting the interests of untold millions throughout the wide extent of Her Majesty's extensive dominions, throughout the wide extent of the habitable globe, if we are to be told that a majority of nine on the third reading of the Bill for the Repeal of the Paper Duty is so insignificant that even the House of Lords are entitled to look at it, it appears to me that the noble Lord should not have used that argument when we know that sometimes in this House questions of the greatest possible magnitude are decided by the smallest minority.

Now, Sir, I have humbly but earnestly, and, as I hope, clearly endeavoured to explain the ground upon which I have placed the Resolution on the paper, and which I trust before this debate closes will receive the sanction of some hon. Members, and that I shall not be left alone to do that which I conceive to be of paramount importance at this juncture—namely, to vindicate the rights and privileges and authority of this House.

Now, Sir, there was one other observation which I wish to refer to, and when I have alluded to that I shall pass away from the speech of the noble Lord at the head of the Government, and that was with reference to the importance of the House of Commons and the House of Lords at this particular juncture not being placed in a position or in an attitude of unfriendliness or of hostility or of jealousy one towards the other. I quite agree with the noble Lord; I believe that it is well that in the eyes of all foreign nations, the Legislature of this country, the Legislature of England, should stand in a dignified position aloof from the strifes and jealousies of Parliament in either House, and that the House of Commons should not be degraded in the eyes of the country and the nation. It appears to me that the House of Commons, whose duty it is to vote the Estimates for the year, whose duty it is to discuss questions of war and peace, which questions are generally most significantly and amply and fully discussed; it is far more important, it appears to me, that the dignity of this House should be maintained in the eyes of foreign nations, than that we should for a single moment suffer that dignity to sink from any apathy on our part, or from the want of taking the necessary steps to uphold and sustain it.

Now, Sir, after these observations upon the speech of the noble Lord at the head of the Government, I cannot pass away to another part of the subject without for one moment alluding to the position which has been taken by the right hon. Gentleman the Chancellor of the Exchequer. I know not how the conduct that the right hon. Gentleman has exhibited, and the speech that he delivered last night, may affect the minds of hon. Members of this House, but I can say this, that much as I admire the high position, much as I admire the talents which he possesses, much as I admire his talents as an orator, much as I respect him as an orator, and his ability as a Minister of Finance, it certainly does appear to me that he last night assumed the character of an indignant and honest and a fearless patriot. It appears to me that that speech will bring its fruits sooner or later, it appears to me that his speech will produce an effect from one end of the country to another, and that, although some may here condemn him, the fervour of his language and the honesty of his utterance will elsewhere meet with almost universal approbation; it will be that of a Minister who consulted rather the interests of his country than the convenience of his colleagues, who would suffer for his fearlessness. But I beg to tell the right hon. Gentleman that if, on account of that speech he were to lose a seat in the Cabinet, he will at least be rewarded by a throne in the affections of his countrymen.

Sir, whatever the action may be that the right hon. Gentleman the Chancellor of the Exchequer sketched out to this House, whether he would propose another Bill for the Repeal of the Paper Duty, whether he would ask the House to suspend its ordinary course of proceeding, in order that that Bill may be sent up to the other House, whether he would give instructions to the Commissioners of Inland Revenue, that they shall not, after the 15th day of August next, proceed to collect any further portion of the paper duty for the purposes of the Revenue, I do not know. I cannot tell what course the right hon. Gentleman the Chancellor of the Exchequer will think it necessary or advisable to ask the House to adopt. I am not in the secret, and therefore I do not know what course the right hon. Gentleman intends to pursue with regard to this most important subject. Although the noble Lord at the head of the Government has told us to-night that he does not intend to go further with the Resolutions which

he has submitted for the approval of the House, and that he is prepared to let these Resolutions remain a dead letter, the pledge and promise given by the right hon. Gentleman the Chancellor of the Exchequer cannot be forgotten, but it will, I hope, hold good, and be carried out to its fulfilment. They are recorded side by side; the one is pledged to inaction, the other is pledged to action; and I do sincerely hope and trust that the right hon. Gentleman the Chancellor of the Exchequer, considering nothing but his own high character, considering the pledge which he has given in the face of this country, considering that the eyes of a large section in this House and countless persons out of doors are turning their eyes towards him, I do hope and trust that the right hon. Gentleman will be true to that character, and that he will be true to the promise which he gave to the House last night, and that he will really redeem that pledge.

Sir, I now am led to call the attention of the House to the position in which we are placed. In my opinion there is a great deal worthy of being considered on this important subject at the present moment. In my opinion we ought either to have done nothing at all, or that having thought it necessary to interfere we ought to interfere in a manner consistent with our dignity and consistent with the position which we hold in the eyes of the country. Our position is this—either the House of Commons should suffer calmly this encroachment of the House of Lords on their rights and liberties, or they ought so to vindicate those rights that their proceedings might serve as a beacon and a landmark for the guidance of their latest posterity. Let us for a moment see the position in which this country is placed. What is that position? Repeated Resolutions and declarations by former Parliaments had been come to which had doomed the paper duty, and declared that it must be repealed. Then came the present Session; then came the preparation for Supply for the year; the speech of the right hon. Gentleman the Chancellor of the Exchequer on the Budget was opened. Sir, upon the repeal of that paper duty every Vote that was passed in that Committee of Ways and Means on this side of the House was come to after the most deliberate consideration. Every hon. Member who voted, and who supported the right hon. Gentleman the Chancellor of the Exchequer, supported him as a Minister, who had pledged as part of that provision the repeal of that paper duty, and therefore what is the effect? The effect is this—the present position of affairs is this—that a tax which has been declared by the House of Commons unfit for continuance—a tax which this House has, as far as they are concerned, repealed, will, as soon as the 15th of August comes, instantly and for ever become a tax, imposed not by the House of Commons, but by the House of Lords. As soon as the 15th of August comes the anomaly will be presented, that instead of being a tax imposed by this House, it will in effect be a tax imposed by the other House of Parliament, and the people will thus be paying a tax inflicted and imposed upon them by the House of Lords.

Now, Sir, that is the true way to view it; that is the true position in which this House and its representatives will be placed. On the morning of the 16th of August a tax will exist which, if there were no House of Lords, the country would not be called upon to pay. On the morning of the 16th of August next every man that pays a paper tax in this country—every man that does that, will entertain a feeling of resentment against the House of Lords, because he will feel perfectly conscious that he will be paying a tax which, if the House of Lords did not exist, he would never have to pay. I say, therefore, again, that that is a position in which this House ought not to be placed. I say that that is a position in which the Commons of England and those who represent them ought not to be placed. I say that that is a position which has no precedents to support it. I say that there is no example of previous years which can be cited in its favour, and if the House will allow me, I think I shall be able to satisfy them that a very great, and wise, and salutary rule exists with regard to this subject. I think I shall be able to satisfy the House that if they take the three parts of this Report of the Committee upon precedents—if they take the precedents as to the rejection of Bills by which indirectly a charge is made upon the people—if they take those precedents which show the rejection of Bills which impose a tax or charge in the nature of Supply upon the people, and if they refer in the last place to those Bills repealing a tax upon the people, there is not one of these precedents that I have not carefully examined, and

there is not one of them, I deliberately affirm, that does not, on careful consideration, crumble into dust and ashes, and are *vox et præterea nihil.*

Now, let me call the attention of the House for a moment to the first class of precedents upon which so much has already been said by hon. Members; and here I must confess that I cannot help making the observation that it does appear to me that the hon. Members who sat upon this Committee have exhibited great industry and research, that they have devoted their time most anxiously with the view to furnish this House and the country with the results of their careful research and labours; but still, there is one thing which I cannot refrain from stating, and that is that I find in this Report—solemnly as the result of the researches of that Committee—numerous cases which are not only precedents in the ordinary sense of the term, but which give an air of the ridiculous to the other examples placed near them, and to which I think some observation or some distinction or line of demarcation ought to have been drawn by the hon. Members of that Committee.

Now, Sir, I will take for instance the Tax Bills rejected and postponed by the House of Lords, at page 40, of the Select Committee on Tax Bills. Let me just see what they are. I shall go as rapidly as I can through them. I know how much has been said with respect to these precedents, and I know the amount of reliance which is placed upon them; and I believe that I have formed a proper and just appreciation of their value. I shall endeavour to follow the course and to vindicate the course which my hon. and learned Friend the Member for Plymouth (Mr. Collier) has taken, and I shall take the liberty of calling the attention of the House to one class of these precedents to which my hon. and learned Friend did not last night call the attention of the House. In the first place, at page 40, we find the Forfeitures Bill, the Worsted Yarn Duties Bill, the Tobacco Trade, &c., Bill, the Pawnbrokers Regulating Bill, the Wrought Silks, &c., Bill, Dr. Smith Bill, Phillips's Powder Bill, again Phillips's Powder Bill, the Lotteries Bill, the Cocoa-nuts Bill, again the Cocoa-nuts Bill, the Lotteries Bill, the Malt Duties Bill, the Extra Post Bill, the Corn Bill, again the Corn Bill, the Excise Licences Sale of Spirits Bill, and the Public Revenue and Consolidated Fund Bill.

Now, with respect to the Worsted Yarn Duties Bill—upon making an examination into the circumstances connected with that Bill, we find that the very statement of the Bill itself at once announced to the House that which can also be predicated with regard to two or three other Bills. The Worsted Yarn Duties Bill was not a Bill connected with Supply; the Worsted Yarn Duties Bill was not a Bill forming part of the provision which was made for the public revenue of the year. It was a Bill referring to particular interests in this matter; it was a Bill which involved not a matter with regard to Supply, but it involved questions of a party character; it involved questions of protection or free trade as affecting a particular manufacture in England.

Then, Sir, we next come to the Tobacco Trade Bill, and this House will see stamped upon the face of that Bill unmistakeably the powers of its own authority to deal with it. It was not thrown out by the House of Lords in a sense that would make it a precedent here, but it was a Bill in which, besides dealing with certain duties, provisions are made—

"For discharging the Lustring Company from sealing Lustrings and *à la modes* to be made in Great Britain, and for continuing the deputations of Custom-house officers, notwithstanding the death or removal of any Commissioners of the Customs, and for the relief of Sir John Lambert and others in relation to the duties of certain wines taken as prize, and for better enabling the Bank of England to lend money on Stock of the South Sea Company, and for the more effectual taxing and determining several accounts relating to the Forces and Marines."

Now, Sir, this Bill upon the face of it is a tack, and a Bill which ought not to have been included in these Returns.

Then, Sir, the next Bill is the Pawnbrokers Regulation Bill. Now, what in the name of common sense, and common fairness can be said of a precedent, what can be said of quoting the Pawnbrokers Regulation Bill affecting the time at which they should open and close and various other regulations relating to the conduct of the Pawnbroking business? what, I ask this House, has that to do with the question whether the House of Lords has or has not a right to reject the repeal of the Paper Duty Bill?

Now, Sir, the next Bill is the Wrought Silks and Velvets (additional duties on) Bill, and I find here the following words:—

"The order of the day being read for the second reading of the Bill entitled 'An Act for laying

several additional Duties upon the importation of Wrought Silks and Velvets, for the encouragement of the silk manufactures of this Kingdom; and for preventing unlawful combinations of workmen employed in the said Manufactures.'"

It then says:—

"The said Bill was read a second time. And it being moved 'to commit the Bill' the question was put thereupon. It was resolved in the negative. Ordered that the said Bill be rejected. Not noticed in the Parliamentary History."

Therefore, Sir, this Bill was a Bill not only for laying several additional duties upon the importation of wrought silks and velvets, for the encouragement of the silk manufactures of this kingdom, but also for preventing unlawful combinations of workmen in manufactures. It was therefore an obvious tack, and of course the House of Lords had a right to reject it.

Then, Sir, comes the Bill, "Reward to Dr. Smith." I do not know who Dr. Smith was, but it appears that he was a Doctor of Physic, who, for the humane treatment of prisoners, received some compensation for his conduct, according to the statements of certain hon. Members of this House.

Now, Sir, I ask the House, is a Bill providing a reward on account of the humane conduct of Dr. Smith to be quoted seriously in this House as a precedent for the House of Lords rejecting a Bill which imposes a tax, not upon Dr. Smith alone, but upon all the subjects in the kingdom.

Now, then, Sir, what are the next two Bills? The next is called Phillips's Powder Bill, and I find here "The Order of the Day being read for the House to be again put into a Committee upon the Bill." I confess that I thought this might be some detonating powder, or some powder that was used for Her Majesty's Army or Navy, but instead of that I find that the Bill is headed "An Act for providing a Reward to Henry Philips on his making a proper discovery for the use of the public of the composition of his Powder for the destruction of insects."

Now, Sir, what these insects were, whether they were bugs, or whether they were fleas, or what kind of insects they were, or whether they were worms of any particular description, it is of course utterly impossible for me to say. All I can say is, that that Bill which was a Bill for providing a reward to Henry Philips, for discovering a particular powder for the destruction of insects, is taken as a justification for the attempt of the House of Lords to interfere with the right of taxation of this House, and to destroy the liberties of the people.

Then, Sir, the next Bill is a Bill to the same effect. It is "Reward to Mr. Henry Phillips."

"The House was moved that the last of the Resolutions which upon the 21st day of June last were reported from the Committee of the Whole House, to whom it was referred to consider further of the Supply granted to His Majesty, and was then agreed to by the House, might be read."

And so on. That Bill is to the same effect as the preceding one, "Phillips's Powder Bill," and, therefore, I will pass it over.

Then, next, Sir, I come to the Lotteries Regulation Bill, and I find—

"The Order of the Day being read for the third reading of the Bill entitled 'An Act for amending and more effectually carrying into execution an Act made in the 22nd year of the reign of His present Majesty entitled "An Act for Licensing Lottery Office Keepers, and regulating the sale of Lottery Tickets'"—and for hearing counsel against the same."

That Bill contained penalties of a most severe character, and into the particulars of it I need not go; it is a Bill which contained the penalty of death in certain cases, and, therefore, I submit to the House that that Bill cannot be quoted as a precedent here.

Then, Sir, I come to two Bills which have a peculiar significance, as having been referred to by a noble Lord, who is greatly distinguished in the other House of Parliament, and whose opinions certainly are entitled to great weight, but who has treated the question somewhat in the spirit of a partisan. I am sorry to say that the noble Lord to whom I refer quoted this Bill, but he quoted it with the omission of the statement which is to be found in this book annexed to it. I shall merely say that if this Bill can be quoted by any noble Lord, whether the justification was made in the House of Commons or out of it—all I can say is, that it was a grievous misquotation, and if this Bill was quoted without a reference to that which I am now going to call the attention of the House to, it was not only ont an apposite quotation, but it was not an honest one. It is the Cocoa-nuts Duty Bill. That was a Bill entitled "An Act for charging a Duty on Foreign Cocoa-nuts imported into the British Plantations." Imported where, I ask? Not into England, or into the United Kingdom, but imported into "the British Plantations." It is also—

"For reviving an Act made in the Sixth year

of the reign of his present Majesty to permit the removal of sheep from the ports of Southampton to Cowes; and for permitting the removal of sheep and lambs and all other goods (not liable to duty on exportation, or prohibited to be exported) between the said ports reciprocally without cocket or bond, under certain regulations and restrictions; for empowering the collectors and comptrollers of the customs to grant licences to open boats of certain descriptions free from stamp duties on bonds; for subjecting tub boats of certain build and dimensions, and vessels of certain tonnage to which they belong (except square-rigged vessels), and also vessels with sliding or moveable keels to forfeiture."

Now, Sir, I submit to the House, in the first place, that this is a Bill with reference to cocoa-nuts imported, not into England, not into the United Kingdom, but it is a Bill with reference to cocoa-nuts imported into the British Plantations. I submit to the House, in the second place, that it is a Bill which is an obvious tack; because it includes provisions with regard to the removal of sheep from the ports of Southampton and Portsmouth to Cowes; and further it is a Bill with regard to the forfeiture of certain vessels, if they happen to be of a certain build and dimension, and not in accordance with the regulations of the Legislature. I therefore pass from the Cocoa-nut Bills, because the grounds upon which they were passed are perfectly clear.

Then, Sir, we have the Lottery Bill which is "An Act for Granting to His Majesty a certain Sum of Money to be raised by a Lottery." I do not see the bearing of that upon the present case before the House; and I will, therefore, not occupy the time of the House by making any remark upon it.

We now come to No. 68, which is the Malt Duties Bill. We find that when that Bill was brought up, a Standing Order, No. 25, was read; and the Bill was rejected. This Bill is quoted here as a great precedent; there was no line of demarcation drawn; it swells the number of those precedents which have been referred to by various speakers; but this Bill is an obvious tack. I find here—

"The Order of the Day being Read for the House to be put into a Committee upon the Bill, entitled, 'An Act for Continuing and Granting to His Majesty certain duties upon Malt in Great Britain, for the service of the year 1807.'"

This is an obvious tack, because it says it was a Bill for

"Removing doubts with respect to signing the Exchequer Bills issued pursuant to two Acts of the last Session of Parliament for granting to His Majesty certain Duties upon Malt in Great Britain, and upon Sugar, Malt, Tobacco, and Snuff in Great Britain."

And then we find that when the Bill was brought before the House of Lords it was moved that the Standing Order be read; and the Standing Order was read, "that no clause be annexed to a Money Bill foreign to the matter thereof." "The same was accordingly read by the Clerk;" and it was then ordered that the said Bill be rejected. And I find this—

"Ordered that an entry be made in the Journals of this House of the reasons which induced the House to give leave for the bringing in the Bill now Ordered.

"Memorandum containing all the Provisions meant to be enacted in this Bill, together with other matters which had already passed the House in this Session; but as the House were now informed by a Member in his place, that the same had been rejected in the House of Lords on account of its containing multifarious matter; therefore the House permitted this Bill to be ordered in some of the matters contained in the former Bill.

"It was moved that no clause should be added to a Money Bill foreign to the matter contained in that Bill; that the Standing Order to that effect should be read; and that the Standing Order was read; and that it was then Ordered that the Bill be rejected, and the Bill was rejected."

Why, I ask the House, was that Bill rejected? That Bill was rejected, because it was a direct invasion and inroad upon the Resolution of the House of Lords.

Then, Sir, the next Bill is the Extra Post Bill. It was a Bill for the purpose of authorizing His Majesty's Postmaster General to receive certain additional rates of postage for the conveyance of letters and packets on the establishment of an extra Post in Great Britain. That is a Bill upon which I shall say nothing further than that it was a Bill which was withdrawn ultimately; and it really is not a Bill that affects, in any degree, the question now before the House.

Now then, Sir, we come to a series of Corn Bills; and there we have a Bill rejected, no doubt, on the 12th of June, 1827; but what do we find a little further? In the first place, we find that the Bill was a tack; and, in the second place, we find that a few days later, on the 19th, the Bill having been read on the 12th of June, 1827, on the 19th of June, only seven days afterwards, a second Bill was brought in and passed. Therefore here you have the House of Commons, within a week after the first Bill had been rejected by the House of Lords, sending up the same Bill; omitting the tack which made the objec-

tion to it, in the first instance, and then you have that Bill passed by the House of Lords without any addition.

Then you have The Excise Licences Sale of Spirits Bill, and The Stamp Duties Assimilation Bill, which was a Bill to assimilate tacks under previous Statutes.

Then, Sir, we have The Public Revenue and Consolidated Fund Charges Bill. That Bill contained numerous tacks of a similar character to those contained in other Bills to which I have called the attention of the House. That Bill is rejected by the House of Lords; but three days afterwards it is sent up again and is then passed.

Now then, Sir, I have gone through this part of the Select Committee connected with Bills either rejected or postponed by the House of Lords: and I ask hon. Gentlemen opposite, who are so zealous even in their silence—because, although they do not speak, they still have a mode of expressing their sentiments—I appeal to the hon. Gentlemen opposite, they have urged us to get up in this House—I ask any hon. Gentleman opposite—I ask any man on those benches to rise up—be he lawyer, or be he layman, and take the Report of the Select Committee, to demonstrate the fallacy of the argument which I have felt it my duty to address to the House; and, if that be so, here you have one chapter, at all events, of this "strange, eventful history," which crumbles into dust at the mere touch; and which does not stand the test of either sober reason or sound logic.

But now, Sir, I approach a subject of a more significant and delicate character. I now come to public Bills, which were not strictly Bills of Supply, or Tax Bills; but which operated as a charge on the people, and which have been rejected or postponed by the House of Lords. They form part of this Report from page 61; and if I was right in what I said with regard to the former precedents, I think the House will see in a moment that these precedents are a mockery and a delusion; for there is nothing in them at all bearing upon this question before us; and I think that the House will agree with me in thinking that they ought not to have been included and ranked on an equality with the other precedents. The first Bill is a Bill "For taking, examining, and stating the Public Accounts of the Kingdom." I do not know what taking, examining, and stating the public accounts of the kingdom has to do with the question, whether or not a Bill inflicting an injury upon the public of this country, has been rejected or postponed by the House of Lords.

Then, Sir, we come to the "Dundee Duty on Beer Bill." Now, let us see what that is. That is a Bill entitled,

> "An Act for continuing a Duty of Twopenny Scots, or one sixth part of a Penny Sterling laid upon every Scots pint of Ale and Beer sold within the Town of Dundee, and privileges thereof; for paying the public debts of the said Town, or endowing a new Church; and for other purposes therein mentioned."

Therefore here is a Bill which not merely regulates the sale of beer at Dundee, but which also regulates the religious principles of the people of Dundee, and which provides, not only the price of each pint of ale, but which also provides for a new church. I submit to the House, therefore, that that precedent does not apply to the case before us.

Then, Sir, here is a precedent; and I certainly should very much like to hear from some hon. Member of the Committee what it means. It is Lord W. Poulett's Bill. What that was, I really do not know. At all events, it seems to be very mysterious in its character. There I find, after some time spent in considering the subject of the Bill:

> "The Lord De la Warr reported for the said Committee, that they had gone through the Bill, and made some Amendments thereto; but upon consideration of the whole, find several things contained in the said Bill unparliamentary and unprecedented, entrenching on the rights and privileges and derogatory to the honour of the House, and therefore did not think fit to proceed any further in the Bill without having the direction of the House."

See what words the other House of Parliament can use! So that this has nothing to do with the millions or the masses of the country, this is declared to be unparliamentary and unprecedented, entrenching on their rights and privileges, and derogatory to the honour of the House. These are words I like. They are not mindful of the rights and privileges of this House—they are not tender with regard to our feelings. We send Bills up to them, and they send them back to us accompanied with language worthy of them and setting upon record an example which they appear to consider is worthy of being adopted. No doubt the increased revenue of the Post Office was an important matter to be considered. This is dated so far back as 1789, and, as I was not born

myself till a good many years afterwards, I may be excused, perhaps, for not recollecting it so well as the more ancient friends of mine near me do; but I think that the fact of the Bill having been thrown out by the House of Lords is not a precedent for the House of Commons conceding to the House of Lords the right of resisting the Bill for the Repeal of the Paper Tax.

Now, the last Bill is this New Church of Scotland Bill. The Bill was entitled an Act for Building and Promoting the Building of Additional Churches in Scotland. But surely that is no precedent. What, I ask the House, has that Bill relating to a religious question to do with the question of Supply? What has that Bill to do with the question of the rejection of a Bill inflicting an impost of duty upon an article which is used by the people of this country?

Now, Sir, I have called the attention of the House to every one of the precedents under the two heads which bear principally upon the question before us, and I now come to the last head, which I do not intend to go through with much minuteness. But I have taken the trouble of analysing the Bills in that list headed "Precedence for the rejection by the House of Lords of Bills of Supply and Taxation," and I think that the observations which I have made before, apply only with increased strength, apply *à fortiori* when we come to this. The noble Lord said last night, and I will quote his words in order that there may be no mistake,—

> "There are, however, precedents which bear directly upon the point at issue, because between the year 1714 and the present time there have been about thirty-six cases of Bills for repealing duties or imposts of some kind or other which have been sent up to the Lords, and have been rejected by them, or at least have not come down again to this House."

Now, Sir, I come to those Bills, and I find the number to be exactly thirty-six. It can hardly be called thirty-six. In the first place you must strike one off, because that was the Paper Duty Assessed Tax. I therefore think that was not quite correct, strictly speaking, a Bill that could be considered strictly applicable, because it sounds something like a special demurrer, but there are in fact thirty-five Bills. I find that there are eleven Bills which, in no sense of the term, can be quoted as precedents or examples for our guidance, or warning, or direction. In the first place there is the Wine Merchants Bond Bill and the Tobacco and Wine Merchants Bill, which would affect only a particular interest, but which clearly are not Bills which affect the general taxation of the country. There are two Bills, namely, the Custom House Officers Fees Abolition Bill, and the Tithe Commutation Bill, which do not at all apply. They have nothing whatever to do with this question. There is then the Highways Bill, which relates to the Highways of the country, and there is the Court of Session Bill in Scotland which relates to tolls on steam carriages—it is a Toll Bill regulating the Management of Railways in Scotland; and there is the Stone Bottles Bill, about which we heard from the right hon. Gentleman the Chancellor of the Exchequer last night. Then we have the sale of Game Bill, relating to matters connected with the game certificates, the Church Rates Abolition Bill, relating to matters affecting religious sections in this country, but which has nothing whatever to do with the right of Supply or the sources of revenue payable by or imposed on Her Majesty's subjects at large. Here we have therefore eleven Bills which cannot be fairly quoted in any sense of the word. Then there are five Bills which I cannot conceive how it is that they have been introduced into this Report at all. There is the Highways Bill—that was read a first time in the House of Lords, and no division upon it took place—it was not pressed to a division. There is the Inland Navigation (Ireland) Bill, which was not pressed to a division. There is the Roman Catholic Land Taxation Bill, there is the Tobacco Growth Prohibition Bill—that was also read a first time in the House of Lords, and there is the Tithes Abolition Bill which was also read a first time in the Lords. But these five Bills perished the moment they got within the walls of the House—they were never debated—no division ever took place with regard to them, they were simply printed by order of the House and abandoned by the promoters. Therefore these Bills cannot be said to have been rejected or postponed—they simply died of inanition or some other cause in their early infancy, and they certainly, not one of them, can be drawn as a precedent.

Then, Sir, I find seven other Bill which were all brought in and which were sent again to the House of Lords in the same Session and passed, with the excep-

tion of one that was passed in the subsequent Session. Therefore I submit that these Bills are Bills which went up into the House of Lords with regard to which the House of Lords seems to have exercised their authority; but this House did not submit to the rejection of the Bills, but sent the Bills back to the House of Lords.

Then, Sir, there remains another class of Bills, the last with which I will trouble the House, and to which it is necessary I should call their attention. I am sure that what I am now doing may not be considered a very ambitious duty or a very pleasing one. I might have taken less trouble and time had I contented myself merely with dealing with platitudes in this House and in mere speaking without calling the attention of the House to them. I have thought it my bounden duty to go through these precedents which have been brought before us in the Report of the Select Committee. I have felt it my duty to go through these precedents and, as truthfully as I can, to give the House the result of my honest judgment. There are twelve other Bills, and amongst them the Woollen Manufactures Bill, and the Coasting Trade Regulation Bill. They are every one of them Bills, whether they affect the workers in brass or the workers in coal-mines, whether they affect the manufacturers in the north or the agriculturists in the south, they are all Bills connected with a particular trade or policy. They are all Bills connected with matters of policy in the purviews and gist of the Bills, and they are not one of them Bills which were sent up to the House of Lords as Bills of Supply. There is not one of them a Bill which formed part of the provisions of the Ways and Means of the year, still less is there one of them a Bill like the Paper Duties Bill brought in as part of the Budget of the Chancellor of the Exchequer, and forming one of the conditions on which other portions of it were adopted.

Now, then, Sir, I have gone through that Report, and if my argument be correct—if there be no precedent—if neither in the rejection of Bills which directly charged the public, or in the rejection of Bills which imposed duties upon the public, or in the rejection of Bills which repeal a tax upon the public—if there be no precedent—if the Rolls of the House of Lords and its records have been searched and ransacked in vain—if the eyes of the hon. Gentlemen who sat upon that Committee have peeped into every corner and crevice with no other result than I have stated, if they have only been able to bring up these Bills that I have just referred to, why, Sir, all I can say is, it is not fair—it is not dealing honestly with this House to call upon this House to avoid maintaining its privileges, and telling the House of Lords in the face of the Commons of England, and in the name of the Commons of England, that not having a precedent for the course which they have taken, and ours being a Constitution whose pivot and basis is in use and in custom, that they have violated the privileges of this House, and that they have thrown an affront upon the constitutional representatives of the country. But if these precedents are wanting, why restrict the proposed precedents to 1628? Why were the framers of this Report content to draw a line at 1628? — I do hope and trust that hon. Members will not be content to let their conduct be directed or regulated solely by precedents arising since that period — I believe that the rights of this House, Sir, are much older than 1628. In the earliest chapters of History I find precedents. I submit to the House that the Committee ought to have gone back to the times of the Stuarts and the Tudors, even to the earlier days of the contests between the Houses of York and Lancaster—the Wars of the Roses, and I believe that, in the earliest chapters of our Constitutional History, you will find in language which cannot be gainsayed in words which stand out in bold relief, a distinct and explicit avowal of the right of the Commons alone to control the Supplies and taxation of the country. Sir, allow me to call the attention of the House for a moment to one or two precedents which appear to me to be worth 10,000 such flimsy precedents as those which appear in the Report which has been presented to the House. In the year 1515 I find something recorded upon the Rolls of Parliament which I believe is worthy of the attention of the House. I find a record there that the Supplies were granted by the Commons alone, without even the formal assent of or any reference whatever to the House of Lords; and, Sir, I find on looking to that same enactment on the other side of that very Roll on which this principle is engrafted—I find it recorded that the Lords and Commons have acted together in questions of arms, thus showing that the distinction between Lords

Mr. Digby Seymour

and Commons existed—that they acted together in questions of arms, but that the Commons alone acted in the matter of Supply. Now, Sir, we come to 1404, and let me see whether there is a precedent there. In that year, according to the Rolls of Parliament in the 6th year of Henry the Fourth, I find this precedent a somewhat significant one. The Commons in 1404 granted a subsidy, and they annexed to it the following condition—that the subsidy should be expended upon the defence of the realm according to the intent of the Grant and no other, as the Treasurers for War should answer to the Commons in the next Parliament. So I say here. It is not here merely a voting of Supply, but here is a calling upon the country upon the Treasurers of War to account for the expenditure of that Supply, not to the Lords and Commons, but to the Commons of the Realm in this Parliament.

Now, Sir, I come to another precedent, one of still greater importance, and a precedent which, *mutatis mutandis*, putting the paper duty in the place of woolskins and woolfells, expresses the very same position in which we stand to the House of Lords. I refer to a Resolution of still greater importance—I refer to a Resolution as old as the year 1407 — the ninth of Henry the Fourth. What does that Resolution declare? I should say that I now come to the year of that celebrated indemnity of the Lords and Commons. The statute to which I refer applies in this way—the Lords deemed it necessary that they should have, for the purpose of the Supply for the year, a continuation of the tax on woolskins and woolfells. The King, according to the record of that time, assembled the Lords in the Council Chamber within the Abbey of Gloucester, and there they had sundry, sober, and weighty councils of war held upon the subject of saving the King from the hands of his enemies. The result was that it was agreed that the Lords should send to the Commons to furnish the King with a Supply in the shape of a prolongation of a tax.—As soon as the Commons heard this message they sent twelve of their body to confer with the Lords. The twelve returned and informed the House of the reasons for the demand made by the Lords. And what was the effect upon that Parliament?—What was the effect upon the Commons of England, when they were told by the Lords in 1407, that the Lords required a prolongation of a tax to help to save the King from the hands of his enemies? Now observe the language of the Record, it says—it is that "the Commons were greatly disturbed." They were not disturbed by laughter. The Commons did not receive the communication of the Lords with a sardonic grin and ironical cheers, but were "greatly disturbed," and declared that compliance was in great prejudice and derogation of their liberties, and the King caused it to be solemnly recorded on the Rolls of Parliament, even in that hour of his necessity, as significant of the undoubted rights of the Commons that his permitting the Lords to assent to the grant which the Commons had voted should not be drawn into a precedent. If the Commons of 1407 were greatly disturbed more than 450 years ago when they were guarding the liberties of this country, shall it be said that in 1860 we will allow those liberties to be violated and overrun?

Now, Sir, I pass from these earlier precedents and I now come to one significant precedent, which is recorded in the year 1640, because allusion has been made to that year. In the course of last night's debate quotations were made from distin guished writers. Allow me to call attention to an extract from a work of Lord Clarendon, in which he expresses himself with respect to the position in which the Lords and Commons were placed in the year 1640. The Lords had committed a similar encroachment on the privileges of the Commons, and the Commons had demanded "satisfaction and reparation from the House of Peers." Satisfaction and reparation from the House of Peers!—How are we to exact satisfaction, but by putting a Resolution upon the table saying that this House has the power to guard its liberties? Stop there, say that you have the sword; say that you have the weapon of defence, but do not say that you will receive a deadly blow. I submit, Sir, that this precedent shows that in the year 1640 there was not such a conciliatory disposition on the part of the House which now seems to be in the ascendant. I have not, as I said before, ventured to go through a minute detail of all that passed on that occasion, I am merely calling the attention of the House to the opinion of a great constitutional writer as to the principle which regulated the proceedings of the House of Commons at that time, and I am contending that it would be only an equivocation and a deception to say that the principle which regulates the Supply and controls the taxation does not greatly affect the ques-

tion of the rejection of a Bill of this description.

Then, Sir, I come to these Resolutions, which one would have thought were a sufficient exercise of the abstract powers of this House. The noble Lord at the head of the Government must have these Resolutions too, but I ask the noble Lord in what way the Resolutions which he has put upon the books improve or add strength to the Resolutions passed in 1671, 1678, and 1689? The Resolution of 1671 declares that in all aids given to the King by the Commons, the right to tax ought not to be altered by the Lords. The Resolution of 1678 affirms that all aids and Supplies to his Majesty in Parliament are the sole gift of the Commons. If ever words could be used to express the controlling power of this House, one would think that the words of the Resolution of 1678 were those words. Then comes the Resolution of 1689, to the effect that all money raised and to be raised for the purposes of the country were the sole and entire gift of the Commons of England

Sir, the Bill for the Repeal of the Paper Duty which has been brought before the House of Lords is now thrown out. £800,000 a year is added to the Supplies of the country—who has given those Supplies, or granted that tax?—We have not done so—the House of Commons has not done so, we have refused to grant it; but they have done that in the other House which we by all these Resolutions and examples in former times have declared to be unauthorized. I submit, Sir, that it can never be said that we, who are the sole givers and granters of Supplies to the Crown, while such a state of things exists to which I have called the attention of the House—I submit, Sir, that it never can be said, that that principle is to be for one moment controverted. I shall only quote one precedent in modern times which has not been referred to in that Report—it does indirectly affect the question, and being a late precedent I will call the attention of the House to it. Sir, I refer to the Debate on the Municipal Corporations Bill for Ireland on the 7th of August, 1839. I find there "a Bill which as it passed the Commons contained clauses with certain power which was hitherto exercised by grant—(reading down to)

"hereby exercised them,"

therefore the House of Commons proposed to deprive certain persons of the right to impose taxation. The Lords continued the powers of those parties. What says the Speaker of that day?—The Speaker said:

"If he correctly understood the question, it had reference to those Clauses in the Bill—(reading down to,)

"have never consented and never would consent to any alteration being made."

Now here, Sir, is a modern precedent so late as the year 1839, which shows, even with regard to the powers of grand jurors in Ireland, how properly jealous the Speaker of that day was to show the House of Commons that the House of Lords had no right whatever to make an Amendment.

Now, Sir, I have stated the grounds upon which I have ventured to address the House, feebly, it is true, but at the same time carefully, I hope, because I have been anxious that there should be no mistake—why I ask the House not to be simply content with the reciting part of the noble Lord's Resolutions—not to be content with a simple abstract principle, but manfully and distinctly to draw the obvious conclusion from those precedents to which it is better that a clear enunciation shall be given, in order that the future generation can look to this as a precedent to guide them. I say that I have given these reasons for the purpose of showing why we should draw a conclusion from those principles, and declare that the Lords have infringed upon the rights of the Commons. Sir, I quite agree with the distinction which was drawn by my hon. and learned Friend the Member for Plymouth (Mr. Collier). There is a wide difference between the letter of the law and the spirit of the Constitution; there is a wide difference between the mere exercise of power and the exercise of it in such a manner as shall invade the principle of the other House of Parliament. Sir, we have examples pervading throughout the whole system. The spirit and practice of the law says, that the right of taxation rests with the Commons. The spirit of the law and practice, says, that the House of Lords even may amend a Bill; the spirit of the Constitution, says, you have no right to do it—that it is an invasion of the rights of the British House of Commons. The technical rule of law, says, that the Queen may reject a Bill sent up to Her from the House of Commons, but the spirit of the Constitution is averse to such a proceeding. The past declares that the exercise of that right would be a wrong done and an affront to the Constitution. So I say in this question, however much technicalities may be

in favour of the course pursued by the House of Lords, the spirit of the Constitution will condemn it.

Sir, I therefore agree with my hon. and learned Friend—I think that my hon. and learned Friend put this question upon the proper ground when he asserted the distinction between the practice of the law and the spirit of the Constitution. In conclusion, Sir, I do not speak in any revolutionary spirit of the practice of the House of Lords: I believe that distinctions of order are necessary in a State; I believe that the House of Peers is highly important in the working harmoniously of the Constitution of this country. I hope that the day may be long distant indeed when even the most sanguine can hold out to himself the prospect of there being no House of Lords; but I believe that that House will maintain its honour and its dignity in an efficient condition so long as it is content with its sole high and dignified duties, and not attempting to make an invasion upon the valued rights and privileges of the Commons. I disclaim any antagonistic feeling whatever towards the House of Peers, and I trust that the result of this debate will be that which will conduce to the safety, to the dignity, and to the usefulness of both Houses, and I trust that, notwithstanding the warnings which have been held out—notwithstanding the picture which has been drawn of the result of a conflict between the Lords and the Commons—I trust it may be said by and bye, in the spirit of that Prayer which on every Sabbath day is offered up at the altar,

"That all things may be so settled by our endeavors upon the best and surest foundation, that peace and happiness, truth and Justice, Religion and Piety may be established amongst us."

Sir, I shall reserve to myself the right of moving the Amendment of which I have given notice as an addition to the three Resolutions of the noble Lord at the head of the Government.

MR. HORSMAN:* Sir, I agree with the hon. and learned Gentleman who has just sat down, as to the magnitude and importance of the question before us. But its magnitude and importance have not now come upon me for the first time. On the very first occasion that the Budget was discussed in this House, I ventured to single out the proposition for the repeal of the paper duty as the subject for an humble and respectful warning to the House—not, indeed, couched in the vigorous and startling phraseology of the Chancellor of the Exchequer, who speaks of "a gigantic innovation"—but, expressing the same sentiment in feebler and more diluted language: I stated that this was the most important financial measure submitted to Parliament by any Minister in our day, whether for the principle it involved or the consequences to which it must inevitably lead. After an interval of some weeks, when the question was brought more directly before us, on the Amendment of the hon. Baronet the Member for Somersetshire (Sir William Miles), I ventured again to employ the same words, both as to the principle and the consequences of that measure. Since then I have watched with unabated interest the progress, I may say the change, of opinion upon it. I have seen how it gradually came to be less favourably regarded in this House, how it became less popular in the country, how it rose to be a source of embarrassment to the Ministry—subjecting them to a mortifying discomfiture in the other House of Parliament, raising the most serious Constitutional question that could be raised as to the relation of the two Houses with each other—and threatening consequences which have only been averted because in the head of the Government there have been exhibited a calm sagacity and sound constitutional views which, unhappily, are not shared by all who occupy the Treasury Bench. I listened with great satisfaction to the speech of the noble Lord, because I saw in it a gratifying fulfilment of the assurance which he gave to the House when he moved for the Committee, that that was not a step intended to provoke a collision between the two Houses; but it was a still greater satisfaction to me to gather from some portions of his speech that he had a distinct perception and appreciation of that which is one of the greatest political problems of our day—how to reconcile the inevitable growth of the House of Commons with the maintenance of a mixed form of Government and a balanced Constitution. That danger and that necessity did not appear to have presented themselves to the mind of the Chancellor of the Exchequer. The noble Lord wishes to make the independence of the Lords a reality; the Chancellor of the Exchequer seems to desire that it should be a fiction. The noble Lord would place them in a position which the Constitution had assigned to them—of entire independence of the House of Commons; his colleague would raise the House

of Commons into an absolute position and place the Peerage at his feet.

The Chancellor of the Exchequer asked a question to which I should like to give an answer. He asked, "Is it the Constitution of this country that the financial policy of the Commons should be reviewed by the Lords?" Before I answer that question in detail I will meet it by another—Is the Budget of the Minister a question between Downing Street and the House of Commons? If it be, then I admit that the Lords' interference with that Budget is an intrusion, a meddlesome and unconstitutional intrusion; but if the Budget, instead of being a matter between the Minister and the House of Commons, is in reality a question between the House of Commons and the country, then, if the Commons run riot, there comes in the power of the Lords, which the Constitution has provided as a check. Let me ask another question. Is it not the first law of our Constitution that there is no power in this country without control and without responsibility? But where is the check or control upon a House of Commons recently elected, that has five years to live, that is elected upon reform, and, throwing aside reform, begins to play tricks with finance? Why, a House of Commons in that condition may ruin the country before a dissolution can take place; and therefore I say that the power of the House of Lords to review and to check the financial policy of the Commons—a power which can be rarely exercised, and which ought to be kept for most exceptional occasions—is a power vested in them as directly, as distinctly, and as constitutionally as that of interfering with any other political matter that may be submitted to them.

I am not going into any question of precedent, except one point—and that not so much to prove the bearing of precedents on the present case, as to show what were, in times referred to, the constitutional relations of the two Houses, as insisted on by the Peers in that very remarkable controversy, recited by our Committee, on the Bill for "An Importation of Foreign Commodities," and on which, for his management of the Conference, the Attorney General received the thanks of the House of Commons. The Lords on that occasion met a very strong Resolution of the Commons, by one of their own, declaring what at that time they considered to be their Constitutional rights. They say—

"That the power exercised by the House of Peers, in making the Amendments and Abatements in the Bill intituled 'An Act for additional Imposition on several Foreign Commodities, and for Encouragement of several Commodities and Manufactures of this Kingdom,' both as to the matter, measure, and time, concerning the rates and impositions on merchandise, is a fundamental, inherent, and undoubted right of the House of Peers, from which they cannot depart."

Then in their "reasons" they go on—

"Consult the writs of summons to Parliament, and you will find the Lords are excluded from none of the great and arduous affairs of the kingdom and Church of England; but are called to treat and give their counsel upon them all, without exception."

In another "reason," which is important with regard to an argument which has been used elsewhere, they add—

"If positive assertion can introduce a right, what security have the Lords that the House of Commons shall not in other Bills (pretended to be for the general good of the Commons, whereof they will conceive themselves the fittest judges) claim the same peculiar privilege, in exclusion of any deliberation or alteration of the Lords when they shall judge it necessary or expedient?"

Those were the Constitutional rights asserted by the House of Lords. I do not say that they have been, or that they ought to be, maintained to the extent then claimed, but at least they show that the absolute power claimed by the Commons has not passed undisputed. The fact is, whenever such rights are asserted in opposition to the Commons, the Lords must come into collision with the Commons. But collisions between the two Houses are in effect appeals to the nation. If the Commons are right they must, upon a great question, override the Lords. If the Commons are essentially in the wrong, the Lords may defy and correct the Commons. There is no authority, either in the Lords or Commons, against the other: the real authority rests with the nation, as the Court of ultimate appeal, by the decision of which both parties must abide.

In what form, then, does this question come before the nation? It was said most truly by the Chancellor of the Exchequer last night, and has been repeated by the hon. Gentleman to-night, that this rejection of the repeal of the paper duties is not the mere rejection of a Money Bill; it is, and must be admitted to be, the reversal of a financial policy. It was in that character that we contested—that we condemned—the Bill in this House; not as the repeal of an insignificant excise, but as part of a great and dangerous and innovating scheme of financial policy, defaced

by two novelties: first, the remission of a tax with a deficiency in the Exchequer; secondly, the substitution without inquiry, and on a principle that was capable of indefinite extension, of direct for indirect taxation. The noble Lord said last night that the repeal of the paper duty was a main element of that financial policy. Sir, the repeal of the paper duty was the keystone of the whole, for it let in both these objectionable principles—the remission of a tax with a deficiency in the Exchequer, and the addition to the income tax, which was the substitution of direct for indirect taxation. That, in reality, was what the House of Lords checked and defeated when they rejected the Bill, the passing of which they believed would be as much at variance with the national sentiment as it was opposed to the national interest.

But we are told that their act was entirely against precedent. Precedents may be quoted on either side, and the manner in which they have been quoted during this discussion shows that on neither part will anything be gained by them; but the real character of these differences has been well described by the constitutional historian who was quoted last night by the right hon. Member for Bucks, and from whose work I hope the House will allow me to read a few lines, in order to dispose of this part of the question. Mr. Hallam, in his *Constitutional History*, chap. 13, page 197, says—

"These restrictions upon the other House of Parliament, however, are now become in their own estimation the standing privileges of the Commons. Several instances have occurred during the last century, though not, I believe, very lately, when Bills, chiefly of a private nature, have been unanimously rejected, and even thrown over the table by the Speaker, because they contained some provision in which the Lords had trespassed upon these alleged rights. They are, as may be supposed, very differently regarded in the neighbouring chamber. The Lords have never acknowledged any further privilege than that of originating Bills of Supply. But the good sense of both parties, and of an enlightened nation, who must witness and judge of their disputes, as well as the natural desire of the Government to prevent in the outset any altercation that must impede the course of its measures, have rendered this little jealously unproductive of those animosities which it seemed so happily contrived to excite. The one House, without admitting the alleged privilege, has generally been cautious not to give a pretext for eagerly asserting it; and the other, on the trifling occasions where it has seemed, perhaps unintentionally, to be infringed, has commonly resorted to the moderate course of passing a fresh Bill to the same effect, after satisfying its dignity by rejecting the first."

And this statement of Mr. Hallam's is replete with truth and reason. The extreme views of neither House can nor ought to be insisted on, and their mutual moderation and good sense must smooth difficulties otherwise embarrassing to both.

Let me now say of the precedents of which we have heard so much, that, in my opinion, their importance is often exaggerated, because it is not sufficient to show that they are analogous in their character; it must also be shown that they are applicable to the present time. Our privileges are the growth of time, and even of accident. Every era has its own precedents, and the precedents of one era are not applicable to another. No precedent has been more dwelt upon than that of 1678, and yet it is in many respects inapplicable to the circumstances and the Constitution of the present day. In 1678 there were no Ministers responsible to the House of Commons—there was no Government in its modern sense—there were no annual Budgets—no complete statement of the income and expenditure of the country—no elaborate review of the national finances—no enunciation of the principles which the Chancellor of the Exchequer chose to adopt. Most of the public revenue was then voted for the natural life of the Sovereign. Hence the control of the Commons over the financial affairs of the country was at that time very limited, and the power of the House very small. Hence, also, it became necessary to be extremely tenacious as to Money Bills. So great was the power of the Crown, that if Money Bills could have been originated or modified in the Lords, advantage would often have been taken of the weakness of the Commons, and a serious blow dealt at their power in the State.

Every one knows that, during the reign of Charles II. (from which the most important precedents are taken), the nation was always in imminent danger of despotism. The Appropriation Act, one of the greatest safeguards of the Commons, was then unknown; the command over the Supplies was almost the only weapon of the Commons. But against whom was that weapon used? Not against the Lords, as Gentlemen would have us now believe. Any one listening to the speeches delivered in this debate might imagine that it was the Lords who were perpetually threatening and assailing the liberties of the Commons; and that these Resolutions of Privilege, behind which we are now again to

entrench ourselves in alarm, were directed against them. But it is notorious that these Resolutions were all directed—not against the Lords, but against the Crown, which attempted to act on the Commons through the Lords, and had facilities in the Lords for furthering its designs that it had not in the Commons.

But does that bear any analogy to the present case? and can it be pretended that the condition and circumstances of the Commons in those days—the wise jealousy then shown of the encroachments of the Crown—and the defences thrown up in an age when their rights were perpetually besieged and their liberties were insecure, are really such a precedent as to constitute a guide and obligation and necessity for us in the full enjoyment of the liberties of 1860?

But if we turn to the other branch of the Legislature, it will be found that still greater changes have taken place in the relations of the Lords both to the Crown and the House of Commons. I was amazed to hear the hon. and learned Member for Plymouth assert last night that the Revolution of 1688 made no change in the relations of the two Houses or in the Parliamentary Government of the country. I have always believed that the revolution of 1688, in the new distribution of political power, made one of the greatest changes that was ever made in the Parliamentary Government of England. It placed the Government of England in the hands of great families, and from 1688 to 1832 the power of the peerage was immense. The Peers made and unmade Governments. By their influence at Court, by their wealth, relatively so great before the extension of commerce, by their close connection with the landed gentry, by their absolute sway in so many boroughs, they set up and threw down Cabinets with a power greater than that either of the Crown or Commons, greater even than the power of both combined. There was, therefore, no need to excite jealousies and dissensions with the Commons by taking up questions on finance and money Bills for which the House was not then well adapted. The financial arrangements of the country developed themselves in the Commons, and the Lords could accomplish all they desired in finance by their indirect influence in that House. No financial burdens were imposed on them as peers. As landlords they were in close alliance of sentiment and power with the landed interest in the House of Commons, and the feelings and interests of the Peers in matters of taxation and finance were identical with those of the predominant power within the House of Commons. There was no motive, therefore, either as regarding the personal interests of the peerage or the expectation that the financial policy of the Commons would or could be revised by an independent and essentially different body for setting the House of Lords in Motion on money Bills sent up from the Commons.

Mr. Horsman

But the Act of 1832—which is the constitution under which we now live, and which has been strangely overlooked and forgotten by the assertors of Privilege on the present occasion—changed all that. It transferred the power over the State to the middle class and the constituencies that elect the Commons. The peerage no longer, directly or indirectly, rules the country. The landed interest is no longer dominant in the Commons. The commercial interests have their due share of power; and it may perhaps be thought, judging from the experience of the present Session, that they have something more. The effect of the Act of 1832 on the House of Lords was fully as great as on the House of Commons. The House of Commons became a truer representation of the people, because it ceased to be a representation of the Lords. The new power given to the Commons was so much taken from the Lords, and in proportion as the Commons were strengthened the Lords were weakened.

But while the Act of 1832 deprived the Peers of powers they had usurped, it became only the more necessary to secure and strengthen them in that legitimate authority which the constitution really intended them to possess. Losing their territorial ascendancy, they were thrown back on those functional services which became the condition of their existence. They were to give to the nation those legislative services without which their institution would be a fiction. They are established as a second council of the nation—to provide for the nation that security which all constitutional Governments have sought in the existence of a second Chamber, as the only safeguard against the despotism of democracy.

But Gentlemen around me, ignoring all those changes, forgetting that the House of Commons, instead of being the weakest is now the strongest power in the State,—

and, instead of defending with difficulty its own rights, threatens to override and absorb all other rights, and to assume the whole government of the country—follow the Chancellor of the Exchequer, who made a speech last night in the spirit, if not in the language, of those who look upon the House of Lords as an anomaly, to be tolerated only so long as, with a becoming consciousness of its inferiority, it consents to register the edicts of the Commons, and receive from these new expounders of the Constitution that certificate of good behaviour which graciously prolongs to it an existence on sufferance.

The speeches we have heard—able and instructive as to the past—impressive as to the present—derive their greatest interest and importance from their ominous character as to the future; for they suggest an inquiry which, I think, could not be long delayed as to the constitution and powers and functions of the House of Lords. It has been found convenient by some speakers to assume that the Lords are a privileged class—distinct and separate from the nation—with interests even antagonistic to the people at large. The noble Viscount at the head of the Government, in one passage of his speech last night, when he spoke of the ancient Barons, must have carried back the imagination of some Members to those feudal times when the Barons sat with armed retainers, exercising authority for themselves, dispensing justice in their own names, and recognizing no laws but those of their own making; and I think that the tone of some even of the most moderate speakers must have conveyed to the House an idea that the Lords are still a proud and domineering and dangerous class, against whom the Commons and people of England should be perpetually on the watch as against a common enemy.

But happily the daily experience and common sense of every man amongst us suffices to correct such delusions. We see that the Lords of our modern times are no longer the masters but the fellow-subjects of the people—obeying the same laws, paying the same taxes, ruled by the same interests, and having no exclusive privilege whatever.

In their individual capacity the Peers are country gentlemen; and they derive weight and influence in their localities from precisely the same causes as other country gentlemen, not from the titles they bear, but from the property they possess.

In their collective capacity, as a legislative body, they are a national institution —created by opinion—maintained by opinion—and no more existing for the exclusive benefit of the peerage than the Crown exists for the exclusive benefit of the Royal family; and they exercise power, not in their own name and by their own authority, but in the name and by the authority of the people, of whom they are a part just as much as we are a part, and whom they represent as constitutionally as we represent them. As this is a point which lies at the bottom of the whole question, I will cite the authority of a constitutional statesman, who was quoted last night. Burke, on the constitutional relation of the Peers to the people, says,—

> "For it is not the derivation of the power of that House (Commons) from the people which makes it in a distinct sense their representative. The King is the representative of the people; so are the Lords; so are the Judges. They are all trustees of the people as well as the Commons, because no power is given for the sole sake of the holder; and, although Government certainly is an institution of divine authority, yet its forms, and the persons who administer it, all originate from the people. A popular origin cannot, therefore, be the characteristical distinction of a popular representative. This belongs equally to all parts of Government, and in all forms."

This establishes that the Lords, as well as the Commons, are the representatives and the trustees of the national interest. Although they are the wealthiest class in the nation, they are not less on that account a national class, but the reverse. For there is this peculiar feature in the English Peers, to which too much weight cannot be given in this discussion, that, as contrasted with nobles of other countries, who, relying solely on their titles, have been swept away by the first storm, the English Peers have this great element of strength, that they are a body of landowners—that is to say, they derive their wealth from that trade which is the greatest trade in the country. Their revenues are intimately associated with the prosperity of that trade which employs and supports the greatest number of the people, and is the most productive industry in the nation. This gives them a vital sympathy with the progress and improvement of the people; it identifies them with the people; and no one can compare the peerage of England with the aristocracy of any other country without perceiving how they are eminently distinguished for habits of business, for knowledge of agriculture, for

personal activity in the management and improvement of their estates, for acquaintance with farmers and labourers, and a general commercial interest and feeling; and it is difficult to over-estimate the great and enduring sympathy that these qualities have won for the Peers from the people at large.

It is not true, therefore, to say that, because they are not an elective, they are in no sense a representative body. They do indirectly represent a very vast amount of the interests and feeling of the people of this country, and it fits and qualifies them the better to compose that Council of some 400 or 500 men, which is established for the express purpose of discharging constitutional functions absolutely essential to Parliamentary Government. No democratic or mixed constitution has been found capable of long duration without a similar body. If there were no House of Lords, it would be necessary to make one. They are a small portion of the people, chosen for a special purpose, and their legislative power is derived, as the power of the Crown is derived, from the people; and they exercise it, as the Crown exercises it, for the people—in the name of the people—in behalf of the people—and, above all, as a part of the people.

This is not only the theory, but in these days it is essential that it should be acknowledged as the law and practice of the constitution, for if it be not, the peerage is a fiction, and cannot be sustained.

I have dwelt on these points, because I believe that at no time in the history of England has it been so all important as at present, to set forth clearly the constitutional rights of the House of Lords, as well as the expediency and political necessity of those rights in the common interest of all, and to uphold them with the utmost vigilance. Already their admitted legislative power has been reduced to the lowest limits consistent with useful influence. They have ceased to originate great public measures, especially if they involve any general policy of state. A few professional Bills take their rise in the Lords, and others are given them to begin for mere economy of time. But the House of Commons now virtually directs the Government of England. It lays down, settles, and directs the principles of the whole policy—and even of the administration—of the State. The Crown and the Lords no longer rule—they balance and regulate—but they do not supply the movement of the State. It is this moderating influence alone which saves England from the despotism of an uncontrolled popular assembly; and, since that influence no longer acts indirectly in the Commons, it is only the more essential that its direct action in the corporation of Lords should be strengthened and preserved.

For we know that all forms of Constitutional Government, in all ages—from ancient Athens down to modern America—have indicated by their arrangements the same deeply felt want—the necessity of a second institution—strong in itself—independent and distinct in its nature—which shall control the popular force—which shall receive, and not give, the impulse to legislation—but shall be able to command revision—to enforce time for reconsideration—to compel the moving power to think twice, and appeal from the hour of excitement to that of sobriety—which shall give effect to the permanent, and stable, and abiding element of each political organization—and yet be not strong enough to resist progress, or become an obstacle to improvement.

And this principle pervades the whole British Constitution, which is nothing but a collection of every kind of device to balance political power and give completeness to legislative change. And it is this which has made it so enduring. It allows free scope for innovation, but yet contrives that innovation shall not be carried out until the fullest examination has been brought to bear on the change.

Then how does all this affect the case of privilege before us? If the Lords claim what none among us can be so unreasonble as to deny them—identity of feelings and interests and character with the nation at large; if they profess only to be the servants of the nation, fellow-servants of the Commons, employed on the same business, charged with the same interests, obedient to the same authority, and responsible to the same tribunal of opinion,—what interest has the nation in dispensing with their services on rare and critical occasions as auditors of finance? The nation has decreed that its business shall be transacted by two Chambers, differently constituted and chosen; the one, popularly elected, and indicating every shifting gale of popular opinion,—the other, nominated by the Crown, and ordained by the people to be permanent and independent, expressly that, by its freedom from those influences to which the more impulsive Com-

Mr. Horsman

mons are exposed, it may exercise a beneficial power as a court of revision and control.

And there cannot be a greater mistake than to suppose that because the Lords are an hereditary, they are therefore an irresponsible body. On the contrary, I believe there is no other body in the kingdom so responsible. They are the only important public body that may be said to hold power by the tenure of good conduct. A few mistakes, even without anything like a pertinacious obstruction of the national will, would jeopardise their position. They saw this in 1832, when their defence of the rotten boroughs separated them from the nation in a struggle which was to them one for property as well as power. It damaged them very much; they were a long time recovering it. But they have recovered it, and we may gather even from the admissions made in this debate that, of the two Houses of the Legislature, the Lords are at this moment the most popular and revered. But they are profoundly conscious of this truth—that they can only oppose the House of Commons for one purpose—to give time for reconsideration—for a more mature and decisive demonstration of the national will—that this, and this only, is within their power—and the will of the people, once made up, and unmistakeably expressed, must be obeyed. It is hard to imagine a more genuine responsibility. The Lords have ever acknowledged and acted upon it; and every impartial student of history must admit that, on the whole, no institution known to history has shown so profound and accurate a knowledge of the feeling and movement of the nation, and has so steadily, under every form of political turmoil, made the national sentiment the basis of its own conduct.

And now I repeat the question,—on what ground of public policy or safety are the Lords to be excluded from dealing, on even the most urgent occasions, with measures of finance? On what principle can you justify that exclusion? For we must acknowledge and give weight to the truth, so frequently insisted on in this debate, that the question of finance in our day has assumed very different proportions to what it had two centuries ago. It is now the largest and most important branch of legislation. It is mixed up with every important question of national policy. To exclude the Peers from finance would be to exclude them from more than one-half of the legislative business of the country. And why are the Commons to be relieved on finance from any portion of that control which the Constitution has so carefully provided on all other matters of legislation? Are the Commons infallible in finance? Is there no unwise, or mistaken, or rash, or selfish legislation on finance? I believe that money questions are precisely those which, while they must ultimately be decided by the Commons, need, beyond all others, the balancing and regulating action of the Peers; for it is here that the temptations of constituencies and of classes to selfishness are strongest; and where particular localities or interests put an undue pressure on representatives, and would turn them into delegates, then it is that, not the public interests alone, but the secret convictions of the coerced representatives themselves, need the correcting hand of a second Chamber.

I grant that all taxes should originate with the Commons—that the initiative should be taken by that elective and more immediately responsible assembly that is constantly referred back to the constituencies. But no less essential is the reviewing power of a permanent and independent Chamber that is by its constitution more peculiarly adapted for the functions of calm deliberation and dispassionate judgment; and so much is this the case that, even if law and precedent combined, which confessedly they do not, to cast a doubt on the financial functions of the Peers, I should say that it behoved us to consider well before we enforced a construction that might unduly abridge the powers of that body.

It is undeniable that the Act of 1832 gave a preponderance of power to the Commons, and that the tendency of any further Reform Act must be in the same direction—towards a greater concentration of legislative action and authority in one chamber, to the practical disfranchisement of the other.

It is, therefore, above all things desirable, in solving doubts as to the respective rights and functions of the two Houses, to bear in mind the necessity for maintaining harmonious co-operation; and so far from narrowing the field of action for the Peers, it might be the wiser alternative to adopt a generous construction of their powers, with a view to preserving the equilibrium that is held to be essential to the safe and well-working of the Constitution.

Such being my views of the constitu-

tional rights and functions of the Lords,—holding them to be as essentially a national body as the Commons,—with duties as varied and comprehensive, responsibilities as unlimited, and a dependance on opinion even more complete, I ask, on what grounds can we now challenge this last act of their undoubted legal power?

The repeal of the paper duty was submitted to them as a part of a great scheme of financial policy; but that policy was based on a commercial treaty which was so mixed up with the Budget that they could not be disconnected.

And if it were really and truly the opinion of the Lords, on whom much new light had broken since the Budget was first propounded in this House, that its most blissful promises were based on treacherous calculations, and that the sacrifice of revenue by which, with an empty exchequer, we had bought that treaty was now proved to be an error—if they saw our manufacturers thronging the antechamber of the Emperor, suppliants of his mercy to falsify their fears that their roaring trade was about to prove a bubble—if the relations of eternal peace and harmony with France, which the treaty was to secure, had already given way to disquietude, and disputation, and alarms—if, while the trumpet of war was all but sounding, the Lords durst not disregard the signal not unwisely and wickedly to multiply perils by parsimonious neglect of our defences—if, under the apparently innocuous addition of a penny to the income tax, the House of Commons had been surprised or seduced into revolutionizing our whole system of finance—and if every succeeding week since the Budget first threw these benches into an ecstacy had, to the minds of the Lords, accumulated fresh and irresistible evidence that the anticipated surplus was tending to an inevitable deficiency, and, so far from remitting taxes, it would ere long be the duty of the Minister to augment them—if such were the conclusions forced on the convictions of the Peers, and communicating themselves to the most experienced, the most thoughtful, the most dispassionate and unprejudiced on both sides of their House—what were they to do? What, in such circumstances, were they, as sworn and responsible legislators, bound to do? What did their duty to the country call on them, command them, compel them to do? Could they hesitate? To their honour, be it said, they did not hesitate; but, by a majority unprecedented, I believe—yet deriving still more importance from its character than its numbers—they interposed that veto which checked the House of Commons in its headlong, precipitate, and mad career, and challenged for their act the verdict of the country.

By so doing, says the hon. Gentleman,—and here is the gravest count of his indictment—the Lords have perpetrated an unheard-of act of usurpation, far beyond what is even suggested by any precedent, for they have imposed an additional tax upon the people. It is not, he says, merely a refusal to remit—it is actually a right to increase taxation that they assume. This is a fallacy often repeated, but which it is not difficult to refute. It is said that the Lords have increased taxation. But what does taxation mean? Does it not mean expenditure? does it not go hand in hand with expenditure—or rather, does it not follow expenditure? Is it not, invariably, one of the first duties of the House, at the commencement of each Session, to vote what shall be the national expenditure, and go on afterwards to supply the Ways and Means? When I say, invariably, I must of course except the present year, for in this Session, for the first time in the memory of man, or, I believe, in the history of Parliament, we were persuaded, unfortunately, to reverse that practice, and to pass the Budget before we had passed the Estimates; and we are to-night reaping the fruits of that irregularity, against which it is a satisfaction to me to remember that I protested strongly at the time. But I repeat my question. Can it be affirmed that the Lords have increased the expenditure which rules the taxation of the country? We know that they have not. We know that they have taken the expenditure at the sum estimated by the Chancellor of the Exchequer, and approved and sanctioned by the House of Commons; and that they have in no way questioned the absolute and exclusive right of the Commons to determine what the expenditure shall be, or have themselves attempted or desired to increase the national burdens by a single shilling.

But the Lords have done this: as the Commons have determined the sum to be expended, and pledged Parliament to provide income to meet it, the Lords have endeavoured to retain and secure the means of fulfilling that pledge and maintaining the national credit. They think that Parliament should be in a condition

to meet its engagements, but they doubt its being so if this tax should be repealed, and they decline to share the responsibility of placing the country in that discreditable and embarrassing position. They do not assume to administer the ordinary finance of the country—they know that a body of exclusively rich men must by position and nature be disqualified for such a task. They do not pretend, therefore, to make a Budget; but they do pretend, viewing that Budget and treating it as of a mixed character, combining political with financial considerations, to question the calculations that have been made, and to suspend its operation till they have been submitted to the test of time. The hon. Gentleman must see that restoring the balance of a Budget is a very different thing from imposing a new tax. What the Lords have done has been to take a just and provident and necessary security that the pretended remission of one tax does not furnish an excuse for substituting another in a new and more objectionable form.

I think I have shown that Gentlemen have somewhat mistaken, not only the relations of the two Houses of Parliament to each other, but also their relations to the country; and they have not perceived that, not only all legislative functions, but also all legislative departments, are by law common to both; and that, although a division of labour between the two Houses may be convenient, an appropriation by either House of the absolute, unchecked, and uncontrolled administration of any one department would be highly unconstitutional.

And here is the fallacy that has run through the whole of the speeches of Gentlemen on the other side; they have thought that it was enough to show that an Act is unprecedented to prove it unconstitutional. But, unhappily for their argument, our whole constitution is made up of a succession of precedents, each of them unprecedented, and most of them the growth of some unforeseen necessity, like that which has just arisen.

We live in an age that is essentially an age of precedents. The House of Commons is perpetually assuming fresh powers, and establishing new precedents. Virtually, all Bills now originate with the Commons; but this is not the consequence of any aggressive spirit in the Commons, but the necessary and inevitable result of the historic working of the English constitution. The change is just as real and deep as if it had been produced by violence, either of revolution or encroachment.

Equally so is this new act of the Lords. It was not dictated by any desire to brave or affront the Commons, or to assert the privileges of the Lords, or to acquire any additional power. It was simply the natural working of the constitution to meet a definite emergency. The novel principles of finance, to which we in this House had too hastily assented, required revision. That revision could not take place in the Commons. The majority had committed themselves by their early votes. Men do not like suddenly to reverse their votes—least of all when accountable to popular constituencies. A reversed vote has an awkward appearance on the hustings. The Budget was really a revolution in finance, into which the House of Commons had been partly coerced and partly charmed. Many who had voted in the majority had their misgivings, but did not see a remedy. The only remedy was the House of Lords; and the Lords, instinctively, from the nature of the case, and without any premeditated intention of claiming a new right, applied the remedy. The act was perfectly natural and perfectly constitutional. It was a very happy illustration of the practical self-working of our English Constitution. The Commons are ever advancing; it is the law of our system; it must not be bewailed—it is not to be combated—it can only be balanced. The equilibrium must be preserved, unless the Constitution is to be destroyed and mixed government to come to an end. Change there is—change there must be; shall it be only in the direction of the absolute power of the Commons, or shall the Lords also change and retain their relative position?

Sir, the unconscious encroachments of the Commons have quickened into life the dormant powers and latent faculties of the Lords; and this wonderful and healthy energy of the Constitution—obeying, as its law of political vitality, the all-pervading law of benevolent nature, and developing spontaneously new processes to counteract new tendencies to disease—deserves our highest admiration, as being the very best and most solid guarantee for safety and durability.

But the Constitution which I have been describing is not the Constitution which the advocates of action desire to vindicate. The Constitution in their eyes struck at

by the Lords, and to the defence of which their speeches and agitation would incite us, is of a different kind. The Constitution they would set up is the despotism of the House of Commons—the tyranny of one Chamber—the absolute dominion of an unchained and irresponsible democracy.

Such a Constitution would indeed be an anomaly—unknown in England—ruinous to England—fatal to all classes and interests, to the lowest as well as the highest—to traders and artisans as well as to Peers; for we may rely upon it that, when the Upper House of Legislature ceases to be independent, the Lower House will soon cease to be a House of Representatives.

It is because I believe that the Act of 1832 gave to the Commons as much power as relatively they ought to have, and because I agree with that which was so well and truly said by the noble Lord last night, that there is, in the future, more danger to public liberty to be apprehended from the encroachments of the Commons than the usurpations of the Lords, that I am glad that the majority of the House are prepared to justify and support the Lords in the course they have pursued.

And I rejoice that we shall not be daunted by the fear of the new precedent we are establishing. For what is the precedent? It is that the Lords have opposed themselves to the Commons when the Commons have not consulted or regarded the wishes and interests of the nation? Is that a dangerous precedent? I hope for my part that it will be faithfully recorded and fearlessly followed up whenever a like necessity shall recur. It is such occasions that especially call for a House of Lords—for which a House of Lords exists and is of the utmost value—that the Lords may be sane when the Commons are wild—that they may suspend an irrevocable decision till the country has had time to recover its senses. We must remember—what some Gentlemen have been too apt to forget—that the Peerage is now the property of the nation—that it has to keep watch for the nation. On this occasion it has kept faithful watch. It has sounded an alarm that has aroused its masters and arrested you in your irregular course. If the arrest has been illegal, you have your remedy. Why do not you appeal to your judges out of doors? Is it not that your judges would affirm the decision of the Lords, and it would be shown that the Lords really represent the nation, and that the majority in the Commons only represent the Ministry?—and even that majority is of an equivocal and precarious nature—inasmuch as the noble Lord himself last night reminded us that the Ministerial majority was a vanishing quantity, which another division might, in his opinion, have turned into a minority—and in that third division it seemed only too probable that the noble Lord would have been found in an opposite lobby to his Chancellor of the Exchequer.

The truth is, Sir, on this occasion we have no materials for a contest with the Peers, and the attempt to raise one has lamentably broken down. The law is not with us—precedents do not favour us—constitutional principle and policy are both against us—and as to the country, if we appeal to that, the nation is certain to affirm what history will most assuredly record—that this Session of 1860 has been doubly memorable—for the rashness, the recklessness, the ruinous disregard of consequences that have marked the proceedings of the Commons,—and the calmer courage, the dignity, and the patriotism that have shed a lustre over the saving wisdom of the Lords.

Mr. BRIGHT: Sir, I cannot help being struck with an inconsistency in the right hon. Gentleman who has just resumed his seat. I am surprised that he has not concluded by moving that certain words in the first Resolution should be omitted, and in point of fact that the declaration which the House is about to make should be reversed. That, Sir, would be in accordance with the speech of the right hon. Gentleman, and with the sentiments which many Members opposite have most vociferously cheered. Sir, I confess I do not know what a number of hon. Gentlemen opposite thought of the statements of the right hon. Gentleman about the headlong, precipitate, and reckless Budget of the Chancellor of the Exchequer, because I think there were some fifty of them who were more enthusiastic supporters of that Budget than a great number of the Members on this side of the House.

Now, Sir, I shall not follow the right hon. Gentleman in his endeavours to support his theories with regard to the extreme value of the House of Lords, nor shall I attempt to controvert them, because, in reality, that is not the question which is before the House. But, if the House will permit me, I will endeavour to keep as close to the question as I can,

and I will state the grounds on which I am not very well satisfied with the course which this House is invited to take. Sir, I will not attack the Resolutions of the noble Lord, and I will not defend them, for I am not responsible for them. They appear to me not worthy of the occasion which is before us. I think they bear marks of having been prepared by more than one hand, and if they pass, and constitute the sole expression of our mind on this occasion, posterity will hardly fail to pronounce them the Resolutions of a somewhat degenerate House of Commons. The first Resolution is a very good one, but it is very old. It is none the worse for that; and I am glad the noble Viscount did not think it necessary to endeavour to amend it. The other two Resolutions are, to my mind, somewhat ambiguous and feeble, and are not in their expression of what I believe is constitutional usage, any more than as examples of composition in the English language, to be compared to the first and oldest. Last night we had two speeches from that side of the House after long silence—speeches which, I confess, I heard with some surprise and with some pain. They appeared to me marked —to use a favourable phrase of the right hon. Gentleman below me—by great recklessness, and, if I may so speak, with great levity. Whatever may be the opinion of hon. Members of this question, it is not one to be treated in that manner. It is a serious question—whether the powers of this House have been infringed or not, or whether neither House of Parliament shall hereafter exercise powers which they have never heretofore exercised. I confess I was compelled to think of the truth we learn from history, that there is no greater sign of the decadence of a people than when we find the leaders of parties and eminent statesmen treating great questions as if they were not great, and solemn realities as if they were not real at all. Sir, I think I could observe in those speeches the triumph of men who had found an advocate in the Prime Minister, whom they expected to meet as an opponent, and who were delighted that, acting with their confederates in the other House of Parliament, they were likely to obtain a signal party advantage. Is there anybody who has denied in point blank terms, except the right hon. Gentleman, that the House of Lords, in the course it has taken, has violated—I will not say the privileges of this House, for privilege is a word not easily defined—but has broken in upon the usages of many centuries old—usages which our predecessors in this House have acknowledged to be of the utmost importance to our own powers and to the liberties of those whom we represent? If there was nothing wrong, then why was there a Committee? Sir, the right hon. Gentleman the Member for Bucks neglected to answer that question. He made no opposition at the time; but three weeks afterwards he thinks that it would have been better if the Committee had not been appointed. I will, however, undertake to affirm that, when the noble Viscount proposed that Committee, every Member of this House thought the proposition a reasonable one. Why did we ransack the Journals unless something had happened which jarred upon every man's sense with regard to the rights and privileges of this House, and the usages of the House of Lords? And why, having this Committee, and instituting these researches, have we these Resolutions moved, not by a young, inexperienced, and unknown Member—if any such there be of the House of Commons—but by one of the oldest Members of this House, one of the ablest statesmen of the day, and at this moment the chief Minister of the Crown? Surely, Sir, every one will admit that the circumstances were such as to justify the course that was taken in appointing the Committee.

Then, Sir, I have another reason to show to hon. Gentlemen opposite, notwithstanding their spasmodic cheering — I do not intend the word offensively — why we should have these very Resolutions which you are about to agree to, which the right hon. Gentleman the Member for Bucks, as far as I could understand, entirely approves, and which you all feel delighted should be proposed by the noble Viscount, because they relieve you from a considerable difficulty. Sir, I say that these Resolutions are a proof that the course which has been taken by the other House has been unusual, if not wrong; because the Resolutions by implication condemn what the Lords have done, and although they do not revoke the Act, or pledge this House to any particular course, yet, when those Resolutions come to be considered, it will never be denied that the House of Commons does by these Resolutions express a unanimous opinion that the course which has been taken by the other House is contrary to usage, and is calculated to excite the jealousy and alarm of the Mem-

bers of this House. Sir, I have been a member of that Committee, and the right hon. Gentleman the Member for the University of Cambridge knows my opinion of the Committee and its labours. I think that Committee fell wonderfully below its duties—that the course which it pursued was poor and spiritless; and at a future time when the course it has taken is contrasted with the course taken by the House of Commons on previous occasions, it will be justly said that there had been a real and melancholy declension in the spirit of this House. That which I complain of in the proceedings of the Committee, I also complain of in respect to the manner in which some hon. Members have discussed this question. Half of the Committee appeared to me to go into that Committee as much the advocates of the House of Lords as of the House of Commons, and I find that some Members of this House are of the same character. Speeches have been delivered here that very few Members of the House of Lords would make on this question, and I will undertake to say that not one Member of that House, who is known to the public by his political influence, legal knowledge, high character, or extensive learning, would dare to make the speech that has been made to-night by the right hon. Gentleman the Member for Stroud. Sir, I went into the Committee with the utmost frankness in order that I might ascertain, not altogether in what manner the Lords had asserted their privileges, but what our predecessors had done with regard to theirs. We have no right to let go one single particle of the privileges and powers which the House of Commons have gained in past times; and I took it for granted that if I examined for some centuries back the course which the House of Commons had pursued—if I read their Resolutions, if I read the reasons adduced at their conferences, if I observed the Acts which they passed, and the result of the discussions between the two Houses—we should be justified in concluding that we have rights to maintain in this regard for which our predecessors have contended.

Now, Sir, several Members, following the example of the Committee, have taken the House back for a long period of time. I will not go into those precedents with the view of contending whether they do or do not refer to this particular case; but the House will permit me to mention two or three facts which I brought out of the Journals, and which convinced me that we should not take a sufficiently bold or decided course, if we merely agreed to the Resolutions of the noble Viscount. I will first refer, Sir, to that very case which the right hon. Gentleman the Member for the University of Cambridge and myself fixed upon as the starting point of our precedents—the precedents of 1407; and I trust every hon. Member has read it, either in the translation, or in the old Norman French. Sir, it is worth reading, for it is a very curious case, and there is no other so like the recent action of the House of Lords, as that which took place 453 years ago; for the House of Lords then proposed to continue a tax to which the Commons had not assented, and the House of Commons were greatly disturbed at the House of Lords prolonging a tax to which the House of Commons had not given their assent. We then made a great leap, and from the year 1407, came down to the year 1628. We then found the House of Commons insisting upon the initiation of Bills of Supply. They would not permit the name of the Lords to be inserted in the preamble of a Bill of Supply, neither would they agree to the compromise that neither the Lords nor the Commons should be introduced, but that the High Court of Parliament should be mentioned. The House of Commons refused to pass the Bill in that shape, and submitted that the Commons should be named alone in the grant. This, Sir, was done, and that has been the practice ever since in the preamble of Supply Bills.

Now then, Sir, we come down to 1640, when the House of Lords were much more modest than they ought to have been, according to the right hon. Gentleman, who maintains that they ought to check, alter, amend, improve, and if necessary, overthrow all the financial arrangements of the year that this House may agree to. Sir, the Declaration of 1640 set forth that the Lords stated at the Conference that—

> "My Lords would not meddle with matters of subsidy, which belong naturally and properly to you—no, not to give you advice therein, but have utterly declined it."

Then the House of Lords in 1640, we are asked to suppose, knew nothing of their constitutional rights, and the House of that day were less able than they are at present to judge of what is necessary for the performance of their proper functions in the State, and for the liberties of those whom they represent. Mr. Pym told their

Lordships that they had not only meddled with matters of Supply, but had "both concluded the matter and order of proceeding, which the House of Commons takes to be a breach of their privilege, for which he was commanded to desire reparation from your Lordships." The Lords gave reparation by declaring that they did not know they were breaking a right in merely suggesting that Supply should have precedence over the consideration of grievances. I am not sure that even now, notwithstanding what has been said, the House of Lords have ever admitted by any Resolution that they have not the power to originate Supplies. They have not the power, of course, to carry such a Bill, because if it came to this House it would fall down dead, unless that unhappy time should come when the theories of the right hon. Gentleman, the Member for Stroud, are carried out.

Then, Sir, comes the question of Amendments. The Lords endeavoured to Amend a Bill of Supply. I do not wonder that they did, because the theories of the right hon. Gentleman must have been palatable to a good many of them. In 1671 it was proposed not to continue a tax, but to reduce a tax—the duty on white sugar. The Lords proposed to reduce the duty from one penny per pound to five-eighths of a penny, and the House of Commons came to a Resolution that "in all aids given to the King by the Commons the rate or tax ought not to be altered by the Lords." A conference was held with the House of Lords, and the House of Commons then declared that the right which they claimed "was a fundamental right, both as to the matter, the measure, and the time." Then, what followed in the House of Lords? Why, they replied by the very same Resolution which the House of Commons had passed in its own favour. The Resolution they passed asserting their power to make Amendments was just as strong, and in the same words as the Resolution which had been passed in a contrary sense by this House. They said, with reason, "for if they cannot amend, or abate, or revise a Bill in Parliament"—they said this, mind, in answer to the Commons, who declared that they could not amend, but might negative the whole—they said, "if we cannot amend, or abate, or alter in part, by what consequence of reason can we enjoy the liberty to reject the whole?"

Now, Sir, the right hon. Gentleman, the Member for the University of Dublin, last night showed himself a most unhappy critic. He called our attention to the condition of things in the United States. In fact, Sir, he proved himself—only he did not exactly understand what he was saying—he showed himself to be strongly in favour of Americanizing our institutions in one respect. He said the Senate of the United States has the power not only of rejecting, but of amending, which is quite true. When the founders of the American Republic were binding together the thirteen Sovereign States in one great—and to be still greater—combination, they looked back naturally to the practice of the country from which they were separating, to determine, or at least, to learn something from our Parliamentary practice. They found that in England the Lords could not begin Money Bills, could not alter or amend them; but that theoretically—because the matter had never been decided—theoretically they had power to reject. But, then, what was the conclusion which they came to? They said the very same thing as the House of Lords had said in the year 1761—"It is perfectly childish to say that the House of Lords cannot alter, abate, or increase, but yet shall be able to reject." They knew well that, although there was that theoretical right in England, yet, practically, it had never been enforced, and they came to the conclusion that if they would give to their own Senate power to reject, it would be necessary also to give them the power to amend; and at this very moment the Senate of the United States might, not with that sort of responsibility of which the right hon. Gentleman is so fond, but with a real responsibility, every two members being the representatives of a particular sovereign State—that elected Senate does amend, and does reject, and does deal with finance in a manner which has never been permitted, nor even proposed in this country, until in the extraordinary speech to which we have just listened.

Now, Sir, seven years after the last date to which I have referred there arose another contest, in the course of which a Resolution was passed. It is the strongest and most comprehensive Resolution that the House of Commons have ever passed in relation to this subject. Sir, I will not go into any elaborate arguments upon it, but I will just read it, because it makes the argument I am about to bring before the

House more continuous and clear. The House of Commons declared this; and it was not one of those sudden acts which the House of Commons are now alleged continually to commit; but it was a Resolution drawn up by a Committee specially appointed for that purpose—a Resolution specially considered and solemnly entered in the Journals of the House. It was in these words, that

"All Aids and Supplies, and Aids to His Majesty from Parliament are the sole gifts of the Commons, and all Bills for granting such Aids and Supplies are to begin with the Commons; and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords."

Now, Sir, at this time, when the Lords had never pretended to reject a Bill, it is probable that such a proposition was a thing that never entered into the head of any Member of the House of Peers. I will undertake to say it would be difficult for any Member of this House to draw up a Resolution more comprehensive and conclusive as to the absolute control of the House of Commons than that of the year 1678, which I have just now read.

Now, Sir, shortly afterwards, in the year 1691, there is another Resolution which goes minutely to the case before the House, and I beg the right hon. Gentleman's attention to it. In that year a Bill was passed for appointing Commissioners to Examine the Public Accounts of the Kingdom. The House of Lords Amended, the House of Commons dissented; and among the reasons which the House of Commons gave was this—"That in aids, and supplies, and grants, the Commons only do judge of the necessities of the Crown." Sir, what are we asked now? We are asked to take into partnership another judge of the necessities of the Crown. The House of Commons which for 500 years, which, since the Revolution at least, has never withheld adequate Supplies from the Crown, is now to be depreciated and defamed, as if it had been guilty of scantily supplying the wants of the Crown, and the House of Lords is to be asked to do that which the House of Commons alone did in 1691, namely, to judge of the necessities of the Crown, and to make the Supply greater than that which the House of Commons have believed to be sufficient. And, referring to that famous record of Henry the Fourth, we find it stated there that "all grants and aids are made by the Commons, and are only assented to by the Lords."

Now, a few years afterwards, our forefathers got into a question about the paper duties, just as we are at this time; only they managed it better than we are doing now. In the year 1699 they declared:

"It is an undoubted right and privilege of the Commons, that such aids are to be given by such methods, and with such provisions, as the Commons only shall think proper."

But now we are told that aids and provisions for the Crown are to be raised by methods, not which the Commons think proper, but which the Lords think proper in opposition to the Commons.

Now, Sir, the House will perceive that I am very hoarse, and I am sorry to trouble them with other cases. In the year 1700 there was another question raised between the two Houses: and the Commons told the Lords that they could not agree with their Amendment, that

"All the Aids and Supplies granted to His Majesty in Parliament, are the sole and entire gift of the Commons; and that it is the sole and undoubted right of the Commons to direct, limit, and appoint the ends, purposes, considerations, limitations, and qualifications of such grants."

Then, Sir, in 1702 there was another statement that "the granting and disposing of all public moneys, is the undoubted right of the Commons alone."

In the year 1719 they objected to a clause which the Lords had introduced; on the ground that it levied a new subsidy not granted by the Commons, "which it is the undoubted and sole right of the Commons to grant, and from which they will never depart." Sir, I want to ask the House, or any reasonable man, if we were discussing this question between the American Senate and the House of Representatives, or between the two Chambers of any foreign country, to what conclusion would each one of us necessarily come as to the purpose and object of all these declarations, to which I have referred, and which are only a portion of those which are to be found in the Journals of this House for the last 500 years? Would you say that they lead to the conclusion that the House of Lords could throw out a Bill repealing a tax of the value and magnitude of £1,300,000 a year? Would you say that if they could not abate a tax, or continue a tax, or limit a tax, or

Mr. Bright

dispose of a tax, or control in any way a tax, or even give advice to the Commons in respect to a tax—could you say that, notwithstanding all that which is clear and undeniable, they could, in the face of this House, reject a Bill which repealed a tax of £1,300,000 a year, without violating Parliamentary usage, and running contrary to all the declarations of this House for many centuries? I think, Sir—and I put it before the Committee—and if any hon. Gentleman has done me the honour to read the draft Report which I prepared, he will see that. I put before the Committee this long string of cases and Resolutions, and declarations, couched in language not ambiguous, not feeble, but in language clear and forcible, which could not be mistaken; and then I wished to ask the Committee—as I now ask the House—what was the end and object which the House of Commons had in view in these repeated declarations of their rights and opinions touching the granting of Supplies, and the imposition of taxes upon the people. Why, Sir, I should say they did this—they confirm and consecrate a practice of 500 years, the principle which, within the last hour, I thought every man in England admitted—the fundamental and unchangeable principle of the Government and Constitution of the English people, that taxation and representation are inseparable in this kingdom. Let us look and see how these declarations and Resolutions apply to this case.

Sir, we are now in the year 1860, and for a long period we have had no question of importance of this nature; and we begin to fancy that, after all, there is no great importance in such a question. We have long had our personal liberties in this country; longer almost, in some classes of society, than history can tell; but people perhaps fancy that their personal liberty cannot be endangered by this matter. No; in this case we were so confident of our right and our power that we could not comprehend any infringement of those rights. These paper duties, I believe, were granted in the reign of Queen Anne; partly for revenue, and partly for other purposes; which purposes, I presume, had some effect in procuring the rejection of this Bill by the Lords. It was a tax to prevent the publication and spread of political information. I see an hon. Gentleman up there in the gallery who is very much astonished at this; but he is not aware, probably, that all which I have stated is, if I am not misinformed, in the Preamble of the Bill. Public opinion in those days allowed of very bad reasons being given. They can be acted on now even when they are not given. From the time of Queen Anne, to the present time, this paper puty has crippled a very important industry. It has taxed all the trades which required large quantities of paper—such as those of Manchester, of Sheffield, of Nottingham, of Birmingham, and elsewhere; but more than that, it has very successfully done what Queen Anne's Ministers wanted; it has threatened, and, to a large extent, it has strangled the press of this country. Within the last thirty years—and hon. Members on the opposite side of the House, I presume by this time, are becoming conscious of it—new principles have become established in this country with regard to taxation on industry. New and wiser principles have been adopted, and not only adopted but established; and there are some very powerful defenders of these new principles, that I have the pleasure to see opposite me to-night.

Now, Sir, the right hon. Gentleman, the Member for Stroud, has gone on the old mode of discussion when arguments are not plentiful, and facts are entirely wanting. He has raised his old friend, the hobgoblin argument, and has tried to show us that some frightful calamity must come upon us if this paper duty be repealed: it is but a million-and-a-quarter. Does any hon. Gentleman believe that our prosperity or success—or that any vast interest of this country—can possibly depend on a million, more or less, in the general revenue of the empire? Sir, a million is a million. ["Hear."] I am glad to have said somethingin which the hon. Gentleman the Member for Leicestershire can coincide. There is no Member who has laid more stress on the importance of a million in the taxation of the people; it is the tax of many villages, of many towns; and it makes the difference sometimes between comfort and desolation; and therefore I am the last person who would undervalue the amount of a million of the public revenue. But still I should only be making myself foolish, if I were to say that a million sterling—whether our taxation be £50,000,000, as it was twenty years ago, or £70,000,000 as it is now—was of the gigantic importance attributed to it by the right hon. Gentleman: for on this million, which we had provided a substitute for, before we relieved the million of that mil-

lion, he founds his argument as to our recklessness, precipitancy, and madness, and drunkenness—I think he added—at least it was to be inferred from what he said; for he made use of the converse, and spoke of sobriety.

Now, Sir, the noble Lord, the Member for the City of London, in his speech last night reviewed the course of events, and told us what we all knew, that within the recollection, I suppose, of almost the youngest Member of the House, there have been Excise duties on many other articles; I think, at one time, on candles; certainly at a later period on leather; I believe, since I came into this House, on glass; and, still more recently, on soap. Well, Sir, all these Excises have been done away with. Can you find a man, from John O'Groat's to the Land's End, who will not tell you that these reckless principles, applied to the repeal of these Excises, were not of essential benefit, not only to the particular trades most interested, but to the great mass of the people, and to the industry by which your people live?

Well, then, Sir, having followed for many years a course so beneficial, we come at length, in the year 1860, to the repeal of the paper duty, which was promised by the House; which was recommended by the Government officers; which was called for by innumerable petitions; which was hoped for, I believe, by every person in the country, who took an intelligent view of what was essential to aid the efforts which Government are making, by liberal grants every year, to promote the instruction of the people. This tax was £1,300,000. It was a question whether sugar should be relieved to the extent of a million, tea of a million, or paper of a million: I am speaking in round numbers. The hon. Gentleman, not caring in the least about this reckless deficit, would evidently have preferred sugar or tea; but surely, as regards the question of the Supplies for the year, it was equally a matter of indifference to the Chancellor of the Exchequer whether the duty were taken off tea, or sugar, or paper. But the conclusion to which he necessarily came was, that while in the cases of tea and sugar, the relief was to the extent of a million of taxation, in the case of paper it was not only a relief to that amount in money, but it was a relief to a great industry, and to several other industries, whose prosperity must depend on an abundant and cheap supply of paper. I speak with some knowledge of the subject, and I have not the least doubt that the abolition of the paper duty was a positive relief to the whole people of the country equal to double the relief which would have been afforded by a reduction, equal in amount to the duty on the articles of tea and sugar. But the question may be still more narrowed; and I beg the right hon. Gentleman's particular attention—for it appears now that his hostility to the Chancellor of the Exchequer renders him unable to understand the multiplication table, or anything else that is plain. If the paper duty expired on the 15th of August, the reduction of revenue between that time and the end of the financial year, would probably not be more than £600,000, but certainly would not exceed £700,000. I am sorry the House did not take more economical advice in past years. But we are now come, according to the right hon. Gentleman, to this extremity of our resources, that you cannot take £700,000 this year from our Excise which is strangling a great trade, and put an additional halfpenny or penny on the income tax, without bringing about such a frightful state of things, that the Constitution itself and the usage of Parliament must be violated, and we must bring in a foreign power to check us in our precipitous, reckless, and headlong career. Sir, it may be very far from the modesty which becomes a Member of this House, but I confess I am of opinion that the House of Commons is the best judge in this country of what is necessary for the trade, and also what is required by the financial condition of the country. First of all, Sir, there are among us a good many sagacious men of all sorts. There are, as I know, some very sagacious landowners; we found it very hard to beat them even when they had a very bad case. We have a very sagacious Gentleman down here who spoke to-night, and who, whatever be the question which comes before us, always finds some very fitting object for his merciless and unscrupulous vituperation. We know many of us intimately all the details connected with these questions; in fact, I suppose, there is not a trade in this country of any importance or note that cannot find its representatives in this House. For many years past we have had the absolute control of questions of finance, and I undertake to declare, notwithstanding what the right hon. Gentleman has stated, that there is not a representative body in the world, which during

Mr. Bright

the last twenty years has done more in the way of financial and fiscal reforms with greater advantage to the people. And yet, at the end of that period, when the triumphs of this House are to be found not on granite and bronze monuments, but in the added comforts of the population, and in the increased and undoubted loyalty of the people! you are now, forsooth, asked by the right hon. Gentleman to abdicate your functions, and to invite 400 gentlemen, who are not traders, who have never been financiers, who do not possess means in any degree equalling your own of understanding the question—you are to ask them to join your councils, and not only to advise, but to check, and even to control. Why, Sir, it is one of the points which gave me most grief in regard to this Question that I have seen the House of Lords taking, of all cases, perhaps the worst that could possibly come before them, and inflicting suddenly, unexpectedly, and in my opinion, groundlessly, most harsh and cruel treatment on all the persons who were interested directly in this question of the paper excise. We are asked now, in terms not ambiguous, to overthrow the fabric which has grown up in this country, which has existed, and existed without damage, for at least 500 years. By the Report of the right hon. Gentleman we find that as far back as the year 1640 the House of Commons made this declaration, to which I ask the particular attention of Members of the present House. They said:—

"We have had uninterrupted possession of this privilege" [the privilege of the undisputed control over the taxation and finances of the country], "ever since the year 1407, confirmed by a multitude of precedents both before and after, not shaken by one precedent for these 300 years."

Well, Sir, if that be so, it carries us back for a period of 520 years; and yet we are asked to-night in the most unblushing and audacious manner, to overthrow this magnificent and time-honoured fabric, and admit to powers, to which they have hitherto been unaccustomed, the hereditary branch of the Legislature.

Now, Sir, I say that the House of Lords in the course they have taken have committed two offences, which I had much rather they had not committed, because I am not anxious that they should depreciate themselves in the eyes of the people of this country. [*A laugh.*] If hon. Gentlemen opposite were as anxious that they should continue limited to their proper functions, doing all the good that it is possible for them to do, and as little harm as possible, they would not laugh with that kind of unbelieving expression which I presume they intended just now to convey as to what I have stated. I say the House of Lords have not behaved even with fair honour towards the House of Commons in this matter. Every man of them who knew anything about what he was voting for knew that the House of Commons repealed the paper excise, not because it wished to remit a million of taxes, but because it thought that to strangle a great industry was an injurious mode of raising revenue, and, therefore, they transferred that amount of taxation from the paper excise to the income tax. Then, Sir, I say if that were known in the House of Lords, although they might have disapproved the change, and might have thought it better if it had not been made, it was not an honourable treatment of this House, and if they had the power which the American Senate has, and which the right hon. and learned Gentleman wished them to have, still it would not have been fair to this House to enact the penny on income and refuse to repeal the tax on paper. That, Sir, is a question which every man can understand; and I cannot believe that there is any Member of this House who does not wish it to be put in that shape.

But, Sir, there is another thing in which the House of Lords have done wrong. They have trampled on the confidence and taken advantage of the faith of the House of Commons. The right hon. Gentleman last night made on this subject a very curious statement, which, if I were a Member of the House of Lords, I should be disposed to find fault with. He said:—"Why, what can you expect? It was the *lâches* of the House of Commons that gave the House of Lords the opportunity of doing what they have done." But, surely, if for 500 years the House of Lords have never done this,—if since the Revolution, even with the search into precedents made by the Committee, not a single case which approaches this can be discovered—are the House of Commons blameable for thinking that they were at least dealing with a House which would abide by the usage of the Constitution, and would not take advantage of the change which the House of Commons made for the public interest in the mode of imposing taxation. Instead of being temporary, taxes were made permanent. The West

India interest said they did not want their trade to be troubled and disturbed every year; and the sugar duties were made perpetual. Well, but then are we always to treat the Lords as political burglars, and invent bolts, bars, locks, everything which may keep them from a possible encroachment on our rights? Must we treat them as men who, if you give them the smallest opportunity, will come down upon you and do that which you wish them not to do? If that be so, you must assuredly take certain precautions to prevent them from continuing such a course.

Now, Sir, it is said that the Paper Duty Abolition Bill was thrown out in the Upper House by a great majority. That is a fact with which we are well acquainted. I was talking recently to a Peer who gave an explanation of this, which I will venture to repeat. "If," he said, "the regular House of Lords, that is to say, the hundred Members who during the Session really do transact the business, if they only had been in the House, the Paper Duties Repeal Bill would certainly have passed." That, however, happened which we all understand, and I have no objection to repeat the exact words used to me. "About two hundred Members, who hardly ever come there, were let loose for the occasion." Most of them are unknown to the country as politicians, and they voted out this Bill by a large majority, with a chuckle, thinking that by doing so they were making a violent attack on the Ministry, and especially on the Chancellor of the Exchequer. That is a House, recollect in which three Members form a quorum. I sometimes hear complaints in this House that Ministers pass measures very late at night, when, perhaps, only fifty Members are present, of whom thirty are connected with the Government; but in the House of Lords three form a quorum. Proxies may be used too; and these three Peers forming a quorum, with proxies in their pockets, are to dispose of great questions involving £70,000,000 of taxes raised from the industry of the people of this country. At all events, if the 200 Peers who voted that night choose to come down on other such occasions there is no single measure of finance, however liberal or however much for the advantage of the people, that they would not reject, and thus frustrate the beneficial intentions of this House.

Now, Sir, after all I have said I am going to make this admission, that the Lords of course can reject a Bill, and can also initiate a Bill if they like. If it were not so late (and the Lords like to get away about seven) if it were not so late, the Lords might to-night bring in a Bill levying a tax or voting money for the service of the year, and they can also reject any Bill you may send up to them. They are omnipotent within the four walls of their House, just as we are within the four walls of this House. But if they take their course, one contrary to the general practice of that House and of Parliament, it becomes us to consider what course we will take. We cannot compel them to make any change; but we may ourselves take any course that we please, and we may at least offer them the opportunity of altering the course they have taken. My opinion is that it would have been consonant with the dignity of this House, wholly apart from the question of £1,300,000 a year, or of £700,000 the sum for this year, to have passed another Bill to repeal the paper duty. If that had been a duty which I considered not the best to repeal, I still should have laid aside all partiality for a particular tax. The question before us is of far more importance than the maintenance or abolition of any particular tax. There can be nothing more perilous to the country, or more fatal to the future character of this House than that we should do anything to impair and lessen the powers we have received from our predecessors. I understand there are other sums amounting to about £1,500,000 or £2,000,000, which have yet to go up to the House of Lords. Now, Sir, if the noble Lord at the head of the Government, acting up to his position, which I think he has failed to do in this matter, had asked us, not on the ground (for that is a low ground) that the paper duty was the best duty to repeal, but on the ground that as the House of Commons have come to that decision they should abide by it; if he had asked us to pass another Bill, with an altered date, perhaps, and sent it up again to the House of Lords, he would have given them the opportunity of reconsidering their decision; and my full belief is that a course like this, taken without passion and without collision, would have been met in a proper temper by that House; this difficulty would have been got over, and in all probability both Houses for the future would have proceeded more regularly and easily than they are likely to do under the plan proposed by the noble Lord.

Sir, having stated that I shall leave the question of these Resolutions, I say there is no reason whatever in the arguments which have been used why this duty should have been maintained, or why it was perilous to remit it. Its repeal was consistent with the policy of the Whigs before Sir Robert Peel came into power, with the policy of Sir Robert Peel's Government, of Lord Derby's Government, of Lord John Russell's Government, of Lord Aberdeen's Government, of Lord Palmerston's Government, of Lord Derby's last Government, and of the existing Government. The policy of the repeal of the paper duty is the recognized policy of this House, and it is the admitted interest of the country. Then, why, Sir, unless it be for a party triumph, unless it be to attack a particular Minister, why is this question of £700,000 this year, and less than double that sum in future years, raised to an importance which does not belong to it? and why, for the sake of a party triumph, are the great interests connected with it to be damaged and tortured, as they now are, by the action of one House of Parliament? I am told, Sir, there are Members of this House who would not support the Government in this course, and I should certainly hardly expect that all the Gentlemen on the benches opposite would lend to it their sanction. Yet I doubt whether if the noble Lord at the head of the Government were to act in the manner I have indicated, the great majority of them would be induced, upon reflection, to adopt the policy which they have pursued with respect to these Resolutions, and whether the House of Commons would not have passed a second Bill even by a larger majority than that by which we passed the last.

Now, Sir, there is a rumour that some Gentlemen on this side of the House object to such a course of proceeding, and hon. Gentlemen opposite have, perhaps, on that account been led to take up a line of action upon this question in which they otherwise could not hope to succeed. An hon. Gentleman behind me, from whom I should have expected something better, said only last night, in speaking of the Chancellor of the Exchequer, that he was a reckless and unsafe finance Minister. That observation he no doubt confined to the question of the repeal of the paper duty; but I cannot forget that in 1853 we had the same Chancellor of the Exchequer as to-day, and that it was asserted then also that he had committed great errors. [*Cheers from the Opposition.*] Yes; but your Chancellor of the Exchequer was not in office long enough to perpetrate any great mistakes. Not long after that right hon. Gentleman assumed the reigns of office, he brought in a Budget which the House of Commons rejected, and upon the next occasion on which he proposed one, he found it necessary to shift the burden of responsibility to the shoulders of his successor. But in 1853, when the right hon. Gentleman the Member for the University of Oxford was Chancellor of the Exchequer, I put it to those among us who were then Members of this House, whether it is not the fact that the strength of the Government of Lord Aberdeen, of which he was a Member, was developed and concentrated by his action on the taxation of the country which met with universal approbation out of doors.

Well, we come now, Sir, to the present year, and while I do not wish to depreciate the popularity, or the character, or the ability of the noble Lord at the head of the Government, or any of his colleagues, still I undertake to say that the power and authority which his Administration have acquired during the present Session, it has gained mainly as the consequence of the beneficial propositions which the Chancellor of the Exchequer has made. I heard somebody last night —(I am not quite sure it was not the right hon. Gentleman below me to-night)—talk of the House of Commons having been partly charmed and partly coerced into the acceptance of these propositions. But if that be so, and if we have proved ourselves to be soft-headed children who could be so swayed, I must say it appears to me very strange that such should be the case; for I think the House of Commons has upon the contrary shown wonderful independence, and has proved itself to be extremely free from all those ties, the acting in accordance with which usually enables a Government to conduct the business of a Session with success. Be that, however, as it may, I repeat that the Budget of the right hon. Gentleman the Chancellor of the Exchequer when it was laid before the country, was received throughout all the great seats of industry, and among the farmers too—for it tended to benefit them as well as the inhabitants of towns—with universal approbation.

Now, Sir, the right hon. Gentleman below me has been indulging himself to-

night, in accordance with his custom, in dwelling upon the French Treaty, and I must say we have heard a great deal upon that subject since it was first mooted in this House. We have had it commented upon by a great Journal in this country, whose motives I will not attempt to divine, but whose motto must, I think, be that which Pascal said ought to have been adopted by one of the ancients—"*Omnia pro tempore, sed nihil pro veritate*,"—which being translated, may be rendered —"Everything for *The Times*, but nothing for truth." We have had in short, every description of falsehood propounded with respect to this Treaty. The right hon. Gentleman below me has not hesitated to-night to give currency to representations with respect to it wholly inaccurate, and if I were not here, I would apply to his observations a still stronger term. Did not the right hon. Gentleman say our manufacturers were—I forget the word—plaintiffs—no, suppliants in the antechamber of the Emperor of the French? The statement is one, I can tell him, which is wholly untrue; nay, more, and I may say that with the exception of some right hon. Gentlemen sitting on the Treasury Bench, there is no one more competent to give an opinion on the subject than myself, for reasons with which the House is of course acquainted. I tell the right hon. Gentleman that nothing can exceed the good faith and the liberality with which that whole question is being treated by the Commissioners of the French Government. I would have him know that they are as anxious as our Commissioners that a great trade between England and France should spring up; and I will add that in the case of nations and Governments in amity one with the other, whose representatives are endeavouring in all fairness and frankness to extend the commerce between both, he is neither a statesman nor a patriot who seeks to depreciate in the eyes of his countrymen the instrument by which it is hoped these results will be accomplished, and thus doing his utmost to prevent its success.

Now, Sir, I come to ask the House what is this reform in the tariff introduced by the right hon. Gentleman the Chancellor of the Exchequer, by which you are so frightened? Is it something novel? The right hon. Gentleman below me says it is a scheme both new and gigantic in its proportions, and fatal in its principle. Now, I was speaking last week to an hon. Member for a South-Western county who sits on the benches opposite, and he spoke in terms of exultation to me of the success of late years of that branch of industry in which you are peculiarly interested. Is it honest, then, that you should make such acknowledgments and not consent to extend further the principles which the whole country has pronounced to be sound and beneficial? We boast of the freedom of our commerce. That commerce has more than doubled since I had first the honour of a seat in this House. When, then, you now attack, through the right hon. Gentleman the Chancellor of the Exchequer, principles, the adoption of which has wrought this great good, you are not, in my opinion, pursuing a course which will enhance your reputation with the country which you profess to represent. There is not, I contend, a man who labours and sweats for his daily bread; there is not a woman living in a cottage, who strives to make her humble home happy and comfortable for her husband and her children, to whom the words of the right hon. Gentleman the Chancellor of the Exchequer have not brought hope, and to whom his measures, which have been defended with an eloquence few can equal, and with a logic none can contest, have not administered consolation. I appeal to the past and present condition of the country, and I ask you, solemnly, to oppose no obstacle to the realization of those great and good principles of legislation.

Sir, I will not enter further into this question. I am unable from physical causes to speak with clearness, and I am afraid I must have somewhat pained those who have heard me. I must, however, repeat my regret that the noble Viscount at the head of the Government has not shown more courage in this matter than he appears to me to have exhibited, and that the House of Commons has not evinced more self-respect. I fear this Session may as a consequence become memorable as that in which, for the first time, the Commons of England had surrendered a right which for 500 years they had maintained unimpaired. I, at least, and those who act with me, will be clear from any participation in this; we shall be free from the shame which must indelibly be attached to the chief actors in these proceedings. I protested against the order of reference which the noble Lord proposed, yet I sat and laboured on the Committee with earnest fidelity on behalf of the House of Commons. I have felt

it an honour to sit in this House up to this time, and I hope that hereafter the character of this House will not be impaired by the course which is about to be taken. I have endeavoured to show to my countrymen what I consider to be the almost treason which I fear is about to be committed against them. I have refused to dishonour the memory of such Members as Coke, Selden, Glanville and Pym; and, if defeated in this struggle, I shall have this consolation, that I have done all I can to maintain what I believe to be the honour of this House, and that I have not sacrificed the interests which my constituents committed to my care.

MR. WHALLEY: Sir, I rise for the purpose of making a few observations to the House. [*Cries of* "Divide, divide."]

MR. MELLOR: Sir, I move the adjournment of the Debate.

Motion made, and Question proposed—"That the Debate be now adjourned."

VISCOUNT PALMERSTON: I do sincerely hope and trust that the hon. and learned Member will not persist in pressing his Motion for an adjournment of the Debate. The question which I have brought under the notice of the House has been most fully discussed, and the House is exceedingly full, and is quite prepared to express its opinions. It is now Friday night, and I do hope that the House will come to a decision. When an adjournment is spoken of I certainly do not know what other day will be convenient to adjourn to at this period of the Session.

MR. BRIGHT: I beg to ask the noble Lord whether he will not be satisfied if the first Resolution were to be put and agreed to on the present occasion, and then the second and third Resolutions might be postponed to a future occasion. Those are in fact the Resolutions upon which difference of opinion exists, and it is very natural that some discussion should take place with regard to them.

MR. CONINGHAM: I think it highly necessary that an opportunity should be given to every hon. Member to express his opinions upon the Resolutions which have been submitted to the House by the noble Lord at the head of the Government.

MR. DISRAELI: I would beg to observe that, although the first Resolution only is formally before the House, and the debate which has taken place has comprehended all three Resolutions, they have been discussed as a whole. It appears to me that the debate has been very completely carried on, and I certainly cannot understand why it should be adjourned; indeed, no grounds have been given why the debate should be prolonged. Although formally we are going to decide upon the first Resolution, yet I think that the House will agree that they should be taken together.

MR. MELLOR: With the leave of the House I will withdraw my Motion for the Adjournment of the Debate, but I beg at the same time to say that I shall reserve to myself the right to say a few words upon the second Resolution.

Motion, by leave, *withdrawn.*

MR. SPEAKER put the following (the first) Resolution:—

Question,

"That the right of granting Aids and Supplies to the Crown is in the Commons alone, as an essential part of their constitution; and the limitation of all such Grants, as to matter, manner, measure, and time, is only in them."

Put, and *agreed to.*

VISCOUNT PALMERSTON moved the following (the second) Resolution:—

Motion made, and Question proposed,

"That, although the Lords have exercised the power of rejecting Bills of several descriptions relating to Taxation by negativing the whole, yet the exercise of that power by them has not been frequent, and is justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the Supplies and to provide the Ways and Means for the Service of the year."

MR. MELLOR: It appears to me, Sir, that this Resolution expresses more than the House intends and certainly more than the precedents prove, and I do hope that the noble Lord will think it necessary to amend the Resolution. The allegation is—"That although the Lords have exercised the power of rejecting Bills of several descriptions relating to taxation by negativing the whole." I say that that expresses more than the precedents themselves prove. I say that there is no precedent which establishes the fact, that the Lords have exercised that power by amending any Bill relating to taxation or to a tax *simpliciter*. The words which I would suggest, and to which I cannot conceive there can be the least objection on the part of any hon. Gentlemen, are only for the purpose of guarding ourselves against making an improper and unnecessary omission. I beg to propose that after the word "Relating," the following words should be inserted, "Among other matters." If that were acceded to by the noble Lord, I

should have no objection to the Resolution, but if it be insisted upon that we are to consider the Resolution in the way precisely in which it is framed, and if it be passed in that form, it will controvert the truth. Therefore, if the Amendment which I venture to propose to the House should be satisfactory to the noble Lord and to the hon. Gentlemen on the other side of the House, my objection to the Resolution would cease. But unless I have some assurance that that course were adopted, I must take the sense of the House upon it. I therefore move that after the word "relating," the words be inserted, "among other matters."

Amendment proposed, after the word "relating," to insert the words "amongst other matters."

Question proposed, "That those words be there inserted."

MR. SPEAKER put the original Motion and the Amendment.

VISCOUNT PALMERSTON: I object to the insertion of the words proposed by the hon. and learned Member. These Resolutions however they may been criticised by some hon. Members who have spoken in the course of this debate, have nevertheless been subjected to a good deal of consideration. I think that they correctly express the idea which they are intended to convey. What is meant is not that a Bill relating to various other matters has been rejected, but the point of the Resolution is that of Bills rejected relating to taxation. It is stated that they are Bills of several descriptions relating to taxation which have been rejected, and I think that the Resolution correctly describes them. I conceive that the words, "Bills of several descriptions," imply what the hon. and learned Member has in view.

MR. BRIGHT: The difference between the noble Lord and my hon. and learned Friend is this, that as the Resolution stands, it would bear the interpretation that a Bill, very like the particular Bill which we have been discussing, was one of those that were among the various descriptions of Bills referred to, whereas it is notorious to the whole of the Committee, and to everybody who has attended to this subject and looked into this matter, that that is not the case. Therefore, while I do not like the Resolution, while I am no friend to the Resolution in either shape, I think it would be better when we are meddling with edged tools, to be a little careful that we do not admit something into it which would enable some degenerate Members of a Committee, some fifty years hence, to quote this Resolution in favour of the theories and the views of the right hon. Gentleman the Member for Stroud. Therefore, I hope that the noble Lord will allow the House till Monday for the purpose of considering this point. [*Cries of* "Divide, divide!"] I was only going to say, that the Gentlemen who with so much consideration prepared this Resolution will be able between this and Monday to—[*Cries of* "No, no!"] There must be many hon. Gentlemen on the opposite side of the House, who are desirous of aviling themselves of the excellent opportunity which an adjournment of this debate will afford them, of addressing the House; for up to this time we have only been favoured with the views of two Speakers on the Opposition side.

MR. WHALLEY: I rise for the purpose of moving that this Debate be now adjourned.

LORD FERMOY: I beg to second the Motion.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 36; Noes 433: Majority 397.

The House divided on the Amendment of Mr. MELLOR.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 52; Noes 369: Majority 317.

Main Question put, and *agreed to*.

VISCOUNT PALMERSTON proposed the following (the third) Resolution—

Motion made, and Question proposed,

"That, to guard for the future against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over Taxation and Supply, this House has in its own hands the power so to impose and remit Taxes, and to frame Bills of Supply, that the right of the Commons as to the matter, manner, measure, and time may be maintained inviolate."

LORD FERMOY: Mr. Speaker, I really have an appeal to make to the noble Lord at the head of the Government and to the hon. Gentleman opposite who have exercised hitherto, no doubt, a sound judgment to postpone this Resolution, inasmuch as upon this Resolution there are two very important Amendments which require considerable discussion, and inasmuch as, to use a phrase which the noble Lord used last night, "Circumtances are now very different." I am at

a loss to understand how hon. Gentlemen will not allow this matter to be discussed, but will still persist in preventing consideration being devoted to it. It is perfectly clear that we ought either to discuss the question, or we ought to adjourn. I would say that the circumstances have now completely changed—[*Cries of* "Divide! Divide!"]—As I cannot be heard, I shall content myself by moving that the Debate be now adjourned.

MR. VINCENT SCULLY: I second the Motion.

VISCOUNT PALMERSTON: I do trust that, after the unequivocal expression of opinion which has just been given by the House, and considering that there stand for next week matters of very considerable importance for discussion, it would be exceedingly inconvenient to the public service if this debate were not brought to a termination to-night. I do therefore hope and trust that the noble Lord will not persist in his Motion for the adjournment of the debate, but that he will allow the Resolution to be put at once. If, however, the noble Lord will persist with his Motion, I trust that the House will reject it by a large majority.

MR. VINCENT SCULLY: I seconded this Motion because discussion, which it is most important should take place, is shut out. The noble Lord (Lord Fermoy) stated that his object was to have the matter discussed, and that his object was not an adjournment; but inasmuch as the matter is not now to be discussed there is no alternative but to persist in the Motion for adjournment, I shall support the noble Lord in his Motion. The noble Lord at the head of the Government said that these Resolutions which he has submitted to the House are most important, and therefore I apprehend they cannot be too fully discussed. In fact, the very Amendments which have been proposed in the course of the debate to these Resolutions are very important, and there are many hon. Members who doubtless would desire to express their opinions with respect to them. These are my reasons for seconding the Motion for adjournment.

MR. CLAY: Sir, I do trust that my noble Friend (Lord Fermoy) will not put the House to the trouble of a division. We all know full well how these repeated divisions on adjournments end, and I do confess with regret that it would be a very unseemly act of our own upon such a question as this, if this debate were to be now adjourned. My noble Friend can hardly expect that any further light will be thrown upon this question by further discussion, and I must confess that I think that my noble Friend would better consult the dignity of the party to which he belongs by at once withdrawing his Motion for adjournment, and thus enabling the House to agree to the Resolutions which have been submitted to them. The Resolutions may not do all that he feels and all that I feel upon the subject, but at the same time they are more or less a protest; and I submit to my noble Friend and to the House, that the best course which we can take under existing circumstances is at once to agree to them.

Motion made, and Question, "That the Debate be now adjourned."

Put, and *negatived.*

Original Question put, and *agreed to.*

MAYNOOTH COLLEGE.—RESOLUTION.

Act [8 & 9 *Vic.* c. 25] read.

Order for Committee read.

MR. CARDWELL said, he would move that the Speaker leave the Chair, in order that he might propose a Resolution, upon which he should ask leave to found a Bill.

MR. SPOONER said, he objected to the Motion. The Bill was one to undo what had been done in 1853 with reference to this college; and two o'clock in the morning was not an hour at which to bring in a Resolution on which to found such a Bill.

VISCOUNT PALMERSTON said, that it was the first time he had ever known an hon. Member object to a Minister of the Crown stating the provisions of a Bill which he proposed to bring in.

House in Committee.

MR. CARDWELL said, that from the year 1845 to 1851 the Board of Works kept the buildings of the College of Maynooth in repair by means of an annual grant of public money. In 1853, however, when the Government submitted the usual vote to the House of Commons it was defeated by a small majority upon the Motion of the hon. Member for Warwickshire (Mr. Spooner). From that time to the present the Board of Works in Ireland were under a statutory obligation to keep the College in repair, but had no funds given to them for the purpose. The state of the College in consequence could be easily conceived. A Royal Commission

was appointed to inquire into the condition of the College, who recommended, not that the House of Commons should be asked to reverse its decision, but that the expenses of the building and repairs should be defrayed out of the funds already assigned by Parliament for the purposes of the College. He had asked the trustees if they were willing to acquiesce in this arrangement, and they replied that, having regard to the health, comfort, and discipline of the students, and the efficiency of the studies, they would accept the recommendation of the Royal Commissioners. He, therefore, proposed—acquiescing in the decision of the House, but not in the justice of that decision—to bring in a Bill to transfer from the personal endowment of some of the students of the College the sum of money necessary to keep the College in repair. The whole sum to which the Bill referred was that devoted by the 6th clause of the Maynooth College Act to the endowment of 250 pupils. The right hon. Gentleman concluded by placing in the hands of the Chairman a Resolution.

Mr. NEWDEGATE said, that instead of the old buildings having been repaired as intended by Parliament, new buildings had been erected, and accommodation made for one-half more pupils than the entire number in the College in 1845. That was a misappropriation of the money granted by Parliament. He objected to proceeding with the Resolution at that hour.

Mr. DEEDES moved that the Chairman leave the Chair.

Viscount PALMERSTON said, that there would be ample opportunity for discussing the measure on the second reading.

Lord NAAS said, that they could not discuss the Bill till they had it before them. He, therefore, hoped the right hon. Gentleman would be allowed to bring in the Bill.

Mr. SPOONER said, he had no wish to oppose the general wish of the Committee. He hoped, however, that the second reading would be moved at a time which would give ample opportunity for discussion.

Mr. DEEDES withdrew his Amendment.

Resolution *agreed to.*

House *resumed.*

Resolved,

That the Chairman be directed to move the House, That leave be given to bring in a Bill to enable the Trustees of the Royal College of Saint Patrick, at Maynooth, to make provision for certain necessary buildings and repairs.

Resolution to be reported on *Monday* next.

House adjourned at Three o'clock, till Monday next.

HOUSE OF LORDS,

Monday, July 9, 1860.

Minutes.] Public Bills.—1ª Local Taxation Returns.
2ª Naval Discipline.

ITALY.—EXPLANATION.

The Marquess of NORMANBY said, he wished to call the attention of his noble and learned Friend (Lord Brougham) to the impression that was made, adverse to some highly respectable persons, friends of his own, by the disparaging tone in which his noble and learned Friend spoke the other evening of some correspondence that had been addressed to him by certain gentlemen in Florence. How did that correspondence originate, and what was its nature? It was conveyed to him by persons in whom he could place as much reliance as he could in any one in this House or in his noble and learned Friend himself, and it related to the acts and proceedings of the Provisional Government in Tuscany—a Provisional Government which was supported and nursed mainly by the action of the noble Lord the Secretary for Foreign Affairs. That Government had gagged the press so that not one word was allowed to appear in public except what was favourable to the acts of Baron Ricasoli, and therefore his correspondents were compelled to transmit their statements to him in order that they might be read in the House of Lords. But now the Provisional Government was at an end; and what had since happened? In a newspaper, which had been started by the most eminent men in Florence within the last six weeks, all the statements of his correspondents with regard to the misdeeds, the duplicity, the tyranny of the Provisional Government were fully substantiated. Had the Government denied the facts? On the contrary, after a vain attempt to suppress the paper, they bought up the printer and the other printers in the town to refuse to print it. But here, too, he

was glad to say they failed; so that the newspaper which contained this *exposé* of the deeds of the Provisional Government, after having been suspended for ten days, was now in such credit that it was published daily instead of, as at first, three times a week. The result, then, of the discredit which had been attached to the statements of his correspondents was that they were substantiated in a newspaper published by some of the first men in Florence. He might also state that he had foreseen, and had warned the House from the beginning, that the only result of our interference in Tuscan affairs would be the strengthening of the Mazzini party. That party was now growing stronger and bolder than ever, and the last account he had received from Florence was that no fewer than three barricade committees had been formed in that town. Discredit had also been thrown on some statements he made on the authority of the French newspapers with respect to atrocities committed in Sicily; but these statements were confirmed the day after he made them by the noble Lord the Secretary for Foreign Affairs, though he said the acts were not traced to General Garibaldi. Now, he never said that these outrages were the acts of the Government or that they were the acts of persons acting under the Government. But what he said, and what he would repeat was, that when the regular Government was suspended, then every person acting at all was acting under the authority of General Garibaldi; and he did not think when a person assumed responsibility such as General Garibaldi had done, and great atrocities were committed, it was enough to say that the reports of the British Admiral on the station were to the effect that Garibaldi was perfectly humane and moderate. He never meant to dispute that, for he knew nothing on the subject, but Garibaldi ought not to put himself in a situation of such responsibility if he could not prevent the crimes that were committed by those under him. It was unnecessary to assure his noble and learned Friend that he did not mean to bring any charge against him, but he thought this explanation was due to those respectable persons who had corresponded with him, and whose statements, though they had been discredited at first, were now so completely substantiated.

Lord BROUGHAM:—I am sure my noble Friend and the House will acquit me in anything which I said from intending to cast even the slightest imputation on my noble Friend himself. Correspondence undoubtedly means letters received as well as sent; and when I described the very small value which I attached to the correspondence of my noble Friend I meant letters which he had received, and not letters which he had sent. Of those I had no means of judging, except from my entire confidence in my noble Friend, and whatever statements were conveyed in those I am quite certain would be accurate. The value which I attached to the letters containing the details referred to by the noble Marquess was certainly of the very smallest, and nothing which has now fallen from my noble Friend has inclined me to raise that estimate. My information from Florence is diametrically opposed to that of my noble Friend—though I have no doubt whatever that he will attach as little value to my correspondence as I have attached to his. I believe that the Government of Florence is not subject to the imputations cast upon it by the correspondents of my noble Friend, but that it is perfectly free from those charges. As to that celebrated individual—not more celebrated than he deserves—General Garibaldi, I am exceedingly glad indeed to hear that my noble Friend does not at all impute to him those excesses which he says have been committed in the course of the revolutionary proceedings which have taken place in Sicily. However, I did not quite so understand my noble Friend on a former occasion, and to-night I thought that, if he did not actually quite charge these excesses upon General Garibaldi, he more than insinuated that he is answerable for them. I suppose my noble Friend means that a man who is in supreme power is answerable for everything which is done during his dictatorship; but in no other sense can General Garibaldi be answerable for any of those offences to which reference has been made. My noble Friend seems to be under the impression that the Secretary of State admitted those excesses the other night in the other House of Parliament, and also that General Garibaldi had something to do with them; but my belief is that he peremptorily denied it, as I do now upon his authority and upon the authority of all others who have any knowledge of the matter. There is no cause known in history which has met with more universal acceptance than the cause of the Sicilians, with General Garibaldi at their head, against the tyrant of Sicily and his

emissaries, whether in the shape of *sbirri* or soldiers—the soldiers, I verily believe, but for a season about to remain in allegiance to him. I am told there is a constitution about to be imposed, not upon Sicily, for that is out of the question, but upon Naples; in my firm belief, and in my entire and hearty hope and prayer, such constitution will utterly fail to save that detestable tyranny.

THE MARQUESS OF NORMANBY had never said that General Garibaldi was personally answerable for the outrages that had been committed. What he did say, and what he now repeated, was, that when a man, in violation of the law of nations, assumed absolute power, either in Sicily or elsewhere, he rendered himself responsible for all the outrages that were committed. The noble Lord, the Secretary for Foreign Affairs, did not trace those outrages to General Garibaldi personally; but he did not deny that outrages had been committed. One word more as to his correspondents. The noble and learned Lord said, that what he had heard made no difference in the value he imputed to these statements. What, no difference! when he informed him that every word in those statements had been confirmed and repeated in a Liberal newspaper published in Florence? In 1848 his noble and learned Friend spoke strongly against the revolutionary spirit; and the other night his noble and learned Friend stated that he did not retract or change one word of what he then said. All he had to say was, that if his noble and learned Friend's opinions were not changed, he had greatly changed his mode of giving expression to them.

LORD BROUGHAM wished to add one word only with regard to General Garibaldi. His noble Friend said that he had proceeded in violation of the law of nations to liberate his fellow-subjects.

THE MARQUESS OF NORMANBY: Not his fellow-subjects.

LORD BROUGHAM: His countrymen, then.

THE MARQUESS OF NORMANBY: Why his countrymen?

LORD BROUGHAM: Because he is an Italian. He could only say that if the law of nations was to be enforced to the perpetual subjugation and misery of nations, the sooner they had as little as possible of the law of nations the better.

LORD WODEHOUSE wished to call attention to one phrase made use of by the noble Marquess, that the noble Lord, the Foreign Secretary, in the other House, said he could not trace the outrages committed in Sicily to General Garibaldi. That was a phrase which would imply that his noble Friend had a suspicion of General Garibaldi's connivance in those outrages, though there was not sufficient evidence of the fact. His noble Friend's expressions, however, went much further than a denial of any proof that General Garibaldi had connived at those excesses. Not only was there no connivance, but he had done his utmost to prevent them; and by the last intelligence, it appeared that he had recourse to severe measures for that purpose. But when a man was placed in the position of General Garibaldi it was not surprising that he should not be able to prevent the commission of everything of which he disapproved. He certainly deserved the highest credit for the generosity and moderation which he had displayed. It must not be forgotten, too, that if some outrages had been committed in the excitement of a revolution, outrages had been previously committed by the Royal troops, which were perfectly well known to all the world, and which were unsurpassed by anything of which the oppressed people of Sicily had been guilty.

NAVAL DISCIPLINE BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF SOMERSET, in moving the second reading of the Bill to amend the laws relating to the government of the Navy, said that it was nearly a century since the Act was brought in which at present governed the discipline of the navy, and the changes of the law and the progress of public opinion with regard to the service, rendered it very desirable that Amendments should be introduced and the law revised. Neither offences nor punishments were clearly defined. A paper which was in their Lordships' hands showed the spirit in which it was intended by this Bill to deal with the subject. It was proposed to deal with it on principles of justice and humanity, without relaxing in any degree the discipline of the navy. The men would know what punishments they incurred, and that the object was to keep good order among themselves, without which they could have no comfort or safety on board ship. With an ill-disciplined crew, the insubordinate and disorderly shirked

work, and, as the work must be done, it fell upon the orderly and subordinate. It was, therefore, in the interest of the orderly men that the disorderly should be punished. It was proposed to diminish the almost universal punishment of death which stood in the old code. It was never inflicted in a great many cases, and it was desirable the men should know what in those cases their punishment really would be. He had received a great many suggestions from officers who were competent to form a sound opinion upon several of the details, some of which he intended to adopt. After the second reading he should propose to go into Committee *pro formâ*, in order to introduce those Amendments, and the Bill might be debated and re-considered on going again into Committee on a future day. There were many reasons why it was desirable to pass the Bill this year. They had heard with regret of disturbances in vessels both at home and abroad, and he was told that one great fault of the present law was that the petty officers, who stood between the officers and seamen, and on whom good discipline in great measure depended, though protected on board ship, were not protected sufficiently on shore. They were often injured and insulted on shore by the men, whose conduct they had found fault with on board ship. The Bill, therefore, contained a clause by which martial law would be extended to protect the petty officers on shore, as well as on board ship. The continuance of corporal punishment in the navy was a question which he had considered very carefully, and had heard fully and fairly discussed among naval officers. The conclusion at which he had arrived was, that to transfer the power of inflicting corporal punishment from the captain to a court-martial would be to diminish the authority of the captain and to endanger the discipline of the service. The nearest approach which could safely be made to such a system was to provide —as was done in the present Bill—that, except in the case of open mutiny, no man should be subjected to corporal punishment by the commanding officer until the case had been inquired into and reported upon by one or more officers appointed by the commander. By that means the responsibility would be to a certain extent divided between the captain and one or more of his subordinates. He proposed that arrangement rather for the protection of the captain than of the men, as it would relieve him of that personal odium which he was at present apt to incur if he inflicted corporal punishment. Their Lordships were, no doubt, aware that seamen were now grouped in two classes, and that first-class men were not liable to corporal punishment at all till they had been reduced to the second class. Every precaution, therefore, had been taken to place corporal punishment on a safe footing. He was certainly not prepared to give up this mode of punishment, as certain persons who called themselves the "friends of the sailor" demanded. He believed that its abolition would be a positive misfortune to the well-behaved men, and would lead to great inconvenience at sea, as confinement would be almost the only substitute.

Moved, That the Bill be now read 2ª.

THE EARL OF HARDWICKE agreed with the noble Duke as to the importance of the subject; but he was of opinion that the discipline of the navy was equally, if not more, dependent on the character and conduct of the officers in command than upon the code of laws under which they acted. In forming an opinion on this question, the public had not made sufficient allowance for the peculiarities of the naval service, and had been too prone to consider the Articles of War on the same ground as the general law of the land. The effect of popular opinion acting on the successive Boards of Admiralty had been to render it extremely difficult for officers to carry out the naval code of laws and to maintain the discipline of the service; and that influence could only be met by the establishment of a detailed system of discipline, and by the personal example of commanding officers in sharing the same privations and restrictions as their men. Let the officers show that they were determined to maintain discipline; but at the same time let them make it apparent that they themselves took their share of that discipline. He owned that the language of the existing Act of Parliament, which had been in force for a hundred years, was too general and comprehensive, and that it was desirable that the particular offence and the punishment attached should be clearly defined. He had, therefore, no objection to the measure of the noble Duke as a whole, although there were points in which it might be improved. He highly approved the manner in which the noble Duke proposed to deal with the distinction which prevailed between offences committed on shore and on board of ships. The exemp-

tions from martial law which a seaman at present enjoyed when he quitted his ship certainly tended to unsettle him on his return on board, and not unfrequently petty officers who attempted to enforce very strict discipline were assaulted by the men when on shore. A marine who misconducted himself on shore was liable to the same punishment as on board. Not so the seaman, who was amenable only to the civil law for his conduct on shore. One result of this was, a threat to a petty officer to retort upon him when he landed has the effect of deterring him from discharging his duty. The Bill gave power to the Lords of the Admiralty to suspend, annul, or modify any sentence passed on any person subject to the Act, except the sentence of death, which could only be remitted by Her Majesty. He objected to any proposal to constitute the Lords of the Admiralty an appellant court. The naval officers who composed a court-martial were generally quite as good judges as the Lords of the Admiralty, if not better. An appeal from a court-martial was always open to the Crown, and, although he wished to see an appellate jurisdiction established, it ought to be entrusted, he thought, to men learned in the law, and not to the Admiralty. Great objections were properly entertained to the 15th section of the 49th clause, which set up within the walls of the ship a court for the judgment of offences. The clause said:—

"Except in case of open mutiny no man shall be sentenced by the commanding officer to corporal punishment until his offence has been inquired into by one or more officers appointed by such commanding officer, and the guilt or innocence of the prisoner reported to such commanding officer."

He objected to this clause, thinking it desirable to retain in the hands of the captain the sole power, conduct, and management of the ship from first to last, together with the full responsibility of such command. The captain might himself see an offence committed, and yet under this clause he would be unable to punish the offender until his guilt had been inquired into by these officers. Such a regulation would diminish and injure the authority of the captain, and have a prejudicial influence upon the discipline of the ship. At present an interval of forty-eight hours elapsed between the sentence of corporal punishment and its infliction, so that ample time existed for inquiry and reconsideration. He trusted that the House would not agree to this inquiry by junior officers; there were several clauses in the Bill which required the most careful consideration, either before a Select Committee or in Committee of the Whole House.

LORD COLCHESTER said, this Bill proposed to remodel the whole law upon this subject. He did not object to many of the alterations; indeed he approved of some of them being made, but others would require some notice in Committee. In his opinion it was absolutely necessary, for the good of the ship, that the captain should have complete command over all persons in the ship.

VISCOUNT MELVILLE objected to that part of the Bill by which an officer might be dismissed the service for what was called an "error of judgment." He thought this a very severe penalty.

THE DUKE OF SOMERSET would consider the various suggestions that had been made, with a view to their adoption in Committee if they were deemed advisable. If the Bill was sent to a Select Committee upstairs, and noble Lords attended to it for a day or two, he had no doubt that it might be considerably improved.

Motion *agreed to*: Bill read 2ª accordingly, and committed to a Committee of the whole House on *Thursday next*.

LAW AND EQUITY BILL.

COMMITTEE.

House in Committee (according to Order).

THE LORD CHANCELLOR said, that to his great regret the Select Committee to which this Bill was referred had struck out several most valuable clauses, but he hoped the House might before long be induced to adopt them. The Bill as it stood still contained important amendments of the law which he believed would be found beneficial in practice, and he therefore submitted it to the favourable consideration of their Lordships. Two clauses had been omitted by mistake, and he believed there was no objection to their introduction.

LORD BROUGHAM shared in the regret expressed by his noble and learned Friend at the decision which had been arrived at by the Select Committee. He hoped that next year, his noble Friends who had overpowered the Lord Chancellor and himself in the Committee would come to, he would not say a wiser, but a different opinion.

LORD CHELMSFORD dissented from the view taken by the noble and learned Lords who had just addressed the Committee. He believed that the Bill had been much improved by the omission of the clauses referred to; those which remained would doubtless prove exceedingly useful.

THE LORD CHANCELLOR said, the supporters of the Bill in its original shape had been only compelled to yield to what lawyers called the *vis major*, which could not be resisted.

Amendments made. The Report thereof to be received *To-morrow*.

House adjourned at Seven o'clock, till To-morrow Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 9, 1860.

MINUTES.] PUBLIC BILLS.— 1° Inclosure (No 2.); 2° Queen's Prison; Clearance Inwards and Lien for Freight.
3° Indemnity; Mines Regulation and Inspection; Metropolitan Building Act (1855) Amendment; Burial Grounds (Ireland) Act (1856) Amendment; Bleaching and Dyeing Works.

HOUSES OF REFUGE.—QUESTION.

MR. W. EWART said, he wished to ask the President of the Poor Law Board, Whether there will be any objection on the part of the Board to introduce a Clause into the Poor Law Bill, or Poor Law Amendment Bill, which would render it legal on the part of Guardians of the Poor in England and Wales to expend Poor Rates in relief to women and girls who may be received into accredited Houses of Refuge, or Homes, for the purposes of moral and industrial training?

MR. C. P. VILLIERS said, that he was aware of the scheme to which this question referred, and that it was favoured by some very excellent and benevolent individuals, and on that account it had received the very attentive consideration of the Poor Law Board. He was bound, however, to tell his hon. Friend that it was the opinion of those who had had most experience in the administration of the Poor Law, as well as those on whose legal advice the Board depended, that this scheme was beyond the province of the Poor Law, and almost at variance with its purpose. The Poor Law only undertook to relieve destitution and to take charge of the children of destitute persons. The proposal of his hon. Friend was for the purpose of applying the rates for the maintenance of adult persons not under the supervision of the Guardians, and in places not subject to the jurisdiction of the Magistrates. The Legislature might change its policy in this respect, but he could not but think that the greatest care would be required, if it did so, to guard against some of the evils to which farming the poor was formerly subject, and which rested upon somewhat the same principle.

KENSINGTON GARDENS.—QUESTION.

SIR JOHN SHELLEY said, he wished to put a question to the First Commissioner of Works on a subject which had excited much interest—it was, Whether he proposes to make a road through the centre of Kensington Gardens, as was stated, joining Tyburnia to Belgravia, and going over the site of the Exhibition building? He would also ask whether the right hon. Gentleman will make such a road without previously coming to Parliament for its sanction.

MR. COWPER said, he had no intention at present to do what the hon. Member had mentioned.

MR. AUGUSTUS SMITH said, he wished to know whether the right hon. Gentleman means to apply for the consent of Parliament in the first instance.

MR. COWPER said, he had thought it unnecessary to say that if any money was required for any works in the Park, he would certainly think it right, upon the whole, to ask the House to vote the money before he spent it.

BANKRUPTCY AND INSOLVENCY (SALARIES, &c.)—RESOLUTIONS.

ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Question [25th June],

"That this House doth agree with the Committee on Bankruptcy and Insolvency [Salaries, &c.] in the first Resolution, as amended, 'That the Salaries, Allowances, Remunerations, and Retiring Annuities, which may become payable to certain persons appointed under or affected by any Act of the present Session for amending the Law relating to Bankruptcy and Insolvency in England, shall be charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland.'"

Question again proposed.

Debate *resumed*.

[*Second Night.*

THE ATTORNEY GENERAL: Sir, as some days have elapsed since the vote of the 25th of June, it may be convenient that I should state to the House the course which I intend to adopt to repair the mischief done by that vote. It will be recollected that the vote was taken upon a Motion of the hon. Baronet the Member for Evesham (Sir Henry Willoughby), proposing to omit from the Report on Salaries the word "compensation." At the mention of that word the House fell into a fit of indignation. It was idle to attempt to tell them, as I did, that the Bankruptcy and Insolvency Bill created no new compensation, that the compensations spoken of in the Report of the Committee were the penalties paid for the sins of a past generation, because they were created in 1831, and that the Bill now before the House did nothing but what was recommended by a Commission presided over by my right hon. Friend the Member for the University of Cambridge (Mr. Walpole) as being a measure dictated by ordinary justice. It was of no use to tell the House that. The House was determined to omit the word "compensation," and accordingly that word was struck out of the Report. Now, one object of the Bill for the amendment of the law of bankruptcy and insolvency which I have introduced is to relieve suitors in bankruptcy from an enormous burden of fees which ought never to have been imposed upon them, and part of those fees were created for the purpose of answering these very compensations. The fees which I propose to remit will amount to very nearly £90,000 a year. Undoubtedly, they ought none of them to have been imposed, but when they are to be abolished it becomes necessary to provide from other sources the sums raised by them. The only step which I took to encroach upon any other fund was that recommended by the Commission of throwing those charges which were a legacy from the bad state of things altered in 1831 upon the public, instead of leaving them to be borne by the suitors in Bankruptcy. In consequence of the vote of the House it becomes necessary to alter altogether the arrangements of the Bill. I am, however, able to do so without much inconvenience; and it would not, therefore, have been that cause which induced me at the moment to hesitate as to going on with the Bill. But, Sir, I took that vote as an indication of the temper of the House. I had met with three adverse divisions. I had received from the opposite side of the House the most generous and the most enlightened support. I am indebted to the hon. and learned Member for Belfast (Sir Hugh Cairns), to the hon. and learned Member for Wallingford (Mr. Malins), the hon. and learned Member for East Suffolk (Sir Fitz-Roy Kelly) and the right hon. Gentleman the Member for the University of Dublin (Mr. Whiteside), for such assistance; but the adverse divisions were all called for and headed by hon. Gentlemen who sit behind me. Nothing would induce me to proceed with the Bill unless there is some confidence in the Government and some confidence in its author. It is a Bill which not twenty Gentlemen in the House have read, and which certainly not twenty understand; therefore, if every hon. Gentleman is to do that which is right in his own eyes, whether he understands the matter or not, it would be of no use to attempt to proceed with the measure. I could undoubtedly meet any ordinary opposition; but the blows which I have received have come from familiar friends in whom I trusted. What probability is there of success? I am opposed by the right hon. Gentleman the Member for Coventry (Mr. Ellice), although I believe there is not a single merchant or manufacturer in that place who has not petitioned in favour of the Bill. The hon. and learned Member for Nottingham (Mr. Mellor) also went out with the majority, yet from the town which he represents I have received the strongest entreaties to go on with the measure; nay, on the part of the whole commercial world there is, as far as I see, with the exception of some matter of detail, the greatest anxiety for the passing of this Bill. We have had two nights, and have got through twenty-four clauses. Unless, therefore, there is a general disposition to put confidence in the Government, to trust to the attention and care which have been used in preparing this Bill, and to place that confidence upon the approbation which has been given to it by the public, who are infinitely more concerned in it, and have been infinitely more diligent in its study than have hon. Members of this House, I must give up the attempt to pass it as a hopeless task. In the hope that such confidence will be extended, and that we shall proceed with a desire to pass it, I am willing to go on with the Bill.

The arrangement which I propose in order to remedy the mischief which the hon. Baronet somewhat unconsciously did

is this—I propose to leave the additional salaries of the County Court Judges, if the House shall think fit to pass them, charged upon the Consolidated Fund, but I also propose to give to that fund a very large compensation for that small additional charge. The House will recollect that the County Court Judges have been treated with some little inequality—I may say with some degree of unfairness. They are divided into three classes; some receive £1,500 a year, another small class receives £1,350, and another £1,200. Now, it being the object of the Bankruptcy Bill to give additional labour in bankruptcy to these Judges, and especially to those who receive only £1,200 a year, I propose to make the salaries of all County Court Judges £1,500 a year. In return for this it has been felt that the fees of the County Courts would well bear some augmentation. At present 10*d.* in the pound only is paid for each plaint; it is proposed to increase that to 1*s.* At present nothing is paid for the service of a summons, and in consequences summonses are frequently taken out vexatiously. It is proposed to impose a small charge upon the service of a summons, and so numerous are these summonses that this trifling additional impost, which has been recommended by fifty County Court Judges out of fifty-seven, will bring into the Consolidated Fund about £34,000 a year, the charge which I propose to throw upon it amounting to only £10,500. If, therefore, that be done which the House is aware depends upon the Treasury and the Lord Chancellor, the Consolidated Fund, instead of being a loser, will, in fact, be a considerable gainer. The other measure which I shall ask the House to adopt is this—I shall leave the compensations and retiring annuities created by the Act of 1831 charged where they now are. I propose that a statement of accounts shall be laid before Parliament on the 1st of March every year, and that a vote for any deficiency which may exist, never exceeding the amount of compensations and retiring allowances, shall be taken on the 1st of April. In that way I expect to enable the Court of Bankruptcy to diminish its fees to the amount of about £90,000 per annum. Those fees may be described in few words. There are stamp duties now paid to the amount of £26,000 a year; I propose to reduce them to about £5,000. There is a heavy percentage paid upon estates in bankruptcy, which, upon an average of seven or eight years, amounts to about £38,000. I propose to take that away altogether, because the practical effect of its continuance would be to keep very large estates out of the court. In addition, there are large and oppressive percentages received by the official assignees; they amounted last year to nearly £51,000. I propose to abolish these altogether. Of course in making these large reductions I reckon upon a considerable increase to the income of the court, which I expect will be made by bringing all trust deeds and deeds of composition within the reach of the law of bankruptcy. It will be recollected that the great feature of the present Bill is to make the law of bankruptcy part of the ordinary law of debtor and creditor. As the matter now stands you cannot have the aid of the law of bankruptcy without not only going into the court, but administering the whole of the estate in the Court. It frequently happens, however, that you want the assistance of the law of bankruptcy for a particular purpose only. I propose to give that benefit to all trustees, creditors, and parties to deeds of composition upon their paying a very inconsiderable stamp duty, and registering the deeds in the Court of Bankruptcy. At present a great part of the insolvency business is conducted in a very irregular manner. All insolvencies of any magnitude are made the subject of private arrangement, and there is no record kept of the state of solvency or insolvency among non-traders. Under the improved system which I propose there will be a perfect record. According to the best returns trust deeds and deeds of composition amount to between 8,000 and 9,000 per annum. In future they may not exceed 6,000, and I propose to derive from them, in the shape of a graduated stamp, a sum amounting to about £60,000. In return for that small payment, they will get the whole benefit of the law of bankruptcy; they will enjoy the advantage of acting under the direction of the court, and, upon the whole, I have no doubt that the deficiency which I should otherwise have in my income will be amply provided for. I trust, therefore, that we may now go on with the Bill, and do what we can to rescue this great mercantile nation from a reproach which it bears, I am sorry to say, in marked contrast to other nations—that, while it is the greatest trading country in the world, its law of bank-

[*Second Night.*

ruptcy and insolvency is in a most imperfect and even disgraceful condition. The hon. and learned Gentleman concluded by moving that the first Resolution, as amended, be agreed to.

SIR HENRY WILLOUGHBY denied that the Amendment he proposed and carried on a former occasion involved any "mischief" whatever. It simply affirmed the principle that it was not desirable to connect Amendments of the law with immense charges upon the Consolidated Fund. He had no wish, for his part, to oppose the Amendment of the law now proposed by the hon. and learned Attorney General, though he thought a Bill containing 540 clauses was a rather dangerous sort of Amendment, likely to afford considerable employment to gentlemen of the long robe. It appeared to him that the Attorney General would derive from the compensation account, which amounted to a very large sum, and from the fees which he proposed to establish under the present Bill, a sum amply sufficient to cover all charges.

MR. E. P. BOUVERIE remarked, that the House ought to be much obliged to the hon. Baronet opposite for having brought forward his Amendment. It was quite clear that the fees in the Bankruptcy Court ought to be charged with the compensations, and if it turned out in the long run that some small balance was not provided for, then it would be for the House to consider whether it would make up the deficiency. That was a better course than placing a fixed charge on the Consolidated Fund. He wished entirely to disclaim that any Member on that side of the House had been moved by a factious feeling in the course they had taken; but it was not reasonable to expect that a Bill containing 540 clauses should be taken on the *ipse dixit* of any person, however distinguished.

MR. BARROW said, the administration of the law had been loaded from time to time with useless sinecures to a most disgraceful extent, and upon a former occasion he had thought it his duty to protest against the transfer of a sinecure of that description from the fee fund of the Court of Bankruptcy to the taxpayers of the country. He doubted very much whether it was desirable to increase the tax on the poor suitors of the County Courts in order to relieve the rich suitors of the Bankruptcy Court, and he was very much disposed to vote against that portion of the measure which proposed to draw into a sort of central vortex a vast number of transactions which parties now arranged in private in order to save the expense of the law courts.

MR. HENLEY said, that though he was one of the unfortunate individuals who voted against the scheme of compensation which had been proposed by the Government, he was not anxious to escape the censure which the hon. and learned Attorney General had distributed. He thought, when the comprehensiveness of the scheme of the hon. and learned Gentleman was considered, and that it might include every one, from the Archbishop of Canterbury to the poorest curate, and from the highest Duke to the dweller under the poorest roof, the Attorney General need not doubt that he should get plenty of fish into his net; and, if that were so, he thought it was rather too much to expect that everybody should take the clauses of this Bill for granted. The Bill would affect a very great number of people, perhaps without one in ten of them knowing how they might be brought under its provisions. The hon. and learned Gentleman ought to be prepared, therefore, to expect some degree of opposition. Any person who had incurred encumbrances for the last twenty years might find himself drawn in under this Bill, and might have to pay additional interest in time of pressure, to escape from the effect of its provisions. Whether the scheme would work well, time alone would show; but, at any rate, a sufficient number of persons might be brought within its operation.

MR. W. WILLIAMS said, that in his original proposition the hon. and learned Gentleman had calculated far too much upon the ignorance of the House; and the House had acted most commendably in protecting the pockets of the public.

Question put, and *agreed to*.

Subsequent Resolutions *agreed to*.

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 28 (Addition to the Salary of the County Court Judges).

THE ATTORNEY GENERAL proposed to omit that clause, and to bring up a new one instead, the object of which would be to give to certain of the County Court Judges an addition of £300 a year to some,

The Attorney General

and of £150 to others, with a view to giving them all £1,500 a year.

MR. MALINS: Then we are to understand that the salaries of the County Court Judges are all to be uniform?

THE ATTORNEY GENERAL: Yes; uniform throughout.

MR. BAINES said, there was a certain class of County Court Judges that had already £1,500 a year, on account of the great amount of business they had to discharge. In Yorkshire, for example, he knew that the Judges had an enormous amount of business cast upon them. Now, by the present Bill an additional burden would be cast upon them. He thought it hardly fair that such an increase of business should be put upon them without giving them additional compensation.

MR. W. WILLIAMS said, he would remind the hon. and learned Gentleman that some time ago the Government had given a distinct assurance that the successors of those Judges now receiving £1,500 a year should only be paid £1,200. As regarded the County Court Judges generally, he believed that not half of their time was occupied. In all probability the additional business that would be cast upon them by this Bill would be very little.

MR. FRANK CROSSLEY said, he did not think that the County Court Judges were at all overpaid for the duties they were expected to discharge. In Yorkshire he knew that the time of the Judges there was fully employed.

MR. AUGUSTUS SMITH said, the 25th Clause gave the Government the power to create additional districts where the duties were more than one Judge could fairly perform. From Returns which had been submitted to the House he gathered that whilst some of the Judges were occupied from 150 to 200 days in the year, others were only engaged from 100 to 150 days; whilst one was occupied only 94 days per annum in the duties of his post. Under these circumstances he thought it could hardly be said that the Judges were overworked. The Metropolitan Magistrates had more disagreeable duties to perform, and had only £1,200 a year, whereas it was proposed that all the County Court Judges should have £1,500.

MR. HENLEY said, he hoped the hon. and learned Gentleman would be kind enough to explain what in his judgment would be the additional charge placed upon the Consolidated Fund by the new clause he intended to bring up. He concurred in the opinion that the salaries of the County Court Judges should be placed on a uniform footing. He hoped, however, that the Bankruptcy Bill would not be like the French Treaty—the more they knew of it the worse they would like it.

THE ATTORNEY GENERAL said, the whole charge thrown on the consolidated fund would be £11,700. There were at present eighteen County Court Judges in receipt of £1,500 a year; four who were receiving £1,350; and thirty-seven who were paid £1,200. If the clause he intended to bring up were adopted, these thirty-seven gentlemen, together with the four who stood between the favoured and the degraded class, would all receive £1,500. The County Court Judges were of great public utility, and he should be glad to make their salaries commensurate with their utility. A man might be a grocer or a cheesemonger without education, but he required considerable education and considerable experience to become a County Court Judge. In his opinion, no money was better spent than that paid in performing the first duty of a Government—the administration of justice; and, although it might be stigmatized as a lawyer's job, he should call economy there a most miserable economy. The reason why the salaries of the County Court Judges had been fixed at a uniform rate of £1,500 a year was because it was desirable that no distinction should be made between those who at present received that rate of remuneration, and the County Court Judges who were paid only £1,200 a year, and who, being located in purely country districts, would have a greater amount of labour thrown upon them under the operation of the Bill than would be the case with their brethren whose courts were situated in populous town districts, where there were Commissioners in Bankruptcy fully competent to discharge the duties of their office.

MR. MALINS said, that on a former occasion he had expressed a doubt as to the propriety of extending the jurisdiction of the County Courts. Having considered the subject further, however, and communicated with many persons of experience, he was compelled to admit it was a matter of the greatest importance that the business should be brought home to the doors of the suitors; that in many cases the present system amounted to a denial of justice; and, therefore, in order to effect that object, it was absolutely necessary to extend

the jurisdiction of the Bill to the County Court Judges. In regard to the salaries of those Judges, he was glad to find the hon. and learned Gentleman about to give effect to a proposition which he (Mr. Malins) had supported some years ago—namely, uniform salaries to the County Court Judges. He differed altogether in opinion from the hon. Member for Lambeth as to the standard of compensation for those Judges. A gentleman who was obliged to travel frequently long distances from his wife and family in order to act as Judge of some of those courts, was really as much entitled to the highest salary as one who was compelled to sit so many hours each day in a court situated in populous districts. If it were desirable to have competent and educated men as Judges of those Courts nothing could be more short-sighted than to cut down their salaries to an amount that would prevent them maintaining that position which they ought to occupy in society.

MR. ROEBUCK said, that the County Court Judges who were now in the receipt of £1,500 a year, were men who had their time fully occupied, and who had to administer every description of law. That being so, he should like to know how it could be considered expedient to add to their labours unless they were accorded increased remuneration. If such a course were persevered in, the result would be that the business would not be done, and that these Gentlemen would very properly say that they had not engaged to discharge the duties which under the operation of the Bill would be cast upon them. When the hon. Member for Lambeth made himself the judge of intellectual excellence he appealed to a different standard from that adopted by other men. In regard to the qualities necessary for the efficient discharges of the duties of a County Court judge they were of a peculiar and superior order. The County Court Judges administered chancery law, common law, admiralty law, and every other species of law common to this country, and they had not the aid of a Bar, which was often of the greatest importance and assistance to the Bench. For his own part, he could not understand why the administrators of justice in Westminster Hall were not chosen from their body rather than from among the Members of that House belonging to the legal profession.

MR. HENLEY said, he thought the remark of the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck) to the effect that the County Court Judges would be disposed to strike if required to do increased work, tended to place the Committee in a position of some difficulty in dealing with the clause. He might add that the Attorney General appeared to him to have used an awkward phrase when he spoke of one class of those Gentlemen—those who received only £1,200 a year—as "degraded." Holding that opinion, the hon. and learned Gentleman must be prepared to use similar language in the case of the County Court Judges who received £1,500 a year, as compared with the district Bankruptcy Commissioners, whose salary was £1,800 per annum.

MR. ROEBUCK repeated that they could not impose further work on the County Court Judges without their either refusing to do it, or doing it inefficiently.

SIR HUGH CAIRNS said, he understood the observations of the hon. and learned Gentleman to come to this: that it was improper to put any bankruptcy business on the County Court Judges at all. But the Bill provided a way to meet the difficulty. He quite agreed that in many districts the County Court Judges were fully employed, perfectly competent to do their work, and did their work extremely well. His hon. and learned Friend the Attorney General, in proposing to transfer the bankruptcy business to the County Courts, made the best choice he could. On a vacancy occurring in the office of district Commissioner the executive would have the power of transferring the bankruptcy business to the County Courts, and making a new arrangement of the County Court district, and appointing a new County Court Judge. At present they were enabled, with a salary of £1,500 a year, to command the services of some of the most superior men at the Bar; it was a competent and sufficient salary; the only demur he should make was as to the salary of the district Commissioners who received £1,800 a year. He thought it desirable to have a uniformity of salary. He hoped his hon. and learned Friend would consider that point. As he read the Bill it was not proposed at once to equalize the salaries of all County Court Judges, and to transfer bankruptcy business to them, but only as vacancies in the office of district Commissioner occurred. It was the more necessary that as the process came into operation only gradually there should be a uniformity of salary.

THE ATTORNEY GENERAL said, with regard to the equalization of the salaries of the district Commissioners, he undoubtedly hoped that whenever a vacancy occurred, it would not be filled up, but the business allotted either to the County Court Judge or to another Commissioner. But if that were not the case, no doubt the new district Commissioners ought to be put upon an equality with the County Court Judges. In reply to the observation of his hon. and learned Friend he wished to observe that by the present state of things jurisdiction in insolvency was vested in the Court Court Judge. The Bill took away the distinction between bankruptcy and insolvency, and all that description of business which was now administered under the description of insolvency, and which, in future, would be known by the name of bankruptcy, must, of course, at once pass to the County Court Judge. In all cases where the property to be administered was less than £300, it would be competent for the district Commissioners to transfer the case to the County Court Judge, and in all cases where the debtor was in prison the petition was to be presented in the County Court. By the 30th Clause the Judge of the County Court was to have like jurisdiction, and to perform the same duties as were now fulfilled by the district Commissioners.

Clause *postponed.*

Clauses 29 to 31 *agreed to.*

Clause 32 (Registrar may act for the Judge in certain cases).

MR. E. P. BOUVERIE said, he objected to the business of the County Courts being delegated to deputies. It was proposed by this clause to allow registrars of County Courts to sit and dispose of cases under 40*s.*, or where the debts were admitted. It was not the amount in issue that regulated the importance of a case, as instanced in the case of shipmoney. If the business increased beyond what it was possible for the Judge to dispose of, the districts should be subdivided, and new Judges appointed under the 25th Clause.

MR. MONTAGUE SMITH said, the clause involved a very serious innovation. Four-fifths of the business in the County Courts arose out of cases where the amount in dispute was under 40*s.* It was proposed that the decisions of the registrar should be subject to appeal to the Judge—a provision which was a satire upon the clause. Cases under 40*s.* often involved as important and difficult questions as cases of higher amount; and the judgments of the registrars, who were not judicial officers, would create dissatisfaction among the poor, who were, on the other hand, quite content with the ruling of the Judges.

SIR FRANCIS GOLDSMID thought the clause opposed to the very principle of the County Court jurisdiction,—namely, that of deciding questions of small amount without disproportionate expense. The more unlikely litigants were to have the assistance of advocates possessing competent skill, the more indispensable it was that the Judge himself should have that qualification. It would be better to create additional County Court Judges, as provided by the 25th clause.

MR. ROEBUCK said, the whole tenor of the Bill was that the poor man was to be satisfied with an inferior Judge.

MR. COLLIER recommended the serious reconsideration of this clause. He concurred in the transfer of the business in bankruptcy to the County Courts, but he thought that advantage would be bought at too high a price if it was essentially necessary to alter the principle of the County Courts Act. He hoped the clause would not be pressed.

THE ATTORNEY GENERAL said, the clause did not propose to make this transfer to a deputy without the intervention of some authority. He never would have proposed such a clause. A deputy was only to be called in where the Lord Chancellor thought it absolutely necessary. Nine-tenths of the cases consisted in the Judges sitting in court and using such a stereotype phrase as "You must pay 2*s.* 6*d.* a month." Nevertheles he recognized the force of the objections which had been raised, and he would consent to the omission of the clause.

Clause *withdrawn.*

Clause 33 (Jurisdiction of the Court).

MR. MURRAY proposed the omission of the word "creditors," which, if retained, would have the effect of making all creditors, whether they chose to come in under the bankruptcy or not, subject to and bound by the jurisdiction of the Court.

THE ATTORNEY GENERAL said, the object of the clause was to give jurisdiction to the Court of Bankruptcy in favour of strangers; that was to say, that any individual having a question with the assignees of the bankrupt, or the creditors of the bankrupt, might come into the Bank-

ruptcy Court, and have the question tried. The omission of the words would cramp the jurisdiction of the Court, and its retention would extend it. The retention of the word could not do harm, and might be useful in many cases.

SIR HUGH CAIRNS said, he was disposed to think that the retention of the word would effect an alteration of the law of bankruptcy; and trusted that the Attorney General would not introduce any such alteration of the law.

THE ATTORNEY GENERAL said, he did not think his hon. and learned Friend fully appreciated the clause, which was intended to facilitate the proceedings of parties claiming against the assignee, against the creditors, and against the bankrupt. However, if there was any difficulty about the retention of the word in the minds of hon. Members, he would defer to that objection, and consent to its omission.

Clause, as amended, *agreed to;* as were also Clauses 34 to 39.

Clause 40 (Country Vacations).

MR. ROEBUCK said, that by the clause provision was made for a vacation for the Commissioners. The salary of the Commissioner was £1,800 a year, £200 a year for a substitute during his vacation. Now the County Court Judges, who did a great deal more work than the Bankruptcy Commissioners, had no vacation unless they paid for it. Why should there be any difference made?

MR. HENLEY observed, that the district Commissioner of Bankruptcy was to have £1,800 a year; and, when he took his holiday, £200 were to be paid to his deputy; so that his salary became £2,000 a year. He thought that if the Commissioner of Bankruptcy wanted a deputy, he should pay for one out of his salary.

THE ATTORNEY GENERAL said, he would be glad to assist the hon. and learned Member, when he should bring forward a Bill to emancipate the County Court Judges from the sad position in which they were represented to be. The right hon. Gentleman (Mr. Henley) expressed his opinion that the Commissioner of Bankruptcy should pay his deputy; but it would not do to allow any one to be chosen as deputy by the Commissioner. The deputy must be a person in whom confidence could be placed.

MR. HENLEY replied, that he had said nothing about the Commissioner appointing his deputy. What he said was, that if the Commissioner wanted a vacation, he might pay for a deputy; and the appointment of the deputy might be in the hands of the Lord Chancellor.

MR. MALINS said, the Bankruptcy Commissioners, if they had to pay for their deputies, would, in fact, receive only £1,600 a year. They were appointed at a salary of £1,800 a year, and he thought that amount ought not to be diminished. The country ought to give them some rest without making them pay for that rest out of their salaries.

MR. ROEBUCK said, the County Court Judges had to administer laws of the greatest importance, and replete with questions quite as difficult as any which came before the Commissioners of Bankruptcy. What was sauce for the gander was sauce for the goose, and it was unjust for the Attorney General to favour one class of functionaries, and turn his back on another.

SIR FITZROY KELLY thought it was premature to raise on this clause a discussion as to the emoluments and labours of the County Court Judges. The Bankruptcy Commissioners, by virtue of several Acts of Parliament, received £1,800 a year, and he did not think it would be just to diminish that amount by making them pay for the services of deputies during the vacation. If the hon. and learned Member for Sheffield would at a future stage propose a clause to afford some rest each year to the County Court Judges, who were overburdened with work, by enabling them to appoint deputies whose services should be paid for by the country, that clause should have his cordial support. The County Court Judges had performed their work in a manner so satisfactory that he was certain a clause of that nature would receive the general support of the two Houses.

MR. BARROW contended that a Commissioner's salary was intended to pay him for the whole of his time, and if he wished for a vacation he ought to pay for a deputy. It was desirable that every man should have a holiday from time to time, but it was not right to call on the State to pay for it. That was the principle adopted in the cases of the County Court Judges and of coroners.

MR. VANCE observed, that it was only by the casting vote of the Chairman a majority of the Select Committee which had inquired into that subject had decided that the Commissioners should receive a higher salary than the County Court Judges; and he thought it would be great

extravagance to augment further the advantages of the Commissioners by providing them with deputies at a cost to the public of £200 a year.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 36; Noes 38: Majority 2.

Clause 41 (Jurisdiction above Three hundred Pounds).

SIR FITZROY KELLY suggested for the consideration of the Attorney General whether it was expedient to adopt the amount of assets as the sole criterion of the importance of the case. Perhaps in the majority of cases the amount of assets was the best test, but it might happen that a bankrupt with little or no assets had incurred enormous liabilities, and there were clauses in the Bill rendering a bankrupt liable to prosecution, or to the summary jurisdiction of the Court for contracting large debts without the means of payment.

MR. ROEBUCK said, that the provision looked very like an experiment *in corpore vili*. Great questions of law had been determined upon cases involving £5 or £6. It was a mistake to suppose that people having small sums in litigation ought to have an inferior tribunal to decide their rights. The sum of £100 to one man was of the same value as £100,000 to another, and justice ought to be done indifferently. There ought to be a Court to deal with all cases of bankruptcy without regard to the amount of assets.

THE ATTORNEY GENERAL would move the omission of the words "in any case" in the 13th line of the clause.

MR. ROEBUCK said, he must press for an answer to the objection that there should be any limit, and that small cases, which might involve great questions of law should be disposed of in an inferior court.

THE ATTORNEY GENERAL said, that he did not consider the County Court Judges to be less capable of administering justice than the Commissioners; and the County Courts were tribunals which possessed the great advantage of dispensing justice in the cheapest and the most expeditious manner.

MR. W. WILLIAMS said, he thought it ought to be made imperative that all cases under three hundred pounds assets should be tried by the County Court Judges.

MR. VANCE remarked, that it would be impossible to make the amount of liabilities the criterion. The assets could be very easily ascertained, but it was clearly impossible to find out the liabilities until the bankruptcy had proceeded a considerable length. The proof of debt was left to the registrar in bankruptcy, subject to the control of the Court; but where a right was to be maintained with regard to property, of course, the question would come before a Court of a superior description.

Amendment *agreed to*.

THE ATTORNEY GENERAL said, he wished to make a few observations on the policy of the clause in answer to the remarks of the hon. and learned Member for East Suffolk (Sir FitzRoy Kelly) and Sheffield (Mr. Roebuck). There was undoubtedly great difficulty in determining what should be the criterion of cases to be transferred to the County Court. But as a general principle it might be held that wherever there was a small estate there was very little judicial business to be done. It was true that the smallness of the estate was no criterion of the questions which might arise with regard to liabilities, but the smallness of the estate would probably render questions about the debts and liabilities of very little importance, and very unlikely to be struggled for. He did not find, therefore, any better rule which could be laid down as to what cases should or should not be transferred to the County Courts than the rule which was expressed in this clause. As to the objection of the hon. and learned Member for Sheffield, there was something in the nature of that hon. and learned Gentleman which led him to follow his disposition to find fault, even at the expense of consistency. He could not understand how the hon. and learned Member, who had constituted himself the advocate of the County Courts, could prove that to send a bankrupt whose assets were under £300 before one of the Courts, was giving him an inferior measure of justice. The great qualification of justice was that it should be freely and easily obtained; and if there was one feature in this Bill which above all others had called forth the marked approbation of the public, it had been the disposition to give every facility to creditors to transfer these cases to the administration of the County Courts. He had himself said again and again that he hoped the day would come when the whole provincial or country administration of justice

would be centred in these courts. Any points of difficulty, in a case where the assets were under three hundred pounds, would, no doubt, be discovered before the chief Court was called on to make the transfer; and, as the authorities had a discretionary power, their decision would be influenced thereby.

Mr. ROEBUCK said, he could not pretend to cope with the hon. and learned Gentleman in sarcasm; but he must express his inability to discover why there should be two jurisdictions—one inferior, and the other superior. If the hon. and learned Gentleman thought the County Court Judge the superior jurisdiction, then he conferred a benefit on the poor, and a hardship on the rich.

Clause *agreed to;* as were also Clauses 42 to 45 inclusive.

Clause 46 (Appeal).

Mr. HENLEY asked if there was to be no limit to the power of appeal? However small the matter might be, as the Bill stood parties disposed to litigate might take it to the superior Courts, and he wished to know whether that power was to be guarded in any way?

The ATTORNEY GENERAL said, that was a very important question. It was extremely difficult in bankruptcy to put any limit to the right of appeal. Questions of very great importance might frequently arise on a proof of debt of £20. Anxious as he was not to give any encouragement to litigation, or to open the door to mere vexatious proceedings, he was quite unable to lay down any rule for fixing the limit.

Mr. MALINS said, he agreed that it would be undesirable to place any restriction on the right of appeal.

Mr. ROEBUCK said, he thought the poor man ought, in some way or other, to be protected from the unreasonable appeals of the rich.

Clause *agreed to;* as were also Clauses 47 and 48.

Clause 49 (Appeal from Judge).

Sir FITZROY KELLY said, he wished to introduce an Amendment by the insertion of the words in line 26, "That the Chief Judge in Bankruptcy may, if he think fit, request the assistance of one or more of the Judges of the superior Courts of common law." The new Judge in Bankruptcy would be placed on the same footing as regarded rank, jurisdiction, and salary, as the ordinary Judges of the Courts of common law and the Vice-Chancellors, and looking at the importance of many of the cases that would come before him, and the difficulty of the questions which he must decide, he did not see why he should not be allowed the same assistance as was given to the Vice-Chancellors and to the Judge of the Court of Probate. That would secure speedy, as well as cheap and satisfactory justice.

The ATTORNEY GENERAL said, he was sensible of the value of the aid such a provision would give to the Judge in Bankruptcy; but as complaints had been made of the excessive occupation thrown on the Judges of the common law Courts, and of their being required to assist in the Divorce Court, he shrank from asking them to incur this additional task. As they would probably on that very account be relieved, this Session, from attending in the Divorce Court, it would be inconsistent to cast upon them the duty of attending in the Court of the Chief Judge in Bankruptcy.

Sir FITZROY KELLY remarked that the inconvenience in the Divorce Court arose from the fact that a particular class of cases were by the Act necessarily to be heard by the Judge ordinary, and a Chief Justice, and a Puisne Judge, while many of those cases were of a nature that the Chief Judge alone could decide.

Mr. MALINS said, he thought it was advisable that the new Judge should have the power of calling in a common law Judge to assist in hearing a particular case argued.

The ATTORNEY GENERAL said, he would agree to the Amendment.

Mr. MALINS said, he had to object to another point in the clause. It proposed that when an appeal was to be carried from the Court of Bankruptcy to the Lords Justices, the appeal should be made on a special case prepared by the Chief Judge. Now he contended that the Judge whose decision was appealed from ought to have no voice in framing the appeal. The right of appeal ought to be free and unrestricted. Besides, the preparation of the special case involved much inconvenience, and he had known instances in which more time was occupied in framing the case than in arguing it.

The ATTORNEY GENERAL said, that while admitting that obstacles lay in the way of getting up special cases, he was at the same time of opinion that they acted as powerful auxiliaries in the promotion of economy. The point was here however, he was ready to admit, well worthy of consideration, and he would

cheerfully abide by the decision of the Committee. It would be derogatory, however, to the Court of Bankruptcy to suppose that the Judge, whose decision was appealed from, would state the case in any other than an impartial manner.

SIR HUGH CAIRNS said, he hoped the Attorney General would reconsider the question. There were considerable objections to that part of the clause. In the first place, it changed the present practice of the law, which undoubtedly allowed of an appeal to the Lords Justices without the preparation of any special case. He could understand the latter portion of the clause which required the preparation of a special case in making an appeal from the Lords Justices to the House of Lords, because the appeal in that case would be on a point of law or equity, and they might be very properly called on to state a case for the consideration of the House of Lords. But an appeal to the Lords Justices would be an appeal not on the law of the case but on the facts, and if the appeal were on the facts a special case could not be settled. In settling the facts they would settle the case. There was another consideration. They allowed an appeal from the country Judges to the London Judge without any special case, and he could not understand why they should make any difference in an appeal from the London Judge to the Court of Chancery.

SIR FRANCIS GOLDSMID said, he was in favour of the clause as it stood.

MR. COLLIER said, he should oppose the preparation of a special case being rendered necessary, as he knew how inconveniently it worked in the common law Courts.

THE ATTORNEY GENERAL said, he would assent to the Amendment.

MR. MALINS said, he would then move the omission of all the words after "order." The Attorney General, according to the previous Amendment, had given up the principle of the clause, which was to restrict the right of appeal; and he did not see, if there was to be an open appeal to the Lords Justices, why there should not also be an appeal to the House of Lords.

MR. MELLOR said, he trusted the hon. and learned Attorney General would not consent to the Amendment. In matters of this sort it was really essential that there should not be a multiplicity of appeals. In bankruptcy it was specially requisite that there should be a speedy and final determination; and one appeal was quite sufficient.

MR. EDWIN JAMES said, he thought in mercy to suitors, there should be some end of litigation, and the Lords Justices, with all the facts before them, were perfectly competent to pronounce a final decision without any appeal to the House of Lords.

MR. MALINS said, the Irish Bankruptcy Act gave an appeal in the manner proposed by his Amendment.

MR. MONTAGUE SMITH said, as the Bill stood there was an appeal in a country case, first to the Metropolitan Commissioners, then to the Chief Justice, then to the Lords Justices, and, finally, to the House of Lords. He thought that there ought to be some restriction put upon the power of appeal.

SIR HUGH CAIRNS said, he could not support the present Amendment. There was no analogy betwen the cases contemplated by the Bill and ordinary questions arising at law or equity between one man and another, where there might be little harm in the litigants fighting as long as it suited them. But it must be remembered that the winding-up of a bankrupt's estate was suspended by an appeal, and that until the rights of the parties were determined, hundreds, or it might be thousands, of creditors, could not get a shilling of dividend. In a case of bankruptcy, it was necessary to cut the knot and divide the estate; and he thought it would be quite sufficient if the right of appeal was given within the limits contained in the clause.

MR. MALINS said, that as the opinion of the Committee was against him, he would withdraw his Amendment.

Clause *agreed to;* as were also Clauses 50 to 66 inclusive.

Clause 67 (Evidence, how taken).

SIR FITZROY KELLY moved, in line 5, after "oath," to insert the words "in open Court."

MR. ROEBUCK asked the Attorney General to consent to the omission of the words, "or by interrogatories in writing." The system of taking evidence by interrogatories was at once the most incomplete, the most confused, and the worst that could be resorted to. He hoped the hon. and learned Gentleman was not about to perpetuate it by his Bill.

MR. EDWIN JAMES said, he concurred in the observations of the hon. and learned Member for Sheffield.

MR. MALINS said, he thought that as

a general rule *vivâ voce* evidence was the more satisfactory; but he would not remove from the Bill the permissive power of taking evidence by interrogatories.

THE SOLICITOR GENERAL explained that it was by no means intended to render the system of interrogatories general, but there were particular cases in which it was necessary to have the power of taking evidence in that manner. It was only proposed to put the Courts of Bankruptcy in this respect on the same footing as Courts of law.

SIR FITZROY KELLY said, he thought it would be better to leave it to the Court to decide in which way evidence should be taken in each particular case.

THE ATTORNEY GENERAL pointed out that for the most part proceedings before the Bankruptcy Court were analogous to those before a superior Court of common law sitting *in banco*, and it would therefore be wise to give the Court the power of taking evidence by affidavit.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 68 to 72 inclusive *agreed to.*

Clause 73 (Registrars of the Insolvent Debtors Court).

THE ATTORNEY GENERAL said, he would propose to leave out of the 3rd line the words "Registrars and Taxing Officers," and in the 4th line the words "as such," thereby transferring those officers from the Insolvent Debtors' Court to act in the London District Court of Bankruptcy, and to add "in such manner as the general order of the Court shall direct."

SIR FITZROY KELLY said, he fully concurred in the propriety of transferring these officers instead of superseding them, and so avoid compensation, but he thought the question of the salaries they received, together with the extra large fees, should be considered and revised. He believed that there was no such officer, to speak technically, as a "registrar of the Insolvent Debtors' Court."

THE ATTORNEY GENERAL said, the salaries of these officers would be as before. If there was in reality no "registrar," the person so transferred under such misnomer, if it were found to be such, should be correctly described.

Clause *agreed to.*

Clause 74 (Registrars of the Insolvent Debtors Court).

MR. VANCE proposed to amend the clause by transferring the right of nominating these officers from the Lord Chancellor, as proposed by the clause, to the Judge of the court.

THE ATTORNEY GENERAL said, he had placed the power in the Lord Chancellor's hands, as he objected to giving it to the chief Judge.

MR. E. P. BOUVERIE said, the registrars of the Court of Bankruptcy had large salaries and little to do. He recollected being upon a Committee which recommended that the number of these officers should be curtailed. At that time there were seven registrars, and the number had continued to be seven ever since. The next clause provided that the number of these officers might be increased if need be, and he thought that there ought to be a clause declaring that the number might be reduced if need be.

MR. ROEBUCK remarked that by doing away with the official assignees they would put an end to a great improvement effected by a past Bill. In his opinion the Bill was an attorney's Bill, and that the official assignees were done away with in order to forward the interests of the attorneys.

THE ATTORNEY GENERAL stated that the duties of the registrars would be considerably increased by the Bill. They would be constantly employed, and would be the means of saving a great deal of the expense and delay now attending the Bankruptcy Court. Still, while power was taken to increase their number there should also be a power to reduce it, and by another clause that power was given.

SIR FITZROY KELLY said, he believed that the right hon. Member for Kilmarnock was under some misapprehension as to the existing number of registrars.

Clause *agreed to;* as were also Clauses 75 and 76.

Clause 77 (Appointment and Payment of a Substitute during Temporary Absence of Commissioner or Registrar).

MR. SCHOLEFIELD said, he should move the insertion of words providing that the amount paid to the deputy in such a case shall be deducted from the salary of the officer in whose absence he shall act.

THE ATTORNEY GENERAL said, he thought the Committee had gone far enough in this direction, and that in common charity and kindness the House ought to allow the salary of the deputy in such cases as were contemplated by the clause.

MR. AUGUSTUS SMITH said, they

ought to be just before they were generous. The principle of the clause—that of providing substitutes for public officers, to be paid out of public money—was entirely new. If adopted it might be extended in future to the army and navy, and even to the gentleman who was known to be the Attorney General's principal aid, but whose name was described generally in terms more forcible than polite. A salary might hereafter be demanded for him.

MR. MURRAY said that a provision was introduced into the Bill brought forward last Session by the noble Lord the Member for the City (Lord J. Russell) which required the payment of substitutes out of the salaries of those for whom they acted.

MR. E. P. BOUVERIE said, he also believed the principle to be entirely a new one. There was no difficulty in the legal profession in finding a substitute in cases of illness. He moved the omission of all the words in the clause after the word "Act."

Amendment proposed, in page 16, line 39, to leave out from the word "Act," to the end of the Clause.

MR. COLLINS said, he thought that the fact that the registrars would have to pay for the substitutes would greatly conduce to their health, and he therefore hoped the right hon. Member for Kilmarnock would persist in his Amendment.

THE ATTORNEY GENERAL said, it was no use to expect the House of Commons to be humane and generous, when they were imbued with the spirit of economy. He had pledged himself to adopt the provisions of the noble Lord's Bill. He was sorry to find the words which had been read in the Bill, and he should reluctantly withdraw from his intention of dividing the Committee.

MR. WALPOLE said, he was obliged to take the unpopular side, as he was in favour of the clause as it stood. In other parts of the Bill it was provided that the registrars should attend every day in the year, with the exception of Christmas Day, fast days, and holidays. He would, therefore, appeal to the justice of the Committee, and ask whether persons, so occupied, ought not to be provided with some relief; especially in the case of illness, or any other reasonable cause. In the case of the Commissioners, the Committee had very properly refused to pay for a substitute for them during their vacation; but where a clerk was required to attend every day, and through sickness was rendered unable to attend for a few days, he thought it hard that a substitute should be paid out of his salary.

SIR HUGH CAIRNS said, it was the first time he had ever heard of stopping the salary of a Judge in the event of illness, and a higher power appointing another person to receive the amount so confiscated.

MR. EDWIN JAMES said, he should support the Amendment. If a clergyman were ill, he had to pay for a substitute out of his small stipend. If a recorder were ill, he had no substitute provided by the State; and as a recorder himself, he should be ashamed to ask the Government to pay for his deputy. If for illness, or other reasonable cause, another Commissioner or Registrar could be appointed at the public expense, it would lead to great abuse.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 107; Noes 117: Majority 10.

On Question that the Clause, as amended, stand part of the Bill,

MR. CLAY said, he should take the sense of the Committee on the Question, with a view to negative the Clause. The registrars would then stand in the same position as recorders and others.

THE ATTORNEY GENERAL said, he would not have introduced this provision, had it not been to secure the constant administration of justice, and to prevent any of the courts being shut up in the absence of a Commissioner or Registrar, on account of illness, or other urgent reason. He believed that the provision met that exigency in a satisfactory manner; but he could not consent to its adoption, except in its original form. He trusted that the Committee, having struck out the provision for the payment of a substitute, would omit the clause altogether. He should certainly take the sense of the House on that question.

MR. WHITESIDE remarked that, under the Irish Bankruptcy Law, the Lord Chancellor had power, if an official was not able to attend the court, to appoint a deputy, and assign the sum which he was to receive out of the salary of the gentleman whose place he filled. Such was the actual state of the case; although the hon. and learned Member for Belfast (Sir Hugh Cairns) had shown good reasons why it ought not to be so.

MR. EDWIN JAMES said, it was very

easy for the hon. and learned Attorney General to speak of the House of Commons being seized with a fit of economy, and to be generous at the expense of the public. But he should remember that it was a common thing at present for a Commissioner of Bankruptcy or a Police Magistrate to sit for a brother official; and there was no reason why the same custom should not prevail under this Act. He feared the payment of deputies would lead to great abuses.

Mr. E. P. BOUVERIE said, that the hon. and learned Attorney General had just shown something of the same temper in giving up this clause that he had displayed the other day, when defeated on another part of the Bill. The hon. and learned Gentleman really must not expect that 150 or 160 Gentlemen, however great the deference and respect they might be disposed to pay to his opinion, were to be absolutely guided by his judgment on every minute point of the Bill. They would form opinions for themselves and would act on those opinions, even in opposition to him. His hon. and learned Friend possessed greater experience than he did—probably on all subjects but one, and that was the difficulty of working a very long Bill through the House. Perhaps he would allow him, therefore, to warn him that he would not accomplish that operation unless he endeavoured to consult and conciliate those who were opposed to him. The provision now in question was merely the re-enactment of a clause in an existing Act, with the addition of the "tail-piece," which the Committee had just struck out. It was only an enabling clause to authorize the Lord Chancellor to appoint a deputy for a Commissioner or Registrar; and it was very unreasonable for the hon. and learned Attorney General to ask the Committee to take altogether from the Lord Chancellor the power of appointing a deputy, because the Amendment had been carried. He hoped the hon. and learned Gentleman would reconsider the matter.

Viscount PALMERSTON said, he had never heard a more unreasonable or unjust attack than that of the right hon. Gentleman (Mr. Bouverie), and he was sure he could not have been in the House in the early part of the evening. The right hon. Gentleman had, from one circumstance, pronounced an opinion which those hon. Members who had been in attendance the whole evening knew to be unsound. He could himself bear witness to the fact that his hon. and learned Friend the Attorney General, five or six times in the course of the evening, had, in the most conciliatory manner, yielded to representations and adopted suggestions coming from both sides of the House.

Mr. COLLINS said, he thought it would be better to pass the clause than expunge it. If one of the Judges wanted a fortnight's holiday, or wished to be married, it was only reasonable he should apply to the Lord Chancellor and obtain the appointment of a deputy for the brief interval.

Mr. CRAUFURD said, he held that, as the money part of the clause was struck out, it would be right to strike out the clause itself.

Mr. PULLER said, he should like to know for whose benefit this clause was to be struck out. He thought it not desirable to bind men to the wheel so tightly, and he should oppose the striking out of the clause.

Mr. LONGFIELD said, he would recommend the Attorney General to follow the analogy of the Irish Acts. There were two sets of precedents in Ireland. By the County Judge Acts the Lord Chancellor could appoint a deputy to the Judge and assign him a portion of his salary; but by the Bankruptcy and Insolvency Acts the Lord Chancellor could give the deputy all the powers and the salary of the principal. The Attorney General would do well to adopt the latter principle in the present Bill.

The ATTORNEY GENERAL said, that in reply to the right hon. Gentleman the Member for Kilmarnock he wished to say that he was not aware he had ever shown any indisposition to deal with the arguments urged against the Bill. The Committee, however, had quarrelled with the Attorney General, because he would not accept their Amendments. He, on his part, did not quarrel with their opinion. If they had the power to carry their views against him that power must be enforced. But why did the Committee quarrel with him? He thought he heard no reason given for an opposition that had lost him a night, and cost him two divisions. The only cause he could give for the opposition of the right hon. Gentleman (Mr. Bouverie) was that he did not like to see the Attorney General have his own way. From communications received from the right hon. Gentleman that evening he thought there was peace between them. If, however,

the right hon. Gentleman liked war he was ready to meet him. But, when the right hon. Gentleman boasted of his skill and experience, he (the Attorney General) needed not to be vainglorious, but he would remind the right hon. Gentleman that the House sat in 1857 until late in August to pass a Bill that was advocated by the Attorney General. So much for the right hon. Gentleman the Member for Kilmarnock. To pass to a more important matter, he thought it unkind, unreasonable, and impolitic to impose upon a sick Judge the obligation to appoint a deputy, whom he would have to pay. ["No!"] That, at all events, was the object of the words, "which deputy he is to pay." He could not consent to follow the Irish precedent quoted by the hon. and learned Gentleman, and he must, therefore, give the Committee the trouble of dividing.

MR. ROEBUCK said, he wished to inquire whether the interpretation put by the Attorney General upon this clause was correct? By the clause the Lord Chancellor had the power to appoint a deputy, but he had no power to pay him, or to make the registrar pay him. Therefore, if the Lord Chancellor appointed a barrister it would be without the slightest possibility of paying him.

SIR HUGH CAIRNS said, he had been under the impression that it was intended to propose the omission of the last two lines of the clause, in order to propose the insertion of other words, to the effect that the Lord Chancellor, after appointing a deputy, was to have the right to pay him out of the salary of the person in whose place he was appointed. He would sooner see the clause struck out than such an insertion adopted. It was now proposed, however, to maintain the clause with the omission of the last two lines, and then the Lord Chancellor would have the power of appointing a substitute, but no power of paying him. Therefore no substitute would be appointed except by the request of the Judge, and if the Committee agreed to let the clause go in that form he saw no harm in it.

THE ATTORNEY GENERAL said, he also had spoken under the same impression, that it was intended to insert other words substituting the power to pay the deputy out of the Judge's salary. If, however, it was proposed to leave the clause as it stood after the omission, he should not object to it.

Clause, as amended, *agreed to.*

MR. ROEBUCK moved that the Chairman report progress.

MR. E. P. BOUVERIE said, he wished to make his peace with the Attorney General. He had not intended to say anything personally offensive to the hon. and learned Gentleman, from whom he had received much personal courtesy. If the House wished to make real progress with a Bill there was no hour like that between 12 P.M. and 1 o'clock A.M.

MR. ROEBUCK said, he believed that the right hon. Member for Kilmarnock had given the House the benefit of his attendance at 10 o'clock. For himself, however, he had been in the House since noon. Human nature would not bear such long and late hours, and as his (Mr. Roebuck) was a very feeble human nature, he had moved that the Chairman report progress.

SIR HUGH CAIRNS said, he wished to know when the hon. and learned Attorney General proposed to go on again with the Bill. The Committee were approaching the 150th Clause, which raised a question of principle—namely, how far it was desirable to extend the bankruptcy law to persons not traders. The principle was of such general importance, that it was desirable to discuss it at an evening, and not at a morning sitting.

THE ATTORNEY GENERAL said, he hoped they would proceed with the Bill on Thursday morning. The more important portions of the Bill, relating to the extension of bankruptcy, would be reserved for the evening sittings; but the ordinary clauses could be proceeded with at the morning sittings.

MR. HENLEY said, he doubted whether anything would be gained by taking up the Bill at a morning sitting. It was straining the working powers of the House too much to have three morning sittings in the week. There were so many hon. Members engaged on Committees and in the law courts that to go on with the Bill at morning sittings would be tantamount to passing it through almost at the dictation of the Attorney General.

VISCOUNT PALMERSTON said, that in a Bill of that magnitude there were necessarily matters of great importance, and others of lesser moment. The latter might with advantage be proceeded with in the mornings, and those of greater importance postponed for the consideration of the House in the evenings. He hoped, therefore, that the House would go on, on Thursday morning, with those portions of

the Bill to which no great exception was taken.

Mr. E. P. BOUVERIE reminded the Committee that the time for again taking up the Bill could only be fixed when the Speaker was in the chair.

House *resumed.*

Committee report Progress.

Sir WILLIAM JOLLIFFE expressed a hope that so important a Bill would not be fixed for Thursday morning. There were clauses in it that would require the serious consideration of all the Members of the House, and many could not be present at a morning sitting.

Viscount PALMERSTON said, he could only repeat what he had before said, that when they came to important questions on which a difference of opinion prevailed, those questions could be reserved for the evenings.

Mr. WHITESIDE said, there were important questions coming before the House on Thursday evening, to which they would be expected to devote all their energies, and in these circumstances he objected to this Bill being proceeded with at a morning sitting on that day.

Motion made, and Question put, "That this House will, upon Thursday next, at Twelve of the clock, again resolve itself into the said Committee."

The House *divided:*—Ayes 135; Noes 66: Majority 69.

House adjourned, at half after Two o'clock.

HOUSE OF LORDS,

Tuesday, July 10, 1860.

Minutes.] Public Bills.—1ª Indemnity; Mines Regulation and Inspection; Lands Clauses Consolidation Act (1845) Amendment; Metropolitan Building Act (1855) Amendment; Burial Grounds (Ireland) Act (1856) Amendment: Bleaching and Dyeing Works; Titles to Land (Scotland) Act (1858) Amendment.

2ª Railway Cheap Trains, &c.; Augmentation of Small Benefices (Ireland); Universities and College Estates; Phœnix Park.

3ª Local Boards of Health, &c.

MASSACRE OF CHRISTIANS IN SYRIA.

Lord STRATFORD de REDCLIFFE: My Lords, before the House proceeds to the business on the paper I should wish to ask some questions of the noble Lord who more immediately represents the Foreign Department in this House, in relation to a subject which has only to be mentioned to excite the deepest sympathy. The subject to which I allude is that of the massacres which appear to have lately taken place in Syria, and to which the great journal of this country that appeared this morning, in its own emphatic and truly national tone, particularly directed the attention of the public. I have endeavoured, in the short time which has elapsed since the intelligence was first received, to obtain some information as to the circumstances, which cannot be deemed unworthy of your Lordships' attention. At the same time, although I took the precaution yesterday, in a private manner, to apprise the noble Lord of my intention to put certain questions to him, I shall not enter fully into so extensive and important a subject now, as perhaps, from the shortness of the time and my inability to give exact information as to the questions that I was about to ask, the noble Lord may not be prepared to give as complete an answer as the subject requires. Your Lordships are aware that the country in which these massacres are reported to have taken place is one which forms an important part of the Turkish empire, and to which, historically and politically, very momentous considerations are attached. The country is of a very peculiar nature, being entirely of a mountainous district and inhabited by tribes of very imperfect civilization, who are more separated from each other by religious animosities and more exposed to violent collisions in consequence than even the inhabitants of other parts of Turkey, where such causes of discord and mutual excitement are at all times ready enough to break into flame. Your Lordships will remember that at an antecedent period the country was occupied by the Pasha of Egypt; and it is only fair to say—though Her Majesty's forces mainly contributed, for political reasons, to restore it to Turkey—that Mehemet Ali, during the time he possessed it, appears to have governed it in a manner calculated to give more security to the inhabitants than any which they have enjoyed of late. The principal tribes are the Druses, of Pagan origin, who generally profess the Mahomedan creed, and add to the prejudices of religion a character marked with no small degree of ferocity; and the Maronites, who, as your Lordships know, are Christians, but, in spite of their Christianity,

act from time to time with little regard for humanity in their disputes among themselves and with their neighbours. The other tribes, such as the Motualis and Yezidis, are of less political weight and very inferior in numbers. The Druses, by their religion, have the most intimate relations with the Turkish Government, while the Maronites, being Christians, have looked at all times more to the Christian Powers, and especially to France, whose Government, from an early period, by its tradition, policy, and common faith, has been considered their more immediate protector—to say nothing of the interests founded on its commercial establishments in Mount Lebanon. It appears that in the month of May last an attack was made by the Druses on a place near the coast named Beit Meri, a Maronite village, where acts of violence and bloodshed had been previously perpetrated, to the destruction of a considerable number of the inhabitants. More recently the Druses, increased in numbers by reinforcements from the Kurds and Bedouin tribes in the neighbourhood, collected in considerable force, and attacked in succession several large towns, perpetrating acts of the greatest atrocity. I am told that women and children were included in a common slaughter with the men, until in some instances scarce a living soul was left. They subsequently marched on Zahleh, a town at no great distance from the Mediterranean coast and the city of Beyrout. In addition to these destructive operations, what immensely increases the painful interest of the subject is that, not contented with all these horrors of plunder and butchery, they have surrounded Damascus, and, as I understand, have threatened to take possession of that place. The Christians there are very naturally in the last stage of anxiety and alarm. The circumstances thus brought under your Lordships' consideration are not only such as to interest deeply our feelings of humanity, but they evidently involve political consequences of the deepest moment. France, if she has not a positive right, has the strongest motives for interfering and taking a strenuous part in the repression of these enormous outrages. I learn from the public prints that the French Government have already announced to the Porte their intention to interfere with decision for the purpose of preventing any repetition of these outrages and for the protection of their own subjects and the Christians in general throughout Syria. I am assured that they have given the Porte to understand that if the Turkish authorities do not put down those disturbances France is prepared to operate with her own strong hand, and to obtain justice without further delay or hesitation. There is another consideration, too, which enhances the importance of the question, and that is the movements—I mean the diplomatic movements—of Russia in reference to the Christians of other parts of the Turkish empire. If anything more were wanting to give importance of the deepest character to the subject I have brought forward it is supplied by the rumours which are afloat as to the existence of some understanding between the two great Powers of the Continent who are most disposed to take an active interest in the affairs of Turkey. It appears to me that on all these grounds it is of the utmost consequence that Her Majesty's Government should adopt with immediate promptitude that line of conduct which is best calculated not only to serve the cause of humanity but to provide for those political interests which might be so seriously compromised by delay, indifference, or mistake. My long experience of the affairs of Turkey inclines me to ask whether the Turkish authorities have shown themselves sufficiently alert in meeting the danger which threatens the security of those who are so immediately entitled to their constant and efficient protection. I feel assured that your Lordships will be grievously sorry to find any grounds for supposing that any remissness on the part of the Turkish authorities has been the cause of outrages which all must unite in deploring, and still more so if there were reason to suspect them of positive connivance. I should myself be slow to entertain any suspicion of the kind; but I must say that there are circumstances, not yet confirmed or proved, which seem to open a door for some distrust on the subject, and at all events to furnish an additional reason for desiring to ascertain from Her Majesty's Government the real state of the case, and for pressing upon them the importance of bringing the Porte and its subordinate authorities to a sense of their duty, not only towards their own subjects, but towards the great Christian Powers who interfered at such a sacrifice of blood and treasure to preserve them from a great danger. I cannot conceal from myself that an Empire which has been confessed to exist politically on sufferance has a para-

mount duty to perform towards its allies, as well as towards its own subjects. It does, I confess, appear to me that, whatever suspicions we may have entertained in former times with regard to the intentions of Russia, and however we may have acted for the repression of her apparent disposition to interfere too much with the Porte's independence, it is exactly in proportion to our own interference on that subject that we are bound, as one of the principal Powers of Europe, to see that justice be done to the Christian subjects of the Porte—aye, and to their Mussulman subjects too—and that the security which has been given to the Turkish Government by the Treaty of 1856 be not made use of as a screen for their negligence and for the faults of administration which allow of the perpetration of atrocities such as those which it has been my painful duty to describe. It would be out of season on this occasion to enter more in detail into the subject to the principal points of which I think I have called your Lordships' attention; but reserving to myself the right of bringing the matter specially before the House, after receiving the answer of my noble Friend, I beg leave to put to him the following Questions, which I trust he will be able to answer in satisfactory terms — whether any official accounts confirming the rumour of massacres lately perpetrated on the Christian population in sundry parts of Syria have been received by Her Majesty's Government, and, if so, when, and up to what date, they were received? whether Her Majesty's Government intend to lay any part of the information in question on the table of the House, and in that case when? whether Her Majesty's Government have taken any and what steps, either singly or in concert with other Powers, for the protection of the Christians, and in particular of Her Majesty's subjects in Syria? and whether any information has reached Her Majesty's Government to the effect that the French Ambassador at Constantinople has been directed by M. Thouvenel to announce to the Porte that France is bound to put a stop to the massacre of the Christians in Syria?

Before sitting down I wish to allude to an expression which fell from my noble and learned Friend (Lord Brougham) last night in reference to a matter which affects very nearly the principle involved in the subject which I have had the honour of bringing before your Lordships to-night. My noble Friend, in his natural and praiseworthy zeal against violence and inhumanity, especially when they take the form of a tyrannical Government, treated the great principles of international law, which are so closely connected with this and many other subjects affecting the interests of Europe and civilization, in a manner which rather surprised me, coming from such a source. I should be glad, therefore, to afford my noble and learned Friend an opportunity of expressing himself more completely with reference to the value and importance of sustaining the principle of international law, notwithstanding the great provocation which may occasionally be given by misguided persons.

LORD WODEHOUSE: My Lords, I am afraid that, as my noble Friend did not furnish me with a copy of the exact questions which he meant to ask, I may not be able to answer all of them as precisely as I should have wished; but with regard to the general question of what information the Government have received from Syria, I am sorry to say that I can confirm entirely the lamentable accounts which he has given of the events which have taken place there. Despatches received yesterday, of a recent date—I cannot call to mind what is the latest, but I remember one despatch was dated the 18th of last month—describe a state of things than which nothing can be more miserable, or more deserving the compassion of all Christian nations. The principal places at which these outrages have taken place are Hasbeiya and Zahleh. At Hasbeiya the principal Christians were congregated together, and, having been induced by the Turkish authorities to lay down their arms, they were next day attacked by the Druses, and a large portion of them massacred in the presence of the Turkish troops in the place, who do not appear to have interfered. Your Lordships have probably seen in the newspapers accounts of this massacre, but it is stated in one of the despatches that a considerable number of the Christians had escaped; and we, therefore, have reason to hope that the massacre was not so general as has been represented. It seems that this massacre was not confined merely to the Christians, but that the chief of the Druses, who had command on that occasion, took the opportunity to revenge himself on some Mussulmans, with whom there had been a feud. It seems that at Zahleh the people made a defence, but were at last overpowered. The Druses gained possession of

the town, and committed most horrible butcheries. But there also a considerable number of the Christian population were able to retire before the massacre began. It is quite true that the general state of that country is, as my noble Friend described it, one of the greatest confusion and disturbance. How the feud originated is at present a matter of doubt, for not only does it appear to have sprung from the hereditary hatred of the Druses against the Maronites, but the Druses are joined by other tribes, and to some extent by the Mussulman population generally. The Turkish authorities are much to be blamed for not having taken active measures. The Turkish troops in the neighbourhood of Zahleh not only took no steps to put down the disorder, and to resist the Druses, but they also failed to afford the Christians any facilities for escape. The only excuse for the Turkish authorities is that practically they are powerless. There is a great want of troops, and their authority is altogether disregarded by the mountaineers. Where even they have the will they have not the power to preserve order. The Ambassadors of the different Powers at Constantinople met together some weeks ago and agreed to send instructions to their consuls in Syria to communicate with the Turkish Pashas, and to endeavour to induce them to take some active measures. We have not received the information, but intelligence has reached France that Fuad Pasha has been sent with extensive powers to put down rebellion, that reinforcements of troops have also been sent, and that efforts will be made to restore order. The latest accounts from the English Consul at Damascus, state that great apathy is displayed by the Turkish authorities, and that apprehension is entertained of an outbreak in that city, but he thinks that apprehension is not altogether well founded. It is only right to say that there are other persons who take a different view; but it is the consul's opinion that if the Turkish authorities do their duty, Damascus will not undergo the same horrors which have occurred in other towns, and that it will be able to resist all attacks which may be made upon it. My noble Friend asks whether we can lay the papers on the subject on the table of the House. I have not had an opportunity of communicating with my noble Friend at the head of the Foreign Office, but I do not think it likely that there will be any objection to their production. With regard to the steps which have been taken by Her Majesty's Government, as soon as intelligence reached us, before the latest accounts, orders were sent to Admiral Martin to proceed with a squadron to the coast of Syria, to take such steps as might be necessary for the protection of British subjects, and the safety of the Christian population. We are informed that the French Government have sent some ships of war for the same purpose to that coast, and that there are also vessels there belonging to Russia and other Powers. Her Majesty's Government are in communication with the Governments of Turkey, Russia, Prussia, Austria, and France as to the further measures which will become necessary. With regard to any communication by M. Thouvenel to the Porte that the French Government will be compelled to take strong measures if the Porte is not able to repress these disorders, I can only say that we have not received any intimation of it from Paris, and that we are not aware of any such communication having been made. The whole of the Powers have an earnest desire that some steps should be taken to prevent the recurrence of these atrocities, and the deepest attention of Her Majesty's Government is fixed upon this important matter. One of the consuls reports that there are 20,000 women and children wandering over these mountains, without shelter, and with the chance of being murdered by the infuriated Druses. The lamentable condition of the Christian population demands the fullest consideration of the Government, and I also agree with the noble Lord that they are bound to give their most earnest attention to the political aspect of the affair, inasmuch as Syria is a quarter of the Turkish empire where the authority of the Porte is known to be exceedingly weak. The noble Lord having referred indirectly to other parts of the Turkish empire, I may mention that the result of the communications between the different Powers upon the proposals made by the Russian Government, has been that a Commission has been sent by the Porte to inquire into the condition of the northern provinces; and that all the Powers have agreed to wait to see what the result of that Commission will be, in the hope that these inquiries will be conducted with impartiality and with a desire to find out clearly what may be the real state of things in those provinces.

LORD BROUGHAM: My Lords, I am sorry to find from the statement of the noble Lord that my noble Friend who brought forward this question has been but

too well informed, and that, to a great extent indeed, miserable scenes have taken place in Syria. It is most painful to humanity, and not free from difficulty—nay, it is full of difficulty, because, however much we may commiserate those unfortunate persons who have been sufferers from these outrages, unhappily it may all arise, not from the bad faith or obstinacy of the Turkish Government, but from its weakness and incapacity; and I gravely fear that that is the origin of these atrocities. I think my noble Friend will do well to bring this matter before your Lordships in a more formal manner after the papers have been produced which the noble Lord says there is no objection to lay on the table of the House.

LORD WODEHOUSE: I did not say that there was no objection, but that I thought there would be none.

LORD BROUGHAM: My noble Friend said, he had not had an opportunity of consulting the noble Lord at the head of the Foreign Office; but I think I may assume that there will be no difficulty in producing those papers. My noble Friend who introduced this subject referred to an observation which I made last night, and upon which he has entirely misunderstood me. Heaven forbid that I, of all men, should undervalue the law of nations, or in any respect whatever underrate the great importance of its principles and the absolute necessity of always maintaining those principles sacred. But I held it to be, and I still hold it to be, no part of the law of nations to interfere in other countries to prevent the people from doing justice to themselves, from righting themselves, and from vindicating themselves. On the contrary, I hold it to be the most sacred principle of the law of nations to prevent all interference by one Power, or any combination of Powers, with the internal affairs of any other Power. No doubt, there might be strong cases of exception to all rules; but it is needless to indicate what would form a case to justify a breach of the principle of non-interference, because I can hardly conceive any case which could justify it. With respect to the case of Sicily, which gave rise to my observations, I held, and I hold it still, to be no part of the law of nations to render the Sicilians incompetent to right themselves and to throw off any form of government which they dislike, or under which they may suffer, without our help. On the contrary, it is according to the law nations that they should do so of themselves. And when it is said that General Garibaldi is a foreigner and not a Sicilian, I say he is as much a Sicilian as William III. was an Englishman, with this difference, that General Garibaldi has not married the Neapolitan King's daughter, and is not the Neapolitan King's nephew, as was the case of William III. in relation to James II.

Lord Brougham

TITHE COMMUTATION BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee on the Tithe Commutation Bill read.

THE MARQUESS OF SALISBURY suggested that the Bill should be referred to a Select Committee.

THE BISHOP OF OXFORD said, he had been requested to draw attention to the way in which it was alleged this Bill had been introduced and passed through the other House. It very greatly affected private interests, and especially the interests of St. John's College, Cambridge, and it would override a local Act of Parliament. He understood that the provisions of the Bill would expose the parties to ruin if they were agreed to, and it would inflict a great injustice upon others. He would suggest that the Bill should be referred to a Select Committee, and not passed in so great a hurry through the House.

EARL DE GREY and RIPON said, this Bill was a public Bill, and therefore the complaints as to want of notice were unfounded. The Bill had been passed through the other House in the same manner as all other public Bills, and therefore if the complaints were well-founded it was the business of the parties and their representatives in the other House to pay attention to the Bill. But it passed without opposition in the other House, and it was only reasonable to suppose there would be no serious opposition to it in this House. He did not understand that there was any wish to defeat the passing of the Bill by delay, and therefore he would not object to its being sent to a Select Committee.

Order *discharged;* and Bill *referred to* a Select Committee:

The Lords following were named of the Committee:—

M. Salisbury	L. Portman
E. Spencer	L. Cranworth
E. Carnarvon	L. Churston
E. De Grey	L. Egerton
L. Bp. Bath and Wells	L. Taunton
L. Wynford	

RAILWAY CHEAP TRAINS, &c., BILL.

LORD WODEHOUSE moved the second reading of this Bill, the object of which was to make perpetual the 21 & 22 *Vict.*, c. 75, to amend the Law relating to Cheap Trains, and to restrain the exercise of certain powers by Canal Companies, being also Railway Companies.

THE BISHOP OF OXFORD wished to call the attention of the Government to the necessity of taking some steps to ensure an easy communication between the various lines of railway in his county. Now that the whole internal communication of the country was in the hands of these great railway companies, Parliament ought to exercise some supervision over the powers which had been granted, in order that they might see that the communication was made as complete as possible for passengers. At nearly all the great points of communication the different railway companies were in a state of hostility, the consequence of which was serious inconvenience to the public, and, he believed, serious injury to the railway companies. He had been assured by the railway directors that they would rejoice if Parliament would make some regulation upon this subject, as it was impossible for the directors themselves to deal with the evil, as any company which chose to refuse to enter into any arrangement would obtain an unfair advantage. The Board of Trade should have power to compel each company to make a continued communication at certain times under a heavy penalty. He hoped the noble Lord would bring the subject under the consideration of the Government.

LORD REDESDALE said, the suggestion of the right rev. Prelate could not be carried out in this Bill. This Bill was for the purpose of making certain Acts perpetual, and to add a clause of the sort suggested would not give the question fair consideration, which he thought ought to receive the attention of Parliament and the Government.

LORD STANLEY OF ALDERLEY was of the same opinion.

THE EARL OF DONOUGHMORE said that, instead of one, forty clauses and a very elaborate system would be required to provide for such a system as that proposed by the right rev. Prelate.

LORD CRANWORTH said, an attempt was made to legislate upon this matter some three or four years ago; and what was now required was that Parliament should pass an Act to tell railway companies how they should arrange their trains at points of intersection. But he thought that the Legislature could not interfere with the discretion of the directors, and that all had been done which Parliament could do.

Bill read 2ª, and *committed* to a Committee of the Whole House on *Thursday* next.

House adjourned at a quarter before Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 10, 1860.

MINUTES.] PUBLIC BILLS.—1° Votes at Elections; Railways (Ireland) Act (1851) Amendment; East India Stock Transfer, &c.; Maynooth College; Turnpike Acts Continuance; Copyhold and Inclosure Commissions, &c.; Turnpike Trusts Arrangements; Highway Rates Act Continuance; Weights and Measures (Ireland). 3° Dominica Hurricane Loan; Admiralty Court Jurisdiction (No. 2.)

NUISANCES REMOVAL AND DISEASES PREVENTION BILL.—COMMITTEE.

ADJOURNED DEBATE.

Order, for resuming Adjourned Debate on Question [14th June], "That the Bill be now taken into Consideration," read, and *discharged.*

Bill *Re-committed.*

Clauses 1 to 3 *agreed to.*

Clause 4 (How Expenses of Local Authority to be defrayed).

MR. PERRY WATLINGTON proposed that after the word "expenses," there should be inserted the words "as are of a common nature."

MR. AYRTON objected to the clause, as it gave power to a Board to levy rates for the suppression of nuisances on any parishes. The effect might be that great injustice would be done to particular parishes, and works carried out without the consent of their representatives.

MR. NORRIS said, he hoped the clause would be retained in its present form, otherwise parishes which derived no benefit from the improvements carried out might be obliged to pay for them.

MR. SOTHERON ESTCOURT said, difficulties would arise as to the levying of the money necessary for such expenses as could not be taken out of the common

fund. Expenses that were in common should be raised in common, but he thought the power given to the Boards to levy funds for works done in particular parishes would require serious consideration.

MR. HENLEY said, he regretted that the Government should have gone back again to the Board of Guardians to take management of these financial affairs, considering the dissatisfaction that was caused by their management formerly. The proper course was to make each parish do its own work, and to compel the parochial authorities to act if they refused to do so. The truth was that the Poor Law Board and the Board of Health had nothing to do, and the consequence was that they were always ready to interfere in matters that did not require their interference. He thought the best thing the right hon. Gentleman (Mr. Lowe) could do would be to withdraw the Bill altogether.

MR. LOWE said, the necessity of introducing a Bill of the kind had arisen from the fact that the House had thought proper to destroy the central body which had formerly existed, and to transfer its powers to the local authorities. But the new system, it was found, did not work, as the local authorities were unwilling or unable to enforce the unwelcome authority which had been committed to their hands for the removal of nuisances. There were 14,400 places in which there ought to have been local authorities to carry out the Act; but out of these there were 12,500 places in which no inspectors had been appointed —that was to say, in which there was no authority at all to carry the Act into operation. It was necessary, therefore, to find some means of carrying out the Act. The right hon. Gentleman said the existing local authorities should be compelled to act; but this was utterly impracticable, as there was no way by which a man complaining of a nuisance was able to reach them, the local authorities not being corporate bodies. The proposal in the Bill was that the duty should be discharged by the Boards of Guardians, a body that could easily be communicated with, and easily set in Motion. As to the question of payment, the proposal was that each parish should pay the expenses of removing nuisances within itself; but that the expense of an inspector of nuisances, common to an entire union, should be paid out of the common fund of the union. The expenses of such inspectors must be exceedingly small, and that alone would fall upon the common fund. All the main expenses would be paid by each particular parish for itself.

MR. ADDERLEY said, he quite agreed with the right hon. Gentleman that there was a necessity for this Bill. Practically, there was no sanitary authority in the small parishes; and there were only two ways of remedying the evil; one to compel the local authorities to act, and the other to transfer the powers to Boards of Guardians, as now proposed, and this last course he entirely preferred, especially as the Boards of Guardians would now act on their own authority, and not be the instruments of a central board. However, he did not see the necessity for a permanent salaried sanitary inspector.

MR. PERRY WATLINGTON withdrew his Amendment, and proposed in the same clause to omit the words, "common fund," and to add the words, "by means of an addition to be made to the rate for the relief of the poor of the parish in which the nuisance has arisen, and to be raised and paid in like manner as the money raised for the relief of the poor."

MR. SOTHERON ESTCOURT expressed his opinion that inspectors should not be permanently appointed, and that Boards should have a discretionary power in their appointment.

MR. LOWE intimated that he would comply with the suggestion of the right hon. Gentleman.

MR. HENLEY said, it now appeared that the Boards of Guardians were not to be compelled to appoint inspectors; but it might be found that the Boards were not quite so pliable as seemed to be anticipated, and in that case there would be no local authority to provide for putting down nuisances. It would be better to name in the Bill a particular official who should be bound to carry the Act into operation.

MR. AYRTON said, to give to the Board of Guardians absolute control over the parishes, to make the parishes pay all the expenses, and to give no appeal against the decision of the Board of Guardians—no remedy, no power of revision whatever—was a proceeding which was never before proposed to the House of Commons. If any one disputed the jurisdiction, the officer was directed by the Act to take proceedings in the higher courts, and thus a parish would be involved in a most expensive kind of lawsuit, and would have to pay all the expense, although it might have had no part whatever in the proceeding, and might even have protested against it.

Amendment *agreed to.* Clause, as amended, *ordered* to stand part of the Bill, as were also the remaining Clauses. Two additional Clauses were added.

MR. FREELAND moved the following Clause:—

"No justice of the peace shall, unless objected to at the hearing of any complaint or charge, be deemed incapable of acting in cases arising under the said Nuisances Removal Act by reason of his being a member of any body hereby declared to be the local authority to execute the said Act, or by reason of his being a contributor, or liable to contribute, to any rate or fund out of which it is hereby provided that all charges and expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed."

Clause *agreed to.*

Preamble *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENT BILL.

COMMITTEE.

Order for Committe read.

House in Committee.

Clause 1 (Stock to be Cancelled).

ADMIRAL WALCOTT: Having held the position of Manager and Trustee of the Bath Savings Bank for a period extending to nigh thirty years, I may be permitted to express my opinion, which is shared in by that Board, that this Bill is unsatisfactory, inasmuch as it leaves the administration of Savings Bank Funds nominally in the hands of the National Debt Commissioners, but really in those of the Minister of Finance, who, although managing them as I unquestionably admit with great ability and integrity, is frequently beset with motives and necessities at variance, as it occurs to me, with what I consider a duty to the Savings Bank. The interests involved in these institutions are of such vast importance as to call for the appointment of a special Commission, who would watch over the funds as a public trust, see to their safe and profitable investment, and take steps to supervise and extend the system and utility of Savings Banks throughout the country. And it appears to me that the 15th clause of this Bill, if passed, would at once render necessary an alteration in the existing rules and regulations throughout the country, whereas an intelligible Consolidation Act is expressly desirable which will embody all provisions for regulating the management of Savings Banks and the right of depositors.

MR. AYRTON wished to remind the House of the recommendation made by the Committee that had been appointed to consider this subject. They recommended that a Commission, having some elements independent of the Chancellor of the Exchequer (though he was to be a Member of it), should be appointed to undertake the management of the aggregate funds of Savings Banks, the object being to keep the funds of Savings Banks and Friendly Societies separate and distinct from the other funds under the administration of the Chancellor of the Exchequer. The Committee wished the Commission to be Trustees for the Savings Banks, having funds either in Consols or Exchequer bills, equal to the charges that would be made upon them. The proposal of the Chancellor of the Exchequer, however, was that he should be a great State banker for the Savings Banks, with the power of administering the funds for the benefit of the depositors, but a banker in the novel position of having no securities to cover the charges against him. The question which they had to decide was, whether the recommendation of the Select Committee as to the scheme of the Chancellor of the Exchequer was to be adopted, and he hoped that issue would be fairly taken up by the Committee. He contended that, while the public sustained heavy loss, the result would be that in future they would be compelled to lower the rate of interest paid to the depositors of the Savings Banks.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the Committee would proceed to the consideration of the clause before it instead of discussing the points raised by the hon. Gentleman in his very discursive speech. One of the questions raised by the hon. Gentleman—namely, the recommendation of the Select Committee, had been already decided by the House, when it was raised a few evenings ago by the hon. Baronet the Member for Evesham; and the other when the hon. Baronet moved the postponement of the first three clauses. He denied that he was making himself a banker for the Savings Banks. The truth was, that the State had already constituted itself a banker in that respect, and the arrangement was none of his. The hon. Gentleman complained that the public were fleeced now, and that the depositors would

be fleeced hereafter by a lowering of the rate of interest. He would only say, passing by his reference to the present, that he totally disbelieved his prophecy as to the future. He knew no reason why the rate of interest paid to depositors in the Savings Banks should be altered, unless Parliament should choose to do so as a matter of policy. It would be a most unjust proceeding to lower the rate of interest in consequence of any real or supposed mismanagement of the funds. By the clause they were now discussing, it was proposed to cancel a large quantity of stock, and in the clause that followed they proposed to substitute for it a credit on the State deposit account. It was not intended to inscribe on the State deposit account the whole of the funds, but as much as they could fairly venture to do, retaining a certain amount to meet the demands of the savings-banks' depositors. Other arrangements for carrying out this object were provided for, and he hoped the clause would meet with the assent of the Committee.

House *resumed.*

Committee report Progress; to sit again on *Tuesday* next, at Twelve of the clock.

THE PUNISHMENT OF WHIPPING.

QUESTION.

VISCOUNT RAYNHAM said, he rose to ask the Secretery of State for the Home Department, Whether he will consider the propriety of recommending the exercise of the prerogative of mercy in the case of a prisoner in Hertford Gaol named Williams, convicted at the last Court of Quarter Sessions at Hertford of simple larceny, and sentenced to imprisonment and whipping, so far as the remission of the corporal punishment is concerned?

SIR GEORGE LEWIS said, in answer to the question of the noble Lord, he would read a statement which had been furnished to him by the Marquess of Salisbury, Chairman of the Quarter Sessions, at which the prisoner in question was tried:—

"The case of the convict Williams is as follows. He is a common tramp, without any home. He came out of an Essex gaol—I believe Chelmsford—into Hertfordshire, immediately committed some robbery, of which he was summarily convicted, and for which he was imprisoned, I think, for six weeks. At the expiration of his sentence he was dismissed from gaol with the usual allowance, and, his boots being in a bad state, they were repaired. He went to a lodginghouse at Ware (two miles only from Hertford), and the same evening at dusk he rang the bell at a shoemaker's shop, and, having ascertained by this means that no one was in the shop he went in and stole a pair of boots. The shopkeeper went to the door, but, finding nobody, thought the bell had been rung out of mischief. The next day Williams was detected in some other robbery by a policeman. He was taken to the gaol at Hertford. The warder who examined him on his entrance observed that the boots he had on were new, and not the same as those with which he had been dismissed from the gaol. From the shuffling answer he gave an inquiry was made, and the owner was found. The boots were identified by the shopman as having been in the shop on the preceding evening. Some other corroborative evidence was adduced at the trial before me at Easter Quarter Sessions, with which I need not trouble you, and Williams was found 'Guilty.' There was a second indictment for the robbery which led to his apprehension. Both were handed up to me as true bills. I cannot say why I selected the robbery detailed for trial. I took no note of the other, but can of course procure it, as well as an accurate statement of the prisoner's history previously to the robbery for which he was tried before me. I sentenced him to three months' imprisonment and a private whipping. I submit that if ever there was a case in which whipping was a desirable punishment it was the present. The man evidently lived upon plunder. A gaol was no punishment to him, and I could not have sentenced him to the severe penalty of penal servitude without trying him for the second robbery."

To show the House that the sentence was perfectly legal, the third section of the 7 & 8 *Geo.* IV., c. 29 (Sir Robert Peel's Consolidating Act for larceny), gave the Court of Quarter Sessions full power to inflict that sentence. It was a perfectly legal sentence, and it appeared to him that if whipping was to be ever inflicted by sentence of Quarter Sessions on an indictment which gave the opportunity of defence by counsel, and with all the solemnities of justice, the present was a most proper case in which it should take place.

KENSINGTON GARDENS.

QUESTION.

MR. EDWIN JAMES said, he wished to ask the First Commissioner of Works, Whether a portion of Kensington Gardens, which has recently been fenced off with iron hurdles in the shape and size of a "two-year-old course," is intended for the purpose of forming a road from Tyburnia to Belgravia; or whether the object is to afford accommodation to the equestrian portion of the population, to the exclusion of the pedestrian, in the most agreeable and most frequented part of Kensington Gardens?

MR. COWPER said, when the public were admitted freely to Hyde Park and

The Chancellor of the Exchequer

Kensington Gardens it was the wish of Her Majesty and her predecessors that that Park and those gardens should subserve the greatest amount of recreation and enjoyment of all classes, rich and poor, those using horses, and those who go on foot. Recently the accommodations had been greatly extended. Flowers had been planted along the sidewalks, seats had been provided for the public, and walks formed in all directions. But it appeared to him that there was one class whose comfort had been greatly overlooked; he meant those were in the habit of riding in Rotten Row. That class consisted of lawyers, doctors, and other professional men, who were obliged to take their exercise in a very short space of time. They had hitherto been confined to a narrow and dusty piece of ground, where they had to go backwards and forwards without the power of diverging to the right or the left, and he had thought that, without interfering with the proper recreation of pedestrians, a larger space might advantageously be appropriated to the use of those who rode. He had therefore arranged that there should be an entrance for horses at the west end of Rotten Row, between the two gates devoted to foot passengers. He did not believe that those who had heretofore walked there would have any ground of complaint if an avenue were set apart for riders; for Rotten Row was a narrow strip of only a mile and a quarter, while pedestrians had appropriated to them upwards of 600 acres in Hyde Park and Kensington Gardens. Moreover, the fences were so arranged that persons on foot would not be absolutely excluded from the place devoted to horse exercise. A passage would be opened for riders on the north and south, which would be a great convenience to many. These alterations had given great satisfaction not only to the persons who visited this road on horseback, but to many pedestrians, who thought the solitude of Kensington Gardens would be much enlivened by the presence of riders of both sexes.

NEWFOUNDLAND FISHERIES.

QUESTION.

MR. A. MILLS said, he wished to ask the Secretary of State for Foreign Affairs, Whether any arrangement has been agreed upon between the Governments of Great Britain and France on the subject of the Newfoundland Fisheries, and when the Report of the Commissioners will be laid upon the Table?

LORD JOHN RUSSELL said, an arrangement had been come to between the Governments of England and France relating to these fisheries. The subject had engaged the attention of his noble Friend, the Secretary of State for the Colonies; but he would endeavour to ascertain for the hon. Gentleman how soon the Report of the Commissioners, and other papers connected with this question, could be produced.

ITALY.—SARDINIA AND NAPLES.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has reason to believe that great pressure is being put upon the Government of Sardinia by that of France, to induce the former to enter into alliance with the Government of Naples, on the strength of the promise of a Constitution; and whether the British Government will afford its moral support to the Government of Sardinia, to enable it to preserve its independence and liberty of action, in respect to any such proposed alliance?

LORD JOHN RUSSELL: Sir, I received a communication the other day from Sir James Hudson, which enables me to say that no pressure has been put upon the Government of Sardinia by the Government of France, to induce the former to enter into an alliance with the King of Naples.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

MR. DARBY GRIFFITH said, he would also beg to ask the Secretary of State for Foreign Affairs, Whether, by his acceptance of the proposed Conference upon the question of the Annexation of Savoy, in his Despatch of the 25th day of June, it is distinctly understood by the French Government, that the question of an efficient substitute for the neutralization of Savoy, by the cession of such "a military frontier to Switzerland as should comprise the southern shores of the Lake of Geneva and the Alpine passes of the Valais," as stated to be, in his opinion, necessary in his Despatch of the 15th day of May to Lord Cowley, is to be fully and freely submitted to the consideration of the proposed

Conference, and is not to be presumed to be precluded by any declarations that may hitherto have been made by the French Government in any quarter on that subject?

LORD JOHN RUSSELL: Sir, the subject for the Conference would be to put the 92nd Article of the Treaty of Vienna in accord with the 2nd Article of the Treaty of Turin. It would be competent for Her Majesty's Government, or any other Power represented at the Conference, to state in what manner they thought that object ought to be effected. Of course, it would also be competent for the French Government to make any objection it deemed fit to any such proposal.

THE WHITWORTH GUN.—QUESTION.

MR. DODSON said, he wished to ask the Secretary of State for War, Whether there is any foundation for the report that the Government have purchased the patent of Whitworth's Gun?

MR. SIDNEY HERBERT said, the statement was not true that the Government had purchased the patent of Whitworth's Gun, though they had purchased many guns fabricated according to that patent.

NAVY (CHINA).

COMMITTEE MOVED FOR.

MR. BAILLIE COCHRANE said, he rose, agreeably to notice, to submit to the House the grounds on which he claimed for the marines and the officers and men of the navy employed in China the same pay and allowances as were given to Her Majesty's troops. He would not now touch upon the larger question of the Chinese war, which was to be debated on Thursday or Friday, but would simply point out that from the first commencement of our unfortunate wars with China the army and navy had fought side by side, and had shared the same dangers and privations, but not the same hopes and rewards. It was most important, at the beginning of the present war, that there should not exist, during its prosecution, a feeling on the part of a sister service that injustice was done them. In all our operations in China, in the capture of Chusan in 1841, and in the subsequent attacks upon Canton, Shanghai, and Ningpo in the same year, during the last war (which was commonly called the lorcha war), and in the recent disastrous affair at the mouth of the Peiho river, the seamen and marines had shared all the dangers and difficulties of the troops, and had contributed as much as they had done to the success of our arms. Both Lord Gough and the gallant Admiral opposite (Sir Michael Seymour) had borne testimony to that fact; and the latter gallant Officer had urged upon the Admiralty the necessity of placing seamen in China upon the same footing as regarded pay as Her Majesty's troops. How had they been treated? And for that treatment he did not blame the Government or the Admiralty, but the system, especially that portion of it in accordance with which the Board of Admiralty was so frequently changed. The seamen and marines who played a principal part in the capture of Canton during the late war received only their pay, while the troops received a consolidated allowance in amount nearly double their regular pay. In the year 1842 the officers of Her Majesty's forces who went to China received an allowance of £100 each, but the officers of the Royal Marines got only £5 each. A precedent had already been established for giving extra pay to sailors, because those who were engaged in the Burmese war received six months' batta. He believed the best way to prevent dissatisfaction in the fleet and to insure the good conduct of the men was to prove to them that they were treated according to the principles of justice and humanity. We were beginning a war in China which would demand the most perfect union and concord on the part of the services, and under these circumstances he would implore the Government not to negative his proposition.

Motion made, and Question proposed,

"That this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to place the Officers, Marines, and Seamen of the Fleet serving in China on the same footing as Her Majesty's Troops, with respect to extra pay and allowances; and to assure Her Majesty that this House will make good the same."

SIR MICHAEL SEYMOUR said, he had great pleasure in seconding the Motion. He did so on the ground set forth in the despatch to the Board of Admiralty to which the hon. Member had alluded. He admitted that the navy had no legal right to make the demand involved in the Motion, but, nevertheless, he trusted the House would give it their favourable consideration,

as it was based upon justice. It was always important that the seamen belonging to the fleet should have no reason for feeling that they were not sufficiently cared for or rewarded. He might add that at the close of the different wars with China, and of the Burmese war, additional pay in the shape of gratuities had been given to the seamen and marines who had served, but when at the close of the operations conducted in China under his command, he applied to the Admiralty for a similar grant, they refused to accede to his request. Even under ordinary circumstances and in time of peace, when sailors were employed away from their ships in operations in which there was likely to be any great wear and tear of their clothes, they received a compensation; and in this instance they had been engaged in garrisoning forts on the Canton river, and in conveying merchants from Canton to Hong Kong, the river being unsafe on account of the number of war junks that were upon it. During the recent operations in China he was reluctantly obliged to comply with the request of some of his best men to be discharged upon the completion of their term of service. They wished, they said, to better their condition elsewhere, and, although they were excellent seamen, he was constrained to dispense with their services. If gratuities or extra pay could not be given to the men, he would recommend that good service should be taken into consideration when calculating the term for a pension.

ADMIRAL WALCOTT cordially gave his assent to this Motion. He could not understand why the reward given to soldiers should not be extended to seamen who experienced the same vicissitudes of life, were subject to the same wear and tear of the constitution, and exposed to the same privations and dangers. This distinction between the two services was calculated to engender a heartburning prejudicial to that cordiality which was essential for the proper conduct of the services, and for the success and glory of their arms. Nevertheless the fact that it had not hitherto abated by one jot the gallantry of the seamen and marines, must impress on the Government the propriety of awarding to them the same justice as was awarded to the army. He could not comprehend how a naval officer could sit at the Board of Admiralty and neglect to perform, in this respect, the duty he owed the profession to which he had the honour to belong.

LORD CLARENCE PAGET said, he felt indebted for the manner in which the present Motion had been introduced to the House, and for the interest which the hon. Gentleman had evinced for a service to which he did not himself belong. The hon. Gentleman, in alluding in terms of warm praise to the services of the navy during the late operations in China, and during former wars in that quarter, had not quite done justice to the Governments of the time for their treatment of the officers and men. During all the former wars in China and during the late war in India they had had extra allowances granted to them in the shape of "donation batta." It was impossible that they could have allowances granted to them except at the end of any great operation. Firstly, he should have little difficulty in showing that to pay the officers of the navy as the hon. Gentleman proposed by his Resolution would be impossible, for the extra pay and allowances received by the army for services in India and China were, in fact, field allowances—field batta money—for services away from their proper quarters. Now, no person ever pretended that the navy would have any right to claim field allowances, though they might be granted recompenses for their services, particularly when they were joined with the army in operations. But to give them field allowances would be out of the question, because they did not live in the field. Even if they were serving on shore, and were wounded, or fell into any misfortune, they had a ship to be brought back to; in fact, they had a home, which soldiers had not. No doubt they encountered equal danger with the soldier, but they could not be said to experience the same privations. So much as regards the officers; and, with respect to the men, the additional allowances which the army got were in the shape of suspensions of stoppages. The men in the army had a certain amount of pay, and certain stoppages were made from their pay for their provisions. When they served in India or China those stoppages were lessened to a certain extent, so that, in fact, they received greater pay. Now, in the navy there were no stoppages of pay, for all the sailors received their provisions without any stoppages. Therefore, on that ground sailors could not be put on the same footing as the army, and it was impracticable to carry out the wishes expressed in the Motion, because the system of the navy was totally distinct from that

of the army. In reference to the Motion two questions had to be dealt with — the past and the present. It was quite certain that if the present naval expedition to China were at a future time to receive a donation it would be necessary to consider the claims of those who took part in the last operations in China; and here he would observe that no services were more appreciated at the Admiralty than those of the gallant Admiral who had seconded the Motion (Sir Michael Seymour); they could not overlook the gallant conduct of those who were engaged under his command in the last war. The Government felt that the House of Commons would always be disposed to deal generously by the navy, and to pay regard to the services the officers and men performed during the latter operations in China, commencing with what was called the Lorcha War, and terminating with the treaty of Tien-tsin. For the purpose of rewarding the officers, seamen, and marines of the fleet engaged in the operations under his gallant Friend, the Government were preparing an Estimate framed in the same spirit as former Estimates for similar services. And with regard to those now engaged in China, he was positive, without saying anything about the amount or mode of distribution, that he might give a pledge, on the part of the present or any future Government, that at the conclusion of the operations a fair reward should be proposed for the gallant officers, seamen, and marines engaged in them. It was right he should inform the House that the Admiralty were now on the eve of distributing what was called the Canton prize money, in which both the army and navy would participate; and it was only in consequence of difficulties with other departments that the money had not already been distributed. In submitting the Estimate which he would shortly lay before the House he should enter into detail as to the principle on which they asked for this sum of money, and as to the amount of donation which they proposed to give to the officers and men of the navy. Further than this he could not go at that time, except to assure the House that the gallant services of the navy in China were duly appreciated. Under the circumstances, his hon. Friend would probably not press his Motion to a division.

Colonel NORTH said, he was happy to feel that there existed between the officers and men of the two services the most brotherly feeling, and anything that might tend to the advantage of the navy would always be received with enthusiasm by the army. It appeared that many seamen and marines in China had been employed in garrisoning forts ashore, and, at all events, when they landed in this way they ought to receive the same pay and allowances as the soldiers. As an army officer he had risen to express a hope that the claim of the other service would be considered, and he might add that it would be more satisfaction to them to receive what they considered was their right than to receive afterwards what that House might consider them entitled to.

Sir CHARLES NAPIER said, he could not allow that batta money donations were at all to be compared with field allowances. Batta money was originally a grant of money made by the East India Company to officers and men serving in their army. Considering that this was the origin of the grant, it was still more unjust that officers of the army should get a grant of batta money, but that seamen and marines on board ship should receive none. They wondered and complained that men were not to be found to enter the navy; but how was it to be wondered at, when it appeared that the men were paid differently from those serving in the army? It appeared that the Admiralty were going to reconsider the question of compensation two years after the services which it was to reward. Now, compensation deferred for two years was no compensation at all. Sailors liked to receive at once what they earned. The Admiralty were always "going to do" something. They delayed in everything. Why half the sailors engaged in the Canton operations were dispersed over the world—many were dead, and not one-third of them would ever get the grant; and those who did get it would have forgotten what it was for. The Admiralty had better mend their manners and treat the men properly. There ought to be no difference between the soldier and the sailor. He did not believe that this matter would ever have been taken up if the hon. Gentleman (Mr. Cochrane) had not brought it forward. What had the Admiralty done for his (Sir Charles Napier's) gallant relative, Admiral Hope, on account of his brilliant though unsuccessful operations? Nothing whatever. Nor had they done anything for the sailors under him. The services performed by them were of the most gallant description. Even when they were unsuccessful, and they

were recalled to their ships, what did they do? Instead of at once returning to their ships, they in the face of enormous difficulties exclaimed, "Let us try another chance." But as yet, the men had received no recompense whatever, and he had been told of an unfortunate fellow who had lost an arm there, who had a pension of £16, limited to one year only. That was a new plan, which he had never heard of before. He hoped the statement was untrue, but he had it on excellent authority. In the face of such facts as these, no one need wonder that men did not enter the navy. They were not sufficiently well treated; and, as an additional instance of this, he hoped shortly to bring before the House the nefarious manner in which the funds of Greenwich Hospital had for the last seventy or eighty years been diverted from their proper channels. He hoped that his noble Friend would stir the Admiralty up to bring about a change in this state of things, and also to put both arms of the service on an equal footing.

SIR JAMES ELPHINSTONE said, he thought that as we had now been in a normal state of war with China for twenty years, with very little present prospect of a change, it was high time that the Admiralty should be prepared with a plan for putting the sailors employed in this war on a proper footing as to their pay and allowances. From the nature of the country the navy must always play a considerable part in our wars with China. The men were obliged to be away from their ships in the boats for a long time, and anybody who had seen, as he had, the discomforts and hardships which they had to undergo would agree that it was absolutely necessary they should have batta issued to them in the same way as the army. They had to perform very heavy work in the day time with a burning sun over their heads, and at night with the thermometer down to 35° or 40°. In the day they were burnt up or eaten by mosquitoes, and at night they were nearly frozen to death. It must be remembered too, that the seaman was a skilled artificer, ready to put his hand to anything. If the Admiralty would produce some practical plan for doing the navy justice in this respect, it would be more creditable to them, and more profitable to the country, than squabbling about cutting down the half-pay of their officers.

MR. SIDNEY HERBERT said, he did not wish to give any opinion upon the question brought forward because it was not in his department. But it should be recollected that the question was one which required very great care to decide upon, inasmuch, as the troops did not, as a matter of course and in all places, obtain the Indian allowances when in China. For instance, at one time they had a garrison of British troops in Canton, together with Native troops; and the Europeans, being brigaded together with the Indian soldiers, received the Indian allowances. But a few miles off, at Hong Kong, there being no Native troops there, the British troops only received Hong Kong or Colonial pay, which was less than the Indian allowances. The gallant Admiral (Sir Charles Napier) spoke of the impropriety of allowing sailors to reflect that they were not receiving as much pay as soldiers in the army. [SIR CHARLES NAPIER: Additional pay.] The word "additional" was very important. The ordinary pay which the army received was not very much more than half that given to the navy.

SIR CHARLES NAPIER: Clothing?

MR. SIDNEY HERBERT said, sailors got clothing at first.

SIR CHARLES NAPIER: For the last six months.

MR. SIDNEY HERBERT said, a very large deduction was made from the soldier for his food, whereas he believed the rations were free rations on board ship.

MR. BAILLIE COCHRANE observed that the illustrations of the right hon. Gentleman did not much affect the question—Hong Kong being, as it were, an English colony. With the hope, however, that a full and ample amount of recompense would be granted, he was willing to withdraw the Motion, reserving to himself the right of renewing the question before the close of the Session, unless upon the Estimates an ample amount for the past, and a guarantee for the future, were given.

Motion, by leave, *withdrawn*.

VOTES AT ELECTIONS BILL—LEAVE.

FIRST READING.

MR. WYLD, in moving for leave to bring in a Bill relating to the mode of taking votes at elections, said, it would be a mistake to confound his Bill with the Ballot. The system which he wished to introduce might be either open or secret. Hon. Gentlemen of all parties concurred in the desire to remove the stain of corruption from our electoral system, and all the evidence before the Select Committee which

had sat lately showed that it was necessary that some alteration should be made in the mode of taking votes. He proposed that when a man presented himself at the polling-booth to vote his name and residence should be asked, and that, having satisfied the returning officer of his identity, a paper should be handed to him having his number on the register printed outside, and the names of the candidates printed inside. He should then go into an adjoining room, and strike out the name of the candidate for whom he did not vote. This might be done either secretly or openly. [*An ineffectual attempt was made to count out the House.*] His object was not so much to give an explanation of the Bill as to lay it on the table in order that it might be considered, and, perhaps, at some future time incorporated in a great Government measure. The system which he proposed was somewhat similar to the Australian ballot system. It might be said that they ought not to receive suggestions from Australia, but he took the liberty of saying that any suggestion was worthy of attention, no matter from what part of the world it came, provided it came from those who had tried our legislative system. He begged to move for leave to bring in a Bill to alter and amend the law and practice in taking votes at elections.

Mr. HADFIELD seconded the Motion.

Sir GEORGE LEWIS said, he understood that the Bill had mainly for its object the introduction of a system of voting papers as practised in our Colonies. That system was, in fact, engrafted on the Bill which was proposed by Her Majesty's late Government, and which was under the consideration of the House last Session. As that was the case, there was no objection to the repetition of the proposition in the Bill of the hon. Member.

Viscount PALMERSTON said, it must not be supposed that, in consenting to the introduction of the Bill, the Government would support it. It might well be imagined that under the misty covering in which the hon. Gentleman enveloped his proposal, a nucleus of the Ballot was contained within it.

Mr. HADFIELD said, the noble Lord need be under no apprehension that he would be prejudiced by assenting to the introduction of this measure.

Leave given.

"Bill to alter and amend the Law and practice relating to the taking of Votes at Elections for Members to serve in Parliament."

Mr. Wyld

Ordered to be brought in by Mr. Wyld and Mr. Childers."

Bill *presented*, and read 1°; to be read 2° on 24th July, and to be *printed* [Bill 248].

GAS (METROPOLIS) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Mr. STANILAND said, when he told the House that this Bill directly affected property to the value of £6,000,000 or £7,000,000, and prospectively affected an amount of property equal to half the amount of the national debt, he had said enough to insure the patient attention of hon. Members to the measure before the House. It would be necessary to detain the House somewhat at length in order to put them in possession of the facts of the case; but inasmuch as he sought the reversal of a decision of a Committee, which at all times was a most difficult task to accomplish, especially when that Committee sat twenty-one days, and was presided over by a Gentleman so universally and deservedly respected as the right hon. Member for Wiltshire (Mr. Sotheron Estcourt), the House would see that he had undertaken no ordinary duty. It had always been the policy of the Legislature to encourage the investment of capital in national undertakings, securing on the one hand a fair remuneration for the capital invested, and on the other imposing such restrictions on companies as would protect the public interests. That was the principle which actuated their railway legislation in 1844. An Act then passed for encouraging the investment of capital in that description of property, which provided that if at any time after the end of twenty-one years from that period, it should be shown that railways on an average for the last three years had earned and divided 10 per cent, it would be competent to Government to cut down the rates, but, if they did, they should secure the *maximum* rate of dividend. In 1847, previous to which there had been extensive operations throughout the kingdom in gas and water, the Government introduced two measures—one applicable to gas, the other to water. The provisions of both were identical, making it competent to gas and water companies to earn and pay a dividend of 10 per cent, and if, after 10 per cent paid, and laying apart a sum equal to one-tenth of their capital

to meet depreciation of their property, they still showed a surplus profit, the public might come in and participate by a reduction of charge. Various Acts of Parliament had since passed applicable to particular towns and companies, and in these the Gas and Water Companies Acts had been incorporated. A very large amount had been expended in these undertakings—in gas companies no less than £18,000,000 had been invested in the United Kingdom, one-third of which belonged to the various Metropolitan gas companies. They had also a debenture debt of £1,000,000. £12,000,000 had been invested in gas companies in the provinces. In London water companies £6,000,000 had been invested, and in the provinces double that amount, so that, in these two cases of gas and water companies, a capital of not less than £36,000,000 had been invested on the faith of Acts of Parliament, under which proprietors were permitted, if the profits enabled them, to receive a dividend not exceeding 10 per cent. That was the state of things at the present moment as regarded capital invested. When any of the old companies came to Parliament during the last three or four years for an extension of their capital, Parliament said to them they must submit in respect to their further capital to a smaller *maximum* dividend, but in no one case had Parliament interfered to cut down this *maximum* 10 per cent on the old capital. So recently as 1854 the Imperial Gas Company, with a capital of £1,250,000, came to Parliament for powers to borrow £600,000 new capital, and, finding their management good, and no complaint made of their charges, Parliament applied the same rate of dividend to the new as to the old capital. So recently as last Session another London company, the City Gas Company, came again to that House for further capital and increased powers; and, although Parliament did limit the price of gas to 5*s.* per 1,000 feet instead of 6*s.*, they still continued the *maximum* dividend of 10 per cent. The companies had invested their capital, relying upon the guarantee of the Legislature, but now that guarantee was to be repudiated, and the capitalists who formed those companies were told that in future their dividend must be at a lower rate. Those companies which were well managed of course had large dividends, and their shares had been regarded as favourable investments even by trustees. He found that in one company alone, the Imperial, there were no less than 252 ladies shareholders, whose capital produced them an income of £13,900 a year. Those ladies had, no doubt, been recommended to purchase gas shares, because they were an advantageous investment, and were carried on under a settled arrangement with the Legislature. In 1857 there was a change of circumstances. In the Metropolis some persons had formed themselves into gas companies, with no charter of incorporation, and without the sanction of an Act; and carried on their operations by permission of the vestries and local authorities. Those companies were not confined to any particular district, but extended their pipes in any district where they could get permission to open the roads; while the incorporated companies were limited to particular districts by the terms of the Acts constituting them. It was, however, found in 1857 that the extension of their pipes by the unincorporated companies had not diminished the price of gas to the consumer, although it had reduced the dividends of the shareholders. All the Metropolitan companies therefore agreed, in order to remove the grievance of continual stoppages in the streets arising from the laying down and repairs of pipes, and also for the sake of economy, that in future each company should take a particlar district as arranged among themselves. Immediately that arrangement was made there came an outcry from the vestries of London—not from the consumers—against what they called monopoly. He understood monopoly to mean the exclusive right to deal in an article, and in consequence of that exclusive right furnishing a bad article at a price above its value. If that were a correct definition of monopoly, then he contended that the Metropolitan gas companies were not open to any such imputation, because, in assigning districts to each company, they did not attempt to exclude any capitalists who might choose to start fresh companies from entering those districts. The cry of monopoly was a dishonest, unfounded, and purely vestry cry. What had been the results of the arrangement he had described? It would naturally be supposed from the continual outcry of monopoly against the gas companies' that the latter had raised their charges to the *maximum* price permitted to them by Parliament—6*s.* per £1,000 feet; but the fact was that since that arrangement not a single company had increased its rates. [Sir JOHN SHELLEY: Public lights?] He could enlighten the

Committee on the matter to which the hon. Member referred. Public lights consumed an enormous amount of gas, which was charged for at a very low rate, quite disproportionate to its value. He could state that the companies lost money by every public lamp they lighted. But out of 13 Metropolitan companies only two had advanced their charges for the public lights, and the whole additional charge throughout the Metropolis did not exceed £300 a year. When he added that the Bill now before the Committee would give those companies power to charge a still higher rate, he thought he had succeeded in disposing of the cry of monopoly, which was a dishonest cry, got up by interested parties in order to deprive property of its rights.

In the last Session of Parliament a petition had been presented by various gas consumers of London. A Committee was appointed to investigate the charges set forth in the petition. The charges were, that the companies supplied bad gas of insufficient illuminating power; that they charged more than was necessary to produce for them the *maximum* dividend they were allowed to earn; that the streets were continually disturbed; that the companies were capricious in their mode of cutting off supplies, and that they were in the habit of requiring an incoming tenant to pay the arrears of his predecessor. Not one of those memorialists, however, had the courage, or he might say the audacity to ask the House to interfere with the rate of dividend permitted by the existing Acts of those companies. The Committee arrived at no conclusion, and consequently the same parties came this year to Parliament with the Bill under the consideration of the Committee. On the face of the Bill there was no attempt openly to interfere with the *maximum* rate of dividend fixed by previous Acts of Parliament, but it sought to do so indirectly by reducing the uniform price of 4*s*. 6*d*. per thousand feet of gas to 4*s*. The Committee to whom the Bill was referred, and which bestowed an unusual amount of pains on the subject, was presided over by the right hon. Member for Wiltshire (Mr. Estcourt) than whom nobody was more desirous to deal fairly between man and man, and after an inquiry of twenty-one days the measure assumed its present objectionable shape. It ought to be mentioned that the promoters previously circulated, in innumerable shop windows throughout London, a document which might be characterized as a wholesale solicitation to gas consumers to prefer accusations of every sort and kind against the Metropolitan companies. Of the grievances and complaints thus collected a liberal use was doubtless made before the Committee; yet on the 10th day of the investigation the Chairman said the Committee could have nothing to do with the crimination of the gas companies, having no grounds to suppose they had gone beyond the terms of their Acts. On the 13th day, when the counsel for the promoters had concluded their case, the Chairman intimated that the Committee had pretty well made up their minds upon certain points. Among those points was the substitution of inspectors for the existing tribunal for receiving complaints. The Committee also agreed that it was indispensably necessary to affirm distinctly by a clause of the Bill that which was to be the basis of all future operations namely,—not monopoly, but the "districting." The Chairman also admitted that 10 per cent should be the *maximum* standard of profit, observing that the Committee only wished that the guarantee which Parliament had given to the capitalist as to the rate of dividend should be continued to him. On the faith of this intimation of the views of the Committee the counsel for the Opposition to the Bill subsequently assented to the preamble. Four days later, however, on going through the clauses, the Committee announced that they had seen reason to "resile" (to quote their own expression) upon the heads which they had laid down for the provisions of the Bill; in other words, that they wished to depart from almost every point which they had before indicated as essential to the measure. For the dividend of 10 per cent they substituted one of 8 per cent. They also wished when the 8 per cent was earned to reduce the price from 4*s*. 6*d*. to 4*s*., the effect of which would be to diminish the dividends of the whole of the London companies by 4 cent at a single blow. They further proposed to give the inspectors such unheard-of and inquisitorial powers as no company could possibly submit to. On the 19th day of the investigation the opponents of the Bill withdrew from the Committee, adopting that course, as was stated by Mr. Serjeant Wrangham, because certain propositions which had emanated from the Committee, and in consequence of which they had not opposed the preamble, had been departed from in such a direction and to such an extent that they were led to

Mr. Staniland

fear that the magnitude of the interests at stake was not duly appreciated by the Committee, or at all events, that the inevitable results of legislating upon such principles were not foreseen by them. From that time the Committee were left in the hands of the promoters of the Bill, and the consideration of the clauses was proceeded with. How those clauses were settled was well illustrated by what took place in regard to the reduction of the *maximum* dividend of 10 per cent, which Parliament had repeatedly guaranteed, — to 8 per cent. The Chairman first referred to the amount fixed in the Gas Works Clauses Act of 1847, and after some conversation with the Parliamentary agent and others said, "In the Gasworks Clauses Act it is 10 per cent: how would it do to put it at 8 per cent?" How would it do! This question was put to an agent who appeared there *ex parte*. Could hon. Members doubt what was his reply? He answered, "That would work more commercially." And thus in this most unsatisfactory manner, without *data* or calculations, was the *maximum* rate of dividend of 10 per cent reduced to 8 per cent. In making that alteration the Committee had done away with the distinction between old and new capital which had previously existed, and applied the same limit to companies which were now earning only 2 or 3 per cent, and to those which were making more than 8. The latter error was perceived by Mr. Denison, the counsel for the promoters, who pointed out that a different scale ought to be provided for companies which now paid more than 8 per cent, such as the Metropolitan, which paid 9, and the Imperial, which was paying 10 per cent. More than this, the Committee had taken from the companies their reserve funds. Hon. Members were aware that in the case of all companies, but more especially of those which were engaged in manufacturing, it was necessary that there should be a kind of balancing deposit, to meet any deficiency of dividend which might arise from unforeseen circumstances. Accordingly, in the Act of 1847 it was provided that the gas companies might set apart a portion of their receipts, not exceeding one-tenth of the capital, to form such a fund. By this Bill, however, it was provided that the inspectors should inspect the books and examine the directors of these companies upon oath, and that if it appeared to them that 8 per cent had been earned, no matter to what accidents they might have been subjected, the price of gas should be reduced 6*d.* per 1,000 feet. The profit from the manufacture and sale of gas depended upon the fluctuations in the price of coal, of coke, and of labour, and it was therefore most important that these companies should have reserve funds. In the course of the inquiry the Chairman of the Committee expressed an opinion that it did not depend much upon the price of coal; and, provided the prices of coal and coke maintained their usual relation in point of value that was no doubt the case. If, however, the price of coal rose, and that of coke fell, as was the case during the Russian war, the profit derived from the manufacture of gas would be materially diminished. In consequence of a recent explosion an action had been brought, and was still pending, against the Central Gas Company, in which a claim was made for no less a sum than £60,000. What would be the position of that company if it had no reserved fund? Its annual dividends amounted, in the aggregate, to about £17,000, so that, without the protection which Parliament had wisely given in the shape of a reserved fund, its profits for four years would have to be devoted to the payment of these damages. Again, those who had observed the lime light on the new Westminster Bridge were aware that the profits of the existing gas companies might be entirely destroyed within twelve months by some new discovery. So precarious was the nature of their property; and yet the Select Committee had determined that their dividends should be cut down to the ruinous rate of 2 per cent. Take the case of a company now paying 10 per cent. The Bill said that in future it should not pay more than 8, from which at least 2 per cent must be deducted for depreciation, leaving an apparent dividend of 6 per cent. But the reduction of 6*d.* in the price of gas, which was also part of the Bill, would be equivalent to 4 per cent of dividend, so that in reality, the annual profits of the company could not exceed 2 per cent. It was hardly necessary for him to dwell further upon the operations of such a measure. The honorary secretaries to the league against the companies had publicly stated that the Select Committee had given them far more than they sought at their hands. That was his complaint. If the Committee had given only what the promoters of the Bill asked, little or no harm would have been done, and the gas

companies would have been perfectly satisfied, for they were not opposed to, but rather courted, what was called uniform legislation. So far as the Bill sought to control the management of gas companies no fault could be found with it. In 1852 a Bill was introduced to regulate the affairs of water companies, but no attempt was made to interfere with the amount of the dividends payable to the shareholders in those concerns. The water companies still received their 10 per cent, but they were subjected to certain regulations, to which the gas companies would have no objection in their own case. The present Bill, however, was an invasion of the rights of property, and unless the House was prepared to sanction the principle of confiscation, and to place its credit upon the same level as that of defaulting Spain or the repudiating States of America, it was impossible that it could sanction so obnoxious a measure. The hon. Gentleman concluded by moving that the Chairman should leave the chair.

MR. SOTHERON ESTCOURT said, that, as he had the honour to be the Chairman of the Committee to whom the Bill had been referred, he would naturally be expected to state the circumstances which came under their consideration. He might be permitted to say at the outset that he did not think any five Gentlemen ever undertook a disagreeable task with minds more entirely resolved to do that which they conceived to be their duty. Their only object was, on the one hand, to protect the public, and, on the other to do justice to the gas companies. The hon. Gentleman had based his complaint against the Committee upon two grounds—first and chiefly, the reduction of the *maximum* dividend payable to the gas companies from 10 to 8 per cent; and, secondly, the reduction of the price of gas from 4*s.* 6*d.* to 4*s.* The truth was, however, that the Committee had not really reduced the profits of the companies from £10 to £8 per cent. In the Gas Clauses Consolidation Act 10 per cent was fixed as the point at which there should be a reduction in the price of gas, and the Select Committee were at first quite prepared to recognize the propriety of adopting that standard, and the more so as 10 per cent was the actual rate of profit made by some of the companies. In referring to the conduct of the Committee, the hon. Gentleman had not fairly stated the case in quoting a single sentence from the short-hand writer's notes as having been used by him (Mr. S. Estcourt) just as if that had been all he said on that occasion. It was said he had asked how would they do if the Committee fixed the *maximum* at 8 per cent. But that was not the question. The question was, whether the *maximum* should or should not include depreciation. The Committee thought it should, but it was represented to them that it would be far better for the companies themselves to deduct a net sum—2 per cent—for depreciation, and to fix the *maximum* dividend at 8 per cent. instead of 10 per cent with depreciation. If the Committee had enjoyed the advantage of the presence of the counsel for the companies from the beginning of their investigation to the end, it was very likely that they would have adhered to their original intention, but on the nineteenth day, when nothing had been positively agreed upon, those gentlemen, in consequence as they said of certain observations which had fallen from the Chairman, intimated their intention to withdraw, and appeal to that House. The Committee might either accept or reject the Bill, but he hardly thought that it would allow the hon. Gentleman to convert it into a tribunal for trying details, which ought to have been tried before the Select Committee, who showed every disposition to receive any amount of information that might be tendered to them. The question whether the preamble should pass was deemed to be a question of detail and to depend on the nature of the clauses, and when the Committee got through two-thirds of their labours the counsel for the opponents of the Bill withdrew. There was one point, respecting which the hon. Gentleman had said but little, though he should have thought that the power proposed to be given to the inspectors would have been denounced. But the Committee should understand how this matter really stood. The whole of these twenty-two companies obtained their Acts upon the understanding that the principle of competition was to be acted upon, and for years competition was carried to a great extent; but in 1856 and 1857, having probably exhausted their resources, they thought it would be better to come to an understanding, and thereupon combination took place of competition. He was ready to bear testimony that there was no ground to blame the conduct of any of the companies, but, if hereafter any vestry or private consumer should have reason to complain of the quality of gas or of the amount supplied, there would be for them,

as matters stood at present, no remedy. They could not, if dissatisfied with one company, fall back upon another, because the companies had an agreement among themselves not to compete with one another in assigned districts. Under these circumstances, as competition was put an end to, it was the first duty of the Committee to protect the public, and for this purpose the establishment of inspection appeared the only means. That was the opinion of the Committee, and until the close of their labours they had thought that all the companies were satisfied with the scheme of inspection which the Committee had sketched out. The hon. Gentleman said that the Committee had not heard a great deal of that which the opponents of the Bill had to tell them, and that the House ought to reverse the conclusion of the Committee. He hoped the House would do no such thing, for it was very desirable that the Session should not pass over without legislation on the subject. If the companies, however, being dissatisfied with the decision come to, should desire the Bill to be re-committed to the same Committee for the purpose of supplying fresh information, but not with the view of defeating the measure by a protracted inquiry, he undertook to say that the Committee would fairly and dispassionately consider the new matter. Two things must be agreed on, however; first, that no fresh evidence should be offered, but that what was to be stated should be in the way of information; and next that, if the Bill were again committed, the decision of the Committee would not again be called into question. Considering the great pecuniary interests connected with these companies, the importance of securing protection to the public, and the fact that legislation had been sought for year after year on this question, he thought it would not be an unwise act on the part of the House to refer the subject back to the Committee. He had never served on a Committee with Gentlemen more patient and painstaking than his colleagues, and if the House chose again to recommit the Bill, he should enter on the inquiry with the utmost satisfaction.

SIR GEORGE LEWIS said, the Bill had been before the Committee nineteen days, and had received full investigation, with the assistance of counsel. When a measure had been examined at such length, it was not very respectful to those hon. Gentlemen who had undertaken so laborious a duty, and did not tend to the economy of time, when attempts were made to review, in detail, the proceedings of the Committee. No doubt, with a mixed measure of this kind, it was competent to the House to go through it clause by clause, as if it had not been referred to a Committee. But if the labours of a Committee were thus to be thrown away, he hardly knew how the business of the House was to be conducted. Without expressing any opinion on the details of the measure, he would merely observe that circumstances had come to light since the Report of the Committee, which rendered some further consideration of the question as between the consumers and the companies expedient. But he confessed that he thought if the House were to undertake such an arbitration at that period of the Session, it would inevitably result in the loss of the Bill, and in the waste of all the time bestowed upon it by the Select Committee. Under these circumstances, the House, in his opinion, would do well to take the course indicated by the right hon. Gentleman, and refer back the Bill to the Committee, who would then attempt to reconcile these conflicting interests. If that object were accomplished, the Bill might be passed through Committee without much delay; and it would go to the House of Lords and might become law in the present Session. He did not think any useful object would be served by pursuing the debate in detail; and he hoped the Committee would consent at once to report progress, in order to carry into effect the suggestions so wisely and prudently made to it. If so, he would himself move that the Chairman do leave the Chair, on the understanding that some Member of the Committee would give notice for the recommitment of the Bill.

MR. NORRIS said, that with a view to make the passage of the Bill more easy when it came back to the House, he would suggest to the Chairman (Mr. Sotheron Estcourt) that he should now state whether the Committee would be likely to leave the question of dividend where the Gas Clauses Consolidation Act of 1845 placed it. If so, he believed all parties would be satisfied.

SIR GEORGE LEWIS said, he thought it would be most inconvenient if Members of the Committee, before hearing any evidence, or having any opportunity of conferring one with another, should pledge themselves to any particular course. He felt satisfied that they would investigate fairly all the questions which came before

them; that they would not think themselves bound by any point of honour to adhere to their previous decision; and that they would regard the whole subject as open to reconsideration.

MR. HENLEY said, he agreed in thinking that the Committee should be perfectly unfettered in their reconsideration of the Bill. At the same time, it should be understood that when the measure came back here, the House would not be pledged to accept it as final. Such great and important principles were at stake, that the House had a right to express its opinion upon them, even at the last stage of the Bill. He had been much struck with the remark of his right hon. Friend (Mr. S. Estcourt) that there were no grounds of complaint against the gas companies, although it was desirable that the public should have protection for the future. That had not been the case with regard to the water companies; for the public had complained most grievously of the quality of the water.

MR. JOHN LOCKE said, he thought the evidence showed that great complaints were justly made against a particular company which supplied gas on the other side of the water; but not against the other companies. He considered the proposition made by the right hon. Chairman of the Select Committee a fair one, and he believed all questions would be disposed of with the greatest ease.

LORD ROBERT CECIL said, that with the amount of business which the House had before it, it would be useless to go on with the Bill, or to reappoint the Committee, unless there were some understanding that hon. Members would abate to some extent the right which they possessed of discussing its provisions. He hoped a precedent would not be drawn from the course taken by the counsel for the gas companies in this case, who, when they found they had not got a Committee to their liking withdrew from before it, and transferred their arguments to the floor of the House of Commons. The result of such a course, if persevered in, would be utterly to destroy the system of Select Committees. Hybrid Bills of this nature were attended with the double disadvantage that they entailed enormous expenses on their promoters, without in return obtaining any certainty that the Report of the Select Committee would be followed up by legislation. They had all the inconvenience and delay of public measures with all the cost of private Bills.

Sir George Lewis

SIR MINTO FARQUHAR said, he had no interest whatever as a shareholder in any gas company, but, residing as he did in the Metropolis for seven months in each year, he felt it to be of the utmost importance that the question should be settled. There were clauses in the Bill which arbitrarily interfered, as he thought, with the gas companies, and he regarded the proposition to refer it back to the Select Committee as fair and reasonable. At the same time he should be sorry to see the principle established, even though a measure might come from the most respectable Committee, that it was to be passed in silence by the House. Gas companies differed from other associations in one important particular. With other undertakings the purchase of shares was optional with the public; but they were compelled to go to the gas companies, and these ought therefore to be conducted on principles just towards the public as well as to their own proprietors.

MR. STANILAND said, he was perfectly willing to withdraw his Motion on the understanding that the companies should be at liberty to place their case fully not only before the Committee but also, if necessary, before the House.

MR. NORTH observed that the Select Committee had declined to enter into the charges against the gas companies, and had not, therefore, pronounced a verdict either of condemnation or acquittal.

SIR JOHN SHELLEY said, whenever a Member stood up to advocate public interests, in which those of his constituents happened to be involved, he was at once accused of seeking popularity, and of acting with a view to electioneering interests. The best answer he could give to such a charge was that the subject of the present measure had been anxiously discussed for four Sessions; there had been three Select Committees, and he had been a party to two compromises with the representatives of gas companies. He was quite willing to have taken the Bill in the shape in which it had come back from the Select Committee, but he would not object to their going into the whole question again. He had no desire to interfere unjustly with those who had invested capital in gas establishments, but he thought the public ought to be protected against their arbitrary conduct. Judging, however, from the excitement which had been going on in the lobby outside for the last fortnight, it was probable that nothing would satisfy the companies but trying

what really was the determination of the vestries, but if they went up to the House of Lords they would find the vestries perfectly ready to fight it out there.

MR. SOTHERON ESTCOURT said, it was a mistake to suppose that he had ever maintained that the House would be bound by the decision of the Committee. If the hon. Member for Limerick would say that he approved the scheme now before the House, then he should be perfectly satisfied that it would be a Bill likely to carry out the desired objects.

MR. F. W. RUSSELL said, the companies could not receive that amount of justice which they required unless the Bill went upstairs with a full understanding that there was to be a full and fair inquiry, and that further evidence was to be taken if necessary. Without that understanding it could not be expected that the companies would assist in carrying the Bill. At present there were many points in the Bill most objectionable to the companies—particularly that relating to inspectors, which would take away the entire control of the companies from the directors, and to vest it in officers who had no interest whatever in their prosperity.

LORD ROBERT CECIL said, that after the declaration of the hon. Gentleman it would be useless to waste time by sending the Bill upstairs again. The case of the promoters had taken fifteen days, and it was presumable that the case of the opponents would last the same time, and this being the 10th of July it was easy to see that it would not be possible to get the Bill up to the House of Lords before the last day fixed by them for receiving Bills from the Commons. The object was clearly not settlement but delay, and it would be better to fight the matter out at once.

Motion *agreed to.*

House *resumed.* [No Report.]

ROMAN CATHOLIC CHARITIES BILL.

COMMITTEE.

Order for Committee read. House in Committee.

Clause 3 (Certain Deeds not to be void if enrolled within twelve months from passing of Act).

MR. ADDERLEY moved the insertion in the clause after the words "void or voidable" of the words "except as against the donor or settlor, or his representatives." The provision made by the clause as it stood was that no deed or assurance connected with the Roman Catholic religion made subsequently to the 9th of George II., should be "void or voidable" by reason of the same not having been perfected or enrolled if twelve months after the passing of the present Act it should have been enrolled in the Court of Chancery. The object was to compel enrolment. The Roman Catholics, however, would rather not have the deeds enrolled, so that they might not be brought under the supervision of the Charity Commissioners. If the clause were allowed to remain in its present state the charities would be made valid without any control.

THE ATTORNEY GENERAL FOR IRELAND was afraid the Amendment would have the effect of defeating the object which the Bill was intended to realize, as it would enable the "donor, settlor, or his representatives" to take advantage either of the provision against superstitious uses, or of the non-enrolment of those Roman Catholic charities which were not enrolled, simply because at the time of the grant they were illegal. It was not intended by the measure to place the Roman Catholics on any better footing with respect to their charities than ordinary dissenters from the Established Church. The object was to relieve them from certain disabilities imposed upon them by certain statutes which the Legislature had repealed. Before 1832 all provisions for Roman Catholic charities were void by law, and, in consequence of that, the deeds relating to them were not enrolled. By the Act of 1832 the charities were rendered valid, but, subsequently to that, a decision was given by the Master of the Rolls that any charity containing bequests for masses for the souls of deceased persons were superstitious, within the meaning of the Act of Edward VI., and were consequently void. That decision had never been acquiesced in. It had been very much questioned by recent decisions of the present Master of the Rolls, and was not in accordance with the law in Ireland. The object of the Bill, therefore, was simply to place Roman Catholics under the general law, and the Amendment of the right hon. Gentleman would probably have the effect of rendering that object nugatory. He trusted the Amendment would be withdrawn.

MR. ADDERLEY said, he did not think that the Amendment would have the effect supposed. The clause under considera-

tion was simply a provision with reference to Roman Catholic charities which had come into existence between the passing of the mortmain Act of George II. and the present time. The enrolment would be nugatory, and the simplest way would be to leave the trusts unenrolled, and to allow them to be valid without enrolment, except as against the heirs at law of the donors.

MR. LOWE said, he thought the right hon. Gentleman had not quite understood the effect of the Amendment. Hitherto all Roman Catholic charities were void if not enrolled. By this clause, however, Roman Catholic charities made since Sir J. Jekyll's Act, in the reign of George II., would not be void against the donors for not being enrolled, in case they were enrolled within twelve months after the passing of the Act. The right hon. Gentleman's Amendment would virtually enact that, even although they might be enrolled within twelve months after the Act, still they should be void against the donors for not being enrolled under Sir J. Jekyll's Act. Such an Amendment would defeat the purpose of the Act; and he hoped the House would not agree to it.

MR. ADDERLEY observed that the right hon. Gentleman was wholly mistaken as to the effect of his Amendment.

MR. NEWDEGATE said, he believed that the Attorney General intended by the first clause to provide against the difficulty which had been suggested. There might be and, in fact, there were Roman Catholic charities which were applied contrary to the wishes of the donor, and the question was, would they give the donor or his representatives the right to have these abuses corrected. There was a case, for instance, where a Roman Catholic priest had built a chapel, but this charity had, by the exercise of the spiritual authority of his superiors been entirely defeated, and his person had virtually been deprived of the benefits of his own charity, and of his means of livelihood during his life time, because he refused to transfer it to trustees, to whom he objected. If they had any regard for religious freedom they would give power to correct such abuses. He thought that if there was any danger of the representatives of the donors, who were not Roman Catholics, seeking unfairly to vitiate the trust, that might be prevented by words being introduced giving certain powers to the Charity Commissioners and to the Court of Chancery. Such a provision was introduced into the Bill of last year. He certainly would vote for the Amendment giving to the representatives of the donors of these trusts power to have them readjusted where they had been altered, perverted, or needed amendment to render them conformable to English law, subject to the control he had mentioned. This was the substance of the Bill of last Session that it would be introduced into the measure now before the House.

MR. PULLER said, the object of the measure was to place the Roman Catholics on the same ground as other Dissenters. He understood the right hon. Gentleman (Mr. Adderley) to agree to that; but now that it was proposed to bring these charities, which had been illegal, within the pale of the law, it was hard to make the trustees liable to the donor or his representatives. Whilst under repression the Catholics had had recourse to concealment, and he thought that there should be no power to revoke the trust because there had been no enrolment.

MR. NEWDEGATE remarked that the evidence before the Mortmain Committee proved that there had been continual misappropriation of these trusts, and, therefore, it was most important to give power to the original donors and their representatives to deal with this state of things, subject to proper control.

MR. SELWYN said, he believed that the difficulty arose entirely from the postponement of the first clause. If that clause were framed as the Committee clearly intended, the third clause would do in its present shape. He would, therefore, suggest that his right hon. Friend should postpone his Amendment until after the first clause had been brought up again. The House had properly determined that there should be some legislation on these charities, so that the practice of having three or four sets of deeds, to be produced according to circumstances, might be put an end to. The difficulty, would, perhaps, best be obviated by his moving that the first clause be rejected, and that the second clause of the Bill of 1859, introduced by the present Home Secretary, should be substituted for the first clause. If that were substituted his right hon. Friend's Amendment would be unnecessary.

MR. ADDERLEY said, he would accede to the suggestion of his hon. and learned Friend, and would not press his Amendment.

MR. PULLER said, he would move the omission of certain words in the clause, the effect of which would be to place Ro-

man Catholics on precisely the same footing with Protestants as respected the statute of mortmain.

Amendment proposed, in line 15, to leave out the words "made, perfected, or."

SIR GEORGE LEWIS submitted that the clause had been correctly drawn, and was calculated to meet the defect that existed in the Mortmain Act.

MR. SELWYN said, he could see no reason why the Roman Catholic charities should be put upon a more advantageous position than those of the Church of England or any other charities, as the proposed Bill was calculated to do.

MR. LOWE said, that if a man were required to obey a law he ought to receive some protection. The Roman Catholics were outlaws as regarded their charitable testamentary dispositions. The law gave them no protection. Was it, then, fair or just, when there was one provision of the law with which they could not comply, that they should be required to comply with any other provision?

MR. NEWDEGATE said, the object of the House was not to place Roman Catholic charities in a better position than any other charities, but on a par with them, and the object would be fully attained by adopting the Amendment.

MR. WHALLEY complained of the course which the Government had pursued in reference to this Bill. The right hon. Gentleman the Home Secretary had last year pledged himself to introduce a measure, but it was not now introduced on Government responsibility. He (Mr. Whalley) thought the better course would be that this Bill should be withdrawn and a new Bill introduced next Session by the Government.

SIR GEORGE LEWIS said, when the Roman Catholic charities were created, the Mortmain Act being then in force, there were two principal provisions of it under which any such deed would have fallen. One was the provision that it should be executed at least a year prior to the death of the testator, and the other was the enrolment with two witnesses. The object of the clause was to cure the defect of non-enrolment. It had been urged in curing that defect they ought not to cure the other. But what possible inducement was there to Roman Catholics to fulfil the one condition if they could not fulfil both? Unless both were fulfilled the deed would be invalid. The two conditions could not be severed, and if they cured the one defect, it was equally just that they should cure the other.

MR. ROLT denied that the reasoning of the right hon. Gentleman applied. Of the two conditions he mentioned one had reference to the mode of executing the deed creating the charity—the other to the question of capacity to do the thing at all. The prohibition in the Mortmain Act did not apply to Roman Catholics especially, but to all "languishing and dying persons." Why, therefore, should Roman Catholic charities because they were to be relieved from the results of the non-fulfilment of the one condition be relieved with regard to the other, the non-fulfilment of which amounted in any case to a positive incapacity?

THE SOLICITOR GENERAL contended that the reasoning of the Home Secretary was perfectly correct, because, as the law stood, under the Act of George II. it would be perfectly useless for a Roman Catholic to comply with all the other conditions, if the one condition of enrolment was not complied with. There was therefore no inducement to the Roman Catholic to comply with the condition of making his will at the legal period.

MR. ADDERLEY observed that the Mortmain Act required several conditions to make a deed valid, and he did not think that enrolment should be permitted to cover all invalidities.

MR. NEWDEGATE said, the necessity for some limitation was shown by the experience of all Roman Catholic countries, where, if gifts from "languishing and dying persons" were permitted without restraint, a great portion of the land became lost for all public purposes.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 71; Noes 49: Majority 22.

MR. HENLEY said, the House had been sitting thirteen hours, and was to meet again at twelve o'clock. It was, moreover, quite clear that the Bill could not go through Committee without the presence of the Attorney General to bring up the first clause, and it was only reasonable that they should now go home. He would, therefore, move that the Chairman report progress.

SIR GEORGE LEWIS said, the right hon. Gentleman's Motion was a reasonable one. The only question was whether they might not finish this clause before progress was reported.

Motion made, and Question put, "That the Chairman do report Progress."

The Committee *divided*:—Ayes 37; Noes 67: Majority 30.

An Amendment was made in the clause. Clause *agreed to.*

House *resumed.* Committee report Progress; to sit again on *Friday.*

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, July 11, 1860.

MINUTES.] PUBLIC BILLS.—2° Turnpike Acts Continuance; Copyhold and Inclosure Commissions, &c.; Turnpike Trusts Arrangements; Highway Rates Act Continuance.

CENSUS (ENGLAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4 (Schedules to be filled up. Penalty for neglect).

MR. BAINES said, that he had to move that the words "religious profession" be omitted from the clause. He thought that the number of petitions which had been presented to the House that day—and indeed for some time past—from various parts of the country, and he might say from all denominations of religion, was a very clear proof that it was undesirable that the demand which it was proposed to make on every householder in this country should be made in the forthcoming Census. He might venture to add that on no other occasion had the sentiments of Gentlemen in that House, especially those sitting on his side, corresponded more exactly with those of their constituents than upon this question. It would be remembered that in the original form of this clause the words "religious profession" were inserted, and a penalty varying from £1 to £5 was applied to the inquiry under this head, as well as to all other inquiries proposed to be made to householders. It was well known to the House that since then an intimation had been made by the Home Secretary of his intention to withdraw the penalty which attached to the words "religious profession;" but he thought he was justified in saying that although in one respect the Bill became less objectionable in consequence of the penalty being withdrawn, yet in another respect it became still more objectionable, because the Returns that would be obtained by an inquiry thus made would necessarily be extremely defective and entirely worthless. To make the inquiry of householders concerning their "religious profession" was a thing new in this country. It had never taken place on the occasion of any Census being taken in England, Scotland, or Ireland. On one special occasion—not the decennial Census—an inquiry of that nature was made in Ireland, but the result was not of that satisfactory nature to induce the Government to have determined to make that inquiry in the Irish Census Bill of this year. It was felt not alone by Dissenters, but by Churchmen, that to inquire into the religious profession of individuals was objectionable, both on the grounds of feeling and of principle. He had heard individually a greater number of indignant objections expressed by Members of that House, who belonged to the Established Church, against this clause, than he had heard from those belonging to various Dissenting bodies. Members for very large constituencies had stated that the objections proceeded from Churchmen as much as from Dissenters, and in some cases from clergymen of the Church of England. Although he was a Dissenter, he had not taken up this question merely on the grounds of Dissenters. He had stated on the second reading that he objected to it on general grounds, and he desired to see perfect fairness and entire equity for all religious bodies in this country. It was supposed by some persons that those who advocated the opinions on the subject which he entertained were actuated by a desire to conceal their religious belief; but no supposition could be more erroneous, as was demonstrated by the fact that they who were most strenuous in their opposition to the proposed inquiry were men who every day proclaimed their faith to the world. It was, then, upon no such unworthy ground as that, that they objected to the clause; they did so because—with what seemed to be an instinctive feeling in the minds of Englishmen—they deemed it a duty to resist an authoritative demand on the part of the Government upon a point which they regarded as beyond the legitimate scope of civil interference. The civil governor had a right to inquire into the particulars of the civil condition of the people, such as age, sex, occupation, birth-place, &c., but he had no right to intrude into the domain of conscience. It was with Dissenters a matter of principle to maintain the freedom, in-

Sir George Lewis

dependence, and purity of the Church of Christ, by keeping it free from State control; they neither admitted the authority nor received the patronage or pay of the State; and our history recorded but too many instances of persecution and intolerance to justify the jealousy on the subject by which they were animated. He was happy to know that the intolerance of former days had passed away, but there were still relics of injustice, as in the church rates, which compelled men to pay to a Church to which they did not belong. It was therefore that the Dissenters were united on the present occasion as one man in opposition to the proposed declaration—the Wesleyan body, who sympathized to the greatest extent with the Established Church, being the most zealous in the cause. But there was another objection to the clause as it stood, which many excellent men entertained, and that was, that, inasmuch as they were in the habit of attending a place of worship belonging to the Established Church in the morning and a Dissenting chapel in the evening, they would have a difficulty in subscribing to a particular form of declaration as to their religious profession. It would not be easy to state the religious profession of children of every age. Some persons who had not the slightest disinclination to proclaim their own religious sentiments, were indisposed to ask their guests and the inmates of their houses to submit to a similar ordeal. Again, it was quite obvious that the proposed inquiry would operate very invidiously in the case of one class of those inmates, who were willing to conform to all the usages of the family which they served, but who would not unnaturally dislike being called upon to make a declaration which in their opinion might tend to prejudice their employer against them—supposing their belief to be different from his—or subject them to annoyance on the part of their fellow servants. There was a still stronger argument against it, arising from the number of those who, judging from all outward manifestations, were of no religion whatever. In 1851 a calculation was made from the returns of attendance on places of worship on the census Sunday, as appeared in the very able Report of Mr. Horace Mann, according to which no less than 5,200,000 persons who were in a condition to attend places of worship in England and Wales were found not to have attended on the census Sunday, a very large proportion of whom, it was feared, were habitual non-attenders. He should feel strongly against asking men what was their religious profession when he knew they had none to make, as it would be tempting them to say that which was delusive and false. Besides, in a considerable number of cases, he feared answers might be given of a very undesirable character, such as outrageous protestations against religion, which no one could desire to see recorded upon a public document. He therefore thought that between those who could not and those who, on conscientious grounds, would not, answer the questions, the majority would give no answer, and returns obtained under such circumstances would be utterly destitute of all value. Another objection, too, existed in the great power given to the enumerators to put down such answers as they thought fit to those who did not fill up that column, and which power, necessarily given to a certain extent, and unexceptionable as regarded the ordinary returns of the census, would be open to grave objections with respect to the returns of religious professions. The enumerators would have their own prepossessions and prejudices, and might put down such answers as they thought fit with reference to religious profession in the case of those who did not fill up the schedules themselves. Such a discretion would be altogether unsafe, and must be attended with unsatisfactory results. It might be said that similar inquiries were made as to religious profession in various European countries; but those countries were either despotic or the Government paid the clergy of every denomination. But a very different state of things existed here. Nonconformists only wished to be let alone; they did not ask for and would not receive the money of the State, and the Government had, therefore, no right to put questions to them as to their religious profession. In the United States, which bore the strongest resemblance to England of any foreign country, a return was made of the number of churches, and of the amount of accommodation in sittings, but a man was never asked to make a statement of his religious profession. It had been stated that in the last religious census the form had been suggested by Dissenters and was used for their profit and benefit alone, and to the prejudice of the Established Church. He appealed to the right hon. Baronet, the Chancellor of the Duchy of Lancaster, then the Home Secretary, who brought in

the Census Bill of 1851, and to the then Under Secretary of State, now the head of that department, who also took an active part in carrying that measure, whether there was the slightest truth in the allegation. He utterly denied it, and challenged contradiction when he declared that no such suggestion ever was given by the Dissenters, who, in fact, had nothing whatever to do with it. The suggestion was made by the Registrar-General, and he would read the words of the Report, in proof of his assertion. In the first page Mr. Horace Mann, addressing the Registrar-General, said—

"It will doubtless be within your recollection that, when making preparation for the General Census, and determining what information was most worthy to be gathered by the aid of the complete machinery then specially to be provided, it appeared to you exceedingly desirable to seize upon so rare an opportunity in order to procure correct intelligence on two important subjects of much public interest and controversy—namely, the number and varieties and capabilities of (1) the religious, and (2) the scholastic institutions of the country."

The Registrar-General was a Churchman, and he was assisted by another member of the Establishment, who drew up the Report—a most honourable and fair Report, every page of which bore marks of impartiality. The statement that these returns were not exactly fair to the Established Church was destitute of all real substance; and any candid mind looking into the returns must be satisfied that there was no unfairness whatever, either in the mode of collecting the returns or in the result ultimately presented. Certain instances were quoted which, until they were examined into, gave some slight colour to the impeachment, For instance, in a publication issued by the Cambridge Church Defence Society, it was stated (no doubt for his special benefit) that in the borough of Leeds there were returned only 200 as the number of sittings in the chapels of the Wesleyan Reformers, whereas the attendance was given as 650 in the morning, 723 in the afternoon, and 1,030 in the evening. But the Report itself explained that seeming inconsistency at a glance. Only the free sittings in the Wesleyan chapels, 200 in number, were given. The column for appropriated seats, probably three or four times that number, was not filled up. He thought it likely that the four chapels of the Wesleyan Reformers would contain an aggregate of 1,600 or 2,000 sittings. Another charge made was with reference to the Latter Day Saints, whose number of sittings was given as 1,220, while the attendance in the morning was given as 3,644; afternoon, 365; and evening, 1,000. But the fact was that this inconsistency arose from the transposition of two lines of figures, by which the numbers belonging to the Roman Catholics were given to the Latter Day Saints, and *vice versâ*. All the figures he had quoted belonged to the Roman Catholics. And the excess of attendance over sittings in the Catholic chapels arose from the notorious fact, that in the mornings service was performed several times to successive congregations, and that many of the worshippers did not sit but stand. But he challenged the most minute scrutiny of the tables to detect the least dishonesty or attempt to impose on the public. A reference to the aggregate, as stated by Dissenters and the Church of England, would at once show that there was nothing like dishonesty, but, on the contrary, the most perfect honesty in the returns made. The general sum of the matter was this:—the number of sittings in the Church of England was given at 5,317,915, and in the chapels of other denominations 4,894,648. That was a very near approximation, giving a majority of 400,000 or 500,000 to the Established Church. The estimated attendance on the Census Sunday in the Church of England was 3,773,474, and in the chapels belonging to other denominations 3,487,578; the attendance in each case bearing to the Church accommodation as near as possible the proportion of 71 per cent. There was a mere fractional difference between the two. This afforded internal evidence of the most decisive kind of the honesty and substantial accuracy of those who made these returns. There were two modes in which a census applying at all to the religious sentiments of a country might be made—the one proposed by this Bill, the other that adopted with perfect success in 1851. He would read to the House a passage from the Census Report of 1851 on this subject:—

"There are two methods of pursuing a statistical inquiry with respect to the religion of a people. You may either ask each individual, directly, what particular form of religion he professes; or, you may collect such information as to the religious *acts* of individuals as will equally, though indirectly, lead to the same result. The former method was adopted, some few years ago, in Ireland, and is generally followed in the Continental States when such investigations as the present are pursued. At the recent Census it was thought advisable to take the latter course

Mr. Baines

partly because it had a less inquisitorial aspect,—but especially because it was considered that the outward *conduct* of persons furnishes a better guide to their religious state than can be gained by merely vague professions. In proportion, it was thought, as people truly are connected with particular sects or churches, will be their activity in raising buildings in which to worship, and their diligence in afterwards frequenting them; but where there is an absence of such practical regard for a religious creed, but little weight can be attached to any purely formal acquiescence. This inquiry, therefore, was confined to obvious *facts* relating to two subjects. 1. The amount of ACCOMMODATION which the people have provided for religious worship; and, 2. The number of persons, as ATTENDANTS, by whom this provision is made use of."

There were many weighty reasons in favour of making such collective returns of religious statistics as were made on the last occasion. They formed a record of one class of the public institutions of the country. The churches and chapels were already registered, and they merely wanted in addition the amount of accommodation and the numbers attending them on a particular day, or an average extending over a certain length of time. Religious statistics of this kind were desirable and highly valuable. They were of use to the historian, the statesman, and most of all to the philanthropist and man of religion. They exhibited the comparative numbers of the different sects in the country,—as well as the comparative progress of the population, and of their means of religious accommodation and observance. If we had a Census in 1861 on the same plan as that of 1851, the most valuable and important conclusions could be drawn as to the progress or otherwise of the amount of accommodation provided by the various religious bodies. Between 1831 and 1851 there was an increase in population in England and Wales of 27 per cent, and in the accommodation for religious worship of 42 per cent, showing a most gratifying amount of religious activity in the different churches. From such a return, too, could be learned the less gratifying, but more salutary, knowledge of the deficiency still existing of religious accommodation. It could be learned also how far a defective attendance at places of worship was caused by want of accommodation, and how far it was to be ascribed to a want of disposition to attend. The returns for 1861 would show how far the religious zeal of the community had been stimulated by the Bishops, clergy, and laity of the Church, and by the ministers and members of other denominations, in providing more abundant and adequate religious accommodation; they would also show, not merely in the general but in precise localities, where the existing deficiencies existed, and serve as a guide to the efforts to supply them. The returns before the House afforded the most triumphant evidence of progress in the means of religious worship—far greater than in population, and the most gratifying—he might say stupendous efforts which had been made both in the Establishment and out of it to supply means of religious worship to those in want of them. From the whole facts might be drawn one salutary lesson. It did so happen that there was something approaching to a balance between the members of the Establishment and the Nonconformist sects; he thought that fact should teach them to respect the power of each other, and the efforts each was making to advance the grand cause of religion and the welfare of the country. He had never drawn any mere sectarian conclusion from these returns. He looked on them as valuable for far higher ends; and he believed, if his Amendment were adopted, they would, as in 1851, have returns the ultimate effect of which would be to stimulate both Churchmen and Dissenters to a wholesome and honourable competition, highly favourable to the general interests of the people of this country. He, for one, would appeal to Dissenters, and he was sure every gentleman connected with the Establishment would put it to Churchmen, that they should make these returns with the most perfect and undeviating accuracy, remembering under what sanction, and for what high and sacred purposes, they were designed. He hoped he had said enough to induce the Committee to adhere to the mode of the religious Census adopted in 1851, and he begged now to move the first Amendment of which he had given notice, to strike out of the 4th clause the words "religious profession."

SIR GEORGE LEWIS: Sir, as I am responsible for the Bill on which the hon. Member for Leeds has moved the present Amendment, as the subject to which his Amendment relates has excited great attention and interest in a large part of the community, and as the proposal was made by me quite deliberately and with as full a consideration as I was then able to give to it of all the consequences of the provision, I trust the Committee will bear with me while I lay before them the grounds on which that proposal was made. I must

begin by stating that in my opinion the presumption must be considered to be in favour of including religion among the subjects comprehended in a census. It is true that it has not been the practice in this country to require any statement of religious profession. I am quite aware that it is so; but I wish to bring under the attention of the Committee that the general practice of civilized States in which differences of religion exist is to make an inquiry as to that fact; and persons on the Continent who have paid attention to statistical subjects, and the general principles which regulate them, have recommended that religious profession should be included. I hold in my hand an extract from the decisions arrived at by the Congress at Brussels, and the extent to which the principles have been followed in different European States. It says—"V. The census should comprise the Christian and surname, age, sex, language, occupation, and religious profession of every individual." The principle is adopted in Austria, Bavaria, Belgium, Denmark, France, [*Ironical cheers.*] I am not aware what there is to elicit those cheers. I am merely reading a list of those countries on the Continent in which the principle of the clause is adopted. Besides those I have named there are Prussia, Saxony, Sweden, and Wurtemberg. The principle is not adopted in Holland and Spain; the reason given with regard to the latter country is that the details are obtained through the civil administration. I believe it is also the fact that a religious census is taken in some of the British Colonies, and, indeed, it is stated in the Report of Mr. Horace Mann that a method of inquiry as to the particular form of religious profession of the people has been adopted in Ireland, and is generally followed in continental States where such investigations as the present are pursued. Therefore, I must maintain, with great deference to hon. Gentlemen who cheer at the mention of particular States on the Continent, that the general practice of civilized countries is to include religion in a census of the population. I will state also that we have before Parliament a paper particularly relating to the subject of the religious census of Prussia. In 1834 my noble Friend the First Lord of the Treasury, then Foreign Secretary, addressed a letter to the British Minister at Berlin, requesting that he would transmit details of the census then about to take place in Prussia, where there is a perfect system of religious toleration, rendering that country a model for imitation in that respect, and showing that there was no necessary connection between intolerance and a religious census. This is the answer of the head of the department at Berlin to the first question, relative to the mode of taking a religious census:—

"In the kingdom of Prussia a census of the inhabitants is made every three years, in which the several religious persuasions are distinguished. The last was completed at the end of the year 1831, and its result will be stated below. At the conclusion of the present year, 1834, another census will take place, which is already prepared, the results of which will not, however, be wholly arranged till the middle of next year. In these censuses religious relations are only distinguished in so far as they relate to civil matters. Hence, the census in progress will contain only four classes of inhabitants, according to religious distinction. The first division is into Christians and non-Christians; of the latter there are in Prussia only Jews, as the Mahomedan Tartars who became Prussian subjects in the year 1793 were ceded with the province of New East-Prussia in the year 1807, and are now Russian subjects. The Christians again fall into two great divisions, according as they recognize, or not, a foreign ecclesiastical superior,—namely, the Pope. The first are under the head of 'Roman Catholic Christians." The latter would be wholly comprised under the head of 'Protestant Christians,' if the doctrines of the Mennonites, or Baptists, did not influence their civil relations, which makes it necessary to distinguish them, inasmuch as they refuse to perform military service and to take oaths. Other religious sects, which, like the Quakers in England, hold the same doctrines, form no distinct congregations, have obtained from the Government no exemption from the general duties of a citizen, and are only allowed to dwell in the country as aliens, whose liberty of conscience, however, is not interfered with. Hence arises the following classification of the different religious professions, namely:—1, Protestant Christians; 2, Roman Catholic Christians; 3, Mennonites; 4, Jews. Commerce and military connections have, indeed, brought into the Prussian dominions a very small number of Christians belonging to the Greek Church, who are recognized by the Government as a separate religious society; but, as their number does not amount at the most to more than 200 or 300, it has hitherto not been deemed necessary to give them a separate head in the statistical tables, and they have been included under the Roman Catholics, as they are only considered by the Church of Rome as schismatics, not as heretics. Nevertheless, the statistical department has now been directed to cause them to be counted separately; this will be done for the first time in the forthcoming census. The number of inhabitants who belong to each of the four religious persuasions first mentioned is shown in the annexed survey, according to the census at the end of the year 1831, for each circle. By this survey it appears, in general, that the Prussian State at the end of the year 1831 contained 7,941,721 Protestant Christians, 4,915,153 Roman Catholic Christians, 14,756 Mennonites, and 167,330 Jews."

Sir George Lewis

The Committee will see that this completely exhausts the enumeration of the religious denominations and religious professions of the people of Prussia, and therefore all those difficulties enumerated by the hon. Member for Leeds, and which seemed to me rather in the nature of bugbears, would disappear in the face of a regular enumeration. Well, there has been the example of a religious census taken in the United Kingdom. It was not taken in England and Scotland, but in Ireland, and, although it was not taken under an Act of Parliament, but under a Royal Commission, yet it was a complete religious census, and an example of what a religious census would be in this country taken under the authority of an Act of Parliament. In truth the precedent rather goes against the argument of my hon. Friend, because, being taken simply under the authority of a Royal Commission, and there being no compulsory power, while public opinion was very much excited as to the numerical difference between the Roman Catholics and Protestants, the circumstances were eminently unfavourable to a religious census. Now, I hold in my hand extracts from the Report of the Commission on Public Instruction in Ireland, presented in 1835. The Commission say—

"Although from our inquiries being in every case held on the spot, the Commissioner was usually unable to give the parties concerned more than a few days' notice of his visit, yet we are happy to state that our inquiries were almost invariably attended by the clergy of the established Church"—

And here let it be observed that the clergy of the Established Church in Ireland may almost be regarded as a Dissenting body, as they represent a small portion of the population, and, therefore, would not naturally be eager to give assistance for such a census,—

"and very generally, especially in country parishes, by the clergy of other denominations; and that we found almost universally a disposition prevailing in all quarters to aid our investigations, and to furnish us with the information which it was our duty to obtain."

The Commissioners also say—

"In numerous instances, however, the officiating clergy of the parish, and more especially of the Established Church, in accordance with the suggestion contained in the circular letter from which an extract has been above given, tendered at the place of holding the local inquiry, an original census taken by them or under their direction, comprising either the whole or a portion of the present population of the parish, distinguishing the religious persuasions to which the individuals therein set down respectively belonged."

They add—and this passage is material—that,

"On the whole we present to your Majesty the Census of Ireland for the past year, with the full confidence that it affords a very close approximation to the truth in a matter where perfect accuracy is nearly unattainable. If, however, there is any part of our census which exhibits the true state of the population more precisely than another, it is that which relates to the members of the Established Church; as not only the comparative smallness of their numbers in some parts of the country and their social position render them more easy of enumeration, but in a large number of parishes we have been enabled to return the Protestants of the Established Church, on the authority of censuses made for the occasion by their own clergymen, and carefully investigated at the local inquiry held by the Visiting Commissioners."

This is the general conclusion at which the Commissioners arrive :—

"It appears that the population of Ireland, as deducible from the census which we now offer consists of 852,064 of the Established Church, 6,427,712 Roman Catholics, 642,356 Presbyterians, and 21,808 other Protestant Dissenters, making in the whole 7,943,940 persons. But it is observable,"—

I beg the attention of the Committee to this point,—

"It is observable that in proceedings upon the Census of 1831, the religion of 18,951 persons included therein could not now be ascertained, on account of changes of residence which had taken place since that year, and the difficulty of observing their actual domicile."

This census was made in 1834, upon the enumeration-books actually obtained in 1831. Therefore, the difficulty of ascertaining the religion of these 18,951 persons arose on account of their change of residence; but it was not stated that there was any difficulty in ascertaining the religious persuasion of each person whose residence had not changed.

"Of the persons so omitted a considerable portion were doubtless supplied by means of original censuses leaving, however, a residue which ought not to be altogether overlooked in estimating the total population of Ireland for 1834."

I think the statement I have read to the Committee will show that, at all events, in taking the religious census of Ireland in 1834, none of these gigantic difficulties which my hon. Friend has conjured up were found to exist; and I am not aware that there is any fundamental difference between Ireland in 1834 and Great Britain in 1860. But, in considering the course to be pursued in the present year, I had to decide before I laid this Bill on the table whether I should adopt

the plan that was followed in 1851, or propose a general census of religious persuasions. That a beginning had been made in 1851 in respect to a religious census is apparent from the fact that my hon. Friend, as well as many other Nonconformists have occasionally adverted to it, as affording the means of a numerical comparison between the Established Church and the Protestant Dissenters of this country. ["No, no!"] Surely my hon. Friend said he inferred from the return of the persons attending religious worship on a given Sunday, that there is about an equality of numbers between the Established Church and the Protestant Dissenters in England. He, therefore, as well as many others, seeks to use the return as a general census of religious persuasions.

I had to inquire, then, whether this was a satisfactory way of taking a general religious census of the population, and whether I should propose to Parliament a repetition of the method of 1851, or the plan embodied in this Bill. Upon matured consideration, I decided against recommending a repetition of the plan of 1851, and in favour of the one now before us. It appeared to me, in the first place, that the introduction drawn up by Mr. Horace Mann, although, no doubt, a work of considerable research and ability, goes into matters quite foreign to the statistical precision and dryness, if I may so, suitable to those returns. For instance, he gives a description of the religion of the Druids, and passes in historical review the religious progress of this country—even furnishing a particular account of the religious opinions of the Swedenborgians, the Mormons, and various other sects; information which is certainly interesting, but hardly falls within the limits of a statistical classification of the population. There is, moreover, a reprint of the Thirty-nine Articles, which I should scarcely have thought necessary to be laid on the table of this House. It seemed to me, therefore, that the system adopted on the former occasion was one altogether more lax and less accurate than was requisite for statistical purposes. It is obvious that an enumeration of the persons who attend places of worship on a given Sunday, even if quite accurate, must lead to very fallacious results, if relied on as the basis of a religious census. The same person may have attended more than once at the same place of worship or at different places of worship on the same day. Others may be included who are simply present from accident or curiosity, and who do not belong to the congregation in any way; while many who belong to particular denominations may be absent from various causes. Again, the total number of persons returned as having attended churches and chapels on the Sunday in question is only 7,261,000, thus avowedly leaving a very large proportion of the population wholly unaccounted for.

Now, nothing is further from my intention than to bring charges of deliberate dishonesty against those who made these returns of attendance at public worship. I doubt not they were made with perfect honesty and, also, as far as possible, with perfect correctness. But what I object to is the method, which is loose and inaccurate, and necessarily leading to fallacious inferences. What we want to get at is an account of the religious profession of the population. This House, as a civil legislature, has nothing whatever to do with the punctual performance of religious duties, or with the private opinions of each person. It may be conceivable, for example, that an individual who attends the worship of the Established Church, who calls himself a member of that Church, and brings up his family in that communion, may nevertheless be an Arian or a Socinian. That is a possible contingency. Yet it is a fact with which we, the Parliament of England, have no concern whatever. All that we are entitled to ask a man is, "What is the religious faith of which you make a public profession?" It is a matter of indifference to the civil Government whether he attends regularly at a particular place of religious worship. All we wish to know, if I may say so, is under what religious banner he is enlisted, and to what religious persuasion he ascribes himself and brings up his children.

My hon. Friend says there is a great difficulty with regard to the religion of children. Now, this is a knot which the State cuts with great facility. Ask the Court of Chancery how it can tell the religion of a child. That tribunal has no difficulty in laying down rules as to the religion in which children who are its wards are to be educated. We cannot enter into metaphysical questions as to how the religion of a child originates. It is sufficient for us to regard the children of parents connected with a particular persuasion as also belonging to that persuasion. On that principle all religious censuses have been made. On that plan the Irish Census

of 1834 was framed, and no objection was practically taken to it. For these reasons it seemed to me not to be desirable to repeat the method followed in 1851, in taking the religious census—for that was, in fact, a religious census, however imperfect it may have been. As such it was always used, and it has been over and over again quoted as exhibiting the numerical proportions of the different religious sects. It must be admitted that we have proposed a simple mode of ascertaining the religious profession or denomination of each individual.

I have heard it answered that I individually have some wish to give an unfair advantage to the Church of England, and to do something which was hostile and unpalatable to the Dissenting body of this country and Scotland. I can assure the Committee in the most positive manner, and with the most perfect sincerity, that I have no such intention. No such idea ever crossed my mind. I desire to be perfectly neutral as between the different religious persuasions. I simply wish that the truth may be ascertained, and it appeared to me that the plan proposed by the Bill was the most direct and effectual mode of ascertaining it. Certainly I was quite unprepared for the expression of feeling which has since occurred. I can only say that I suggested to my right hon. Friend now the Chancellor of the Duchy of Lancaster, in 1851, when the census was under consideration, the expediency of extending it to religion, and I most distinctly recollect there was then a general belief that such a census would be particularly unpalatable to the Established Church. I was certainly under the impression that a census which would throw together into one body all the Protestant Dissenters of the country—for in that manner it would be necessary to take the enumeration—would place those denominations in a position, in comparison with the Established Church, which would not prove disadvantageous to them in a numerical point of view. I think they would have had no reason to fear the result of such an exhibition of their strength as would have been afforded by the plan to which they have offered so much opposition. But I must admit that I thought this proposal would not fail to be generally acceptable to persons of all persuasions. Let me just call attention to the manner in which it has been received, as far as I am aware, in England. The members of the Established Church have either made no objection or are rather favourable to it than otherwise. [Mr. BAINES: No!] A few petitions have, I believe, been presented from members of the Established Church of England, and I am not aware that either they or the heads of the Church have made any remonstrance against the proposal. My hon. Friend said he had heard members of the Established Church object strongly to it, but he did not mention whether they were members of the Church who sat in this House or out of it, because I think it would practically make a good deal of difference whether such persons spoke under the influence exercised over their minds by those whom they represented, or merely gave opinions based on their own individual judgment. I believe, then, I am justified in saying that, as far as publicity goes, there is no serious opposition to this plan on the part of members of the Established Church in England. Nor, again, am I aware that the Roman Catholics have made any special objection to it. The Roman Catholics of England, it is true, are not a very numerous body, but they are quite capable of making themselves heard in this House. I am, however, quite ready to admit that the Nonconformists of this country, of whom I wish to speak with all possible respect on account of the strong religious feelings by which they are animated, and their perfect sincerity on all religious questions, have manifested a very strong and very general opposition to this census. I will advert presently to some of their objections. In Scotland, I believe, there has not been so much interest or feeling excited as in this country; yet there the body who dissent from the Established Church have been, upon the whole, hostile to this plan. My hon. Friend is under some mistake as to the Irish Bill. It does not contain any specific directions as to the particulars to be included in the Returns made; but I think it was intended to comprise religious profession among the subjects of inquiry, and that this was made known publicly in Ireland. Well, I am told that no objection, but rather the contrary, has been expressed in Ireland to a religious census which will include all religious persuasions, and that the Established Church, the Roman Catholic body, and the Presbyterians are all satisfied that such an enumeration should take place. Therefore, when my hon. Friend speaks of the universality of public opinion on this subject, he must allow me to make the not inconsiderable deduction of the public opinion of Ireland,

where the great bulk of the population is dissident from the Established Church. Under the circumstances, I confess I was surprised at the reception given to an alteration which seemed to me fitted to remove what I could not but look upon as an unfounded objection to a reasonable proposal.

The first objection I heard urged was that it was an infraction of religious liberty to question a man with regard to his religious profession under threat of a penalty. When this was communicated to me I stated that I should be prepared in Committee to make an exception of the penalty as applicable to the question respecting a man's religious persuasion, thereby obviating the alleged infraction of religious liberty. Still, that concession did not at all mitigate the opposition which existed. It appears from the authentic explanation of my hon. Friend that there is no wish on the part of the Nonconformists of this country to conceal their religion ; he says they are ready to proclaim it, but that their feeling is not to state it in answer to any authoritative demand. [Mr. BAINES: Hear!] Well, but if you remove the penalty, surely it is not an "authoritative demand" in any other sense than that it is made by the persons employed and authorized by the Government. When a man has the full power of giving or refusing an answer as he thinks fit, how can the inquiry put to him come within my hon. Friend's category of "authoritative demands?" But there is a singular inconsistency on the part of those by whom this objection is urged. Great numbers of congregations approach this House describing themselves either generally as Protestant Dissenters or in some cases mentioning the particular denomination to which they respectively belong ; and yet these very persons protest in the same petitions against being called upon to state that they are Protestant Dissenters, or what is their religious persuasion! How is one to understand the state of feeling of individuals who actually come before this House and publicly proclaim their religious profession, and nevertheless tell us in the same document they have insuperable objections to declaring it when they are asked to enter it in a column of the paper left with them by an enumerator? I will give the Committee some examples of that to which I refer. I hold in my hand a petition presented only to-day by my hon. Friend the Member for Leeds. It is "the humble petition of the undersigned members of the congregation of Free Church Methodists in the town of Burton-upon-Trent, in the county of Stafford," and is against "the religious persuasion clause," as it is called. These people call themselves "Free Church Methodists." Why should they object to inserting in a census paper the description which they thus give themselves? The great majority of these petitions are in the same form. I have before me the last Report of the Select Committee on Public Petitions. At page 1,487 I find under the head "against statement of 'religious profession,'" the following :—"The minister and representatives of the denomination of Nonconformist churches called General Baptists assembled at their annual association held at Wisbech, in the county of Cambridge," the name of the chairman of the meeting being given. Again, another petition is from a meeting of the "General Assembly of General Baptist Churches in England and Wales, held in Worship Street, London ;" another is from the "Western Unitarian Christian Union of Wilts, Dorset," &c. ; another from the "Minister and Deacons of the Independent Chapel, Tavistock ;" another from the "Annual Meeting of the Bible Christians of the Shebbear district, held at Barnstaple ;" another from the "London Second Circuit of Primitive Methodists;" and so on through about a page and a-half of this Report, where the petitioners sometimes describe themselves as Protestant Dissenters merely, and sometimes refer themselves to some particular shade of Protestant dissent. Yet these are the persons who come before this House with the specific prayer that they may not be called upon to state that they are Nonconformists. I confess I am greatly at a loss to understand the nature of their objection.

My hon. Friend says they have "an instinctive feeling" on this subject. That was his expression in describing the sentiments of the bodies whom he represents ; they do not wish to conceal their religious profession, but they nevertheless have "an instinctive feeling" and "a conscientious scruple" against being called on to mention it for the purpose of the Census. If instinctive feelings or conscientious scruples of this kind are entertained, all one can say is that, while it is proper to respect them, it is useless to attempt to reason against them. The House will recollect the important consequences which were produced by the conscientious scruple of a

King of this country on the subject of the Coronation Oath, as affecting the emancipation of the Roman Catholics. That unhappy conscientious scruple was the cause that prevented the settlement of this great question in the year 1801, when it was proposed by Mr. Pitt. At the outset George III. appealed to his conscientious scruples, founded on the oath he had taken. He said, "It is impossible for me to listen to argument on the matter. I have an instinctive feeling which tells me that it is wrong in me to emancipate the Roman Catholics." And, accordingly, the resistance which the King then made led to the downfall of the powerful Government of Mr. Pitt, the important question of the Catholic claims remaining open until the year 1829. Therefore, I quite feel that these scruples which I have no doubt generally exist among the Nonconformist body must be respected, but that it is vain, by any arguments I can use at present, to attempt to mitigate their strength.

The taking of the census is a process for the success of which it is necessary to obtain the general and cordial co-operation of the people. We may nominally threaten a penalty, but practically that penalty cannot be enforced; and the only hope of procuring an accurate enumeration of the people either for civil or religious purposes is with their general consent. Now, I have received a report from the Registrar General in which he expresses great alarm as to the effect of any general resistance on the part of the Dissenting bodies to the proposed method of taking the census. He thinks that not only will the religious census necessarily be imperfect if orders are issued from the different centres and governing bodies of the Nonconformist Churches to their members to withhold information—a plan which, I understand, is likely to be adopted, but it is possible that the discontent which would be excited would render the census defective in other particulars; thereby producing evils not limited to the subject immediately under consideration. I hold in my hand a copy of a circular sent out by the London Board of Congregational Ministers, and containing a series of resolutions unanimously adopted at a meeting of ministers held on the 25th ultimo, at the Congregational Library. This document protests against this provision of the Census Bill, among other reasons, "Because they are confident that should this obnoxious requirement be enforced, such numbers of the Nonconforming community will conscientiously decline to supply the information demanded as must necessarily vitiate the entire return." Now the persons who make this prophecy have the power of fulfilling it. Those who predict that a religious census cannot be taken, when it is avowedly one of a merely voluntary character, will have the power of fulfilling their prophecy and impairing its completeness and accuracy. In a matter of this kind it seems to me vain and idle to argue against my hon. Friend the Member for Leeds, who is the master of twenty legions. Under these circumstances, seeing that there has been excited among a large portion of the people of this country, and directed against this proposal, a strong religious sentiment, the sincerity or depth of which it would be impossible to question, although I must be permitted to think it rests altogether upon illusory grounds, I am not prepared to insist on this part of the Bill now before the Committee. At the same time I trust that the reasons I have stated will be weighed by the members of the Nonconformist body, and that having obtained their wishes on this occasion they may be inclined on some future census to mitigate their hostility to a religious enumeration, and to consider, not upon the grounds of instinct or of mere sentiment, but upon more argumentative and rational grounds, the substance of their objections to it. This is not the only country in which the proposal of a census has been met by an unreasoning objection. [*Cries of* "No, no!" *on the Ministerial side, followed by Opposition cheers.*] Well, I withdraw the word "unreasoning," and call it an objection based upon feeling and sentiment. It is well known as a matter of history that the passage of Scripture referring to the census ordered by King David was once very generally regarded as indicating the general impiety of such an enumeration, and I am not sure that the taking of even a general census of the population in many countries of Europe was not delayed for centuries on that account. In other parts of the world there have also been objections to a complete enumeration of the people. In most Mahomedan States there has been an overwhelming repugnance to furnishing information regarding one-half of the population—namely, the women. It has been viewed as a terrible affront to inquire of the Mussulman and some other Oriental nations what was the entire number of the inmates of a house. I find this passage in the work of that

celebrated traveller in the East, Volney, published towards the close of the last century :—

"All the calculations of population in Turkey are arbitrary, because there are no registers of births, deaths, or marriages. The Mussulmans have even superstitious prejudices against the taking of a census. The Christians alone can be enumerated by means of their capitation tickets."

I inquired of my hon. and gallant Friend the Member for Aberdeen (Colonel Sykes), who has devoted much attention to statistical subjects, whether the known objection of the Mussulmans to a census which includes women, had prevented the British Government in India from making a complete enumeration of the population. The hon. and gallant Member told me that he had himself superintended a census of the Deccan; that it comprised females as well as males; that the head of each house made his return, and that this objection had been overcome. That example shows that where an aversion to a particular item of the census exists in any population it may gradually be overcome, and that the progress of inquiry and the increase of intelligence may lead to the removal of prejudices which, at a given moment, are invincible. I think the time will come when the objections which have been so fully stated by my hon. Friend to a religious census will be found to rest rather upon imagination than upon reality. But it is impossible to deny that at present they do weigh with a large section of the people, and that, influencing as they do their judgments and feelings, it is now impossible to carry a religious census into effect with a reasonable prospect of success. Upon that ground, Sir, I acquiesce in the Amendment now before the Committee.

MR. BERNAL OSBORNE: Whatever varying opinions may float through the Committee, I think that as to the remarkable speech which has just been delivered hon. Gentlemen on both sides will be inclined to admit that the right hon. Baronet has been thoroughly impartial. The sentiments he has uttered, as far as I can gather, have somehow or other contrived to irritate and reflect upon every party in this House. ["No, no," *from the Opposition.*] What! are hon. Gentlemen on the other side then quite satisfied with the right hon. Baronet's impotent conclusion? Why, the right hon. Gentleman, before drawing his extraordinary parallel between the Mussulmans of the East and the Dissenters of England, talked of the singular inconsistency of the great body of Nonconformists in this country. I ask any sensible man in this House whether it is true that where sentiment and feeling exist it is impossible there can be reason? Was there ever a speech so full of singular inconsistency as that of the right hon. Gentleman? After supplying the best argnments he could find, and displaying his great research, he told the opponents of his plan that they are such—he did not say "brutes"—but such "Mussulmans" that he hopes they will become more rational in future, and not resist his wise and sensible provision. Meantime, however, says the right hon. Baronet, as you are the masters of twenty legions, and command so many votes, I withdraw my obnoxious proposition. I am very sorry that the right hon. Gentleman has withdrawn the proposition, and given such excellent reasons for retaining it. There was one part of his speech, however, in which he showed more sentiment and feeling than reason. He expressed a wish, why I do not know, to assimilate this country to the continental system. Why, in the world, he should go to the Continent for his example I am at a loss to imagine. He adduced the instances of France and Prussia. Now, we all know that in France the State subsidizes all forms of religion. In Prussia, I believe, it subsidizes but two—Roman Catholics and Protestants; and for this reason, that all who are not Roman Catholics are classed as Protestants, and it is supposed that there are no Dissenters. But what analogy is there between Prussia or France and this country? If the Government of this country subsidized all forms of religion, it would have a right to put this question; but it does not, and a great proportion of the people repudiate its jurisdiction in spiritual matters. Therefore, I say, that it has no right to ask this question. The right hon. Gentleman referred to Spain, but he forgot to inform the Committee that, in that country, it is penal for any one to be a Protestant, and that within the last few days he has received a petition from a Protestant complaining that he was included among the Roman Catholics. The right hon. Gentleman spoke of civilized countries, and seemed to draw a distinction between civilized and constitutional countries. Why did he not go to America, where the manners, institutions, and customs of the people are more congenial with those of England than elsewhere, and tell the House how they take

the Census there? In the last report upon the American Census it is stated:—

"In a previous publication we returned the churches, but without the extent of accommodation or the value of church property, which were not included in the tables, on the ground that it was not probable that they were places exclusively set apart for religious worship. If the object extended no further than the mere ascertainment of churches, the value of the property, &c., there could be little objection to it, but as it is evident that conclusions will be drawn from the results favourable or adverse to the character of the various communities—a matter justly more important than a mere question of bricks and mortar—it cannot be considered a sound one, and ought to have been, as it has been, reversed."

Therefore, it appears that, so far from our brethren in America taking the Census as it is taken in Prussia and France, they take it as was done in the year 1851 in this country. ["No, no."] Not the present census, because they have even altered that. They stand upon the broad ground that no man has a right to inquire the religious opinion of another—the ground on which I resist this most mischievous proposition of the Government. I will not condescend to narrow the question by going into figures. I say that the Government has no right to inquire as to the religious persuasion of any member of the community. The right hon. Baronet entered into a very minute criticism of the Report of Mr. Horace Mann, and endeavoured to discredit the Census of 1851. I was very much surprised to hear him take that course, because the Home Secretary in 1854, the noble Lord now at the head of the Government, when questioned by Mr. Apsley Pellatt upon the subject, said, "I entertain no doubt as to the accuracy of the Returns with regard to all the facts to which they refer, I repose entire confidence on the accuracy of these Returns." Now, forsooth, the right hon. Gentleman the Home Secretary of 1860 gets up and says that these Returns are not to be relied upon.

SIR GEORGE LEWIS: I did not at all dispute the numerical accuracy of the Returns. What I disputed was the accuracy of the method.

MR. BERNAL OSBORNE: So far I am glad to hear that the right hon. Baronet does not now dispute the accuracy of the Returns, but if he does not dispute the accuracy of the Returns of 1851, why is he not satisfied with the system? Why does he give those reasons of sentiment and feeling, instead of arguing the point, which I do not think he has done? He has forgotten that several local inquiries were made into these Returns of the year 1851. The Bishop of Oxford impugned their accuracy, but, after inquiry, he stated in his charge to his clergy in the year 1854, that he was perfectly satisfied of the accuracy of the census so far as his diocese was concerned. Therefore I am surprised that—not here, but in reply to deputations attending in Downing Street—the accuracy of these Returns has been impugned. I believe that an inquiry is now being made into the subject by the National Society, and that every day the accuracy of these Returns is confirmed. This very morning a very long letter has appeared from Mr. Horace Mann, in which he affirms that the accusations have been carelessly made, and goes so far as to say that they are ludicrously false. I do not go so far as that, because I am satisfied that no hon. Gentleman would make accusations which he did not think he could prove, at least, in this House. But I do not think the accusations ever have been proved in this House. I think that the speech of the right hon. Gentleman the Home Secretary was carelessly made, and that the conclusion at which he arrived is not what it ought to have been, considering the tenor of that speech. As far as this proposition is concerned, I object to it on two grounds. In the first place, I object to it as an infringement of religious liberty, because the State has no right to ask the religious opinions of men whom it does not pay or assist in any manner, and who repudiate its spiritual jurisdiction; and, secondly, I think that the statistical facts proposed to be ascertained will prove mere fiction. The noble Lord at the head of the Government stated to a deputation which waited upon him at the Home Office lately, that the only wish of the Government was to ascertain facts which would be important as the foundation of legislative action. That was stated to a deputation from hon. Members opposite, who tendered their allegiance to the noble Lord opposite on condition that this religious profession clause was adhered to, and among that deputation was the real master of twenty legions. On that occasion the noble Lord gave an implied pledge that he would not give up the clause. I believe he said he would stick to it. That does not always mean that a Prime Minister will stick to it; but, at all events, he said that he wished to ascertain facts which would be important as the foundation of legislative action. I say that is impossible to ascer-

tain facts, and that you would only get a great blue-book, containing, not facts, but fictions, under the semblance of Parliamentary authority. For these reasons, and because I think it both unwise and unworthy of any Government to get up sectarian differences among the population of England, which would be the effect of this clause, I heartily oppose it.

MR. HENLEY said, he thought that the Committee ought to have some assurance from the right hon. Gentleman after the announcement he had made of his willingness to omit the words "religious profession" from the Bill that the Government would not use the powers given to them by the Bill so as to carry out any inquiry such as that which was made in 1851.

SIR GEORGE LEWIS said, that there were in the Act under which the Census of 1851 was taken some general words enabling the Secretary of State to add particulars, under the authority of which the inquiries as to places of worship and places of education were made. Those words were omitted from this Bill, and therefore the Secretary of State would have no power to direct inquiries to be made as to any particulars which were not included in the Act.

MR. HENLEY said, he was glad to hear that statement, but he was afraid that the words were still large enough to enable the Secretary of State, either by the form of the schedule or by directions to the enumerators, to include matters of this kind. He should not have been so anxious upon this subject had it not been for the speech of the hon. Member for Leeds, who had dug up a buried controversy, had attempted to defend what no one had accused, and had, with the force of twenty legions, urged the Government to repeat what the right hon. Gentleman the Home Secretary had properly described as accurate in itself, but faulty in its method, and likely to lead to erroneous conclusions. He was still more rejoiced that the Committee had received a public pledge that the Government did not intend to repeat the inquiry of 1851, because the hon. Member for Liskeard (Mr. B. Osborne), after reading from an American document a passage condemning even the enumeration of buildings, had followed it up by insinuating that it would be very desirable to repeat the proceeding of ten years ago. With regard to the mode of taking the census, all that he had heard from members of the Church of England was that if there was to be a religious census at all, this was the proper mode of taking it; that they were perfectly satisfied the Church would come well out of it, but that they were sure that the Dissenters would not consent to it; that the apples would not be numbered, that the proposal would raise a frightful storm, and they wondered how Government could have been so foolish as to put such a proposition in the Bill. The hope that had been expressed, that the Nonconformists would, within the next ten years, become as sensible as Mahomedans was a sort of consolation which would, no doubt, cause the sugarplum which they had just received to be swallowed with much additional zest and satisfaction. As it took some thirty years to remove the conscientious scruples of the Sovereign in 1801, he supposed that it would be at least the same period before the Nonconformists of this country became, in regard to this subject, as intelligent as Hindoos and Mahomedans. For his own part, he had never been able to understand their scruples. Probably if he was a Nonconformist he might, but as he did not happen to have that privilege, he could not understand what difference it could make to a religious body to have it ascertained whether its members were ten or ten thousand in number. There seemed, however, to be an objection to the ascertainments of such facts, and he thought that the Government had good reason for giving way upon this point. The hon. Member for Liskeard was in error in stating that the National Society was making an inquiry to test the accuracy of Mr. Horace Mann's religious census. The statistics which that society was collecting were similar to those which it had collected ever since its foundation; they referred to education, and had nothing to do either with Mr. Horace Mann's figures or with this religious question. All that he hoped was that, now Government had shown such extreme deference to what they called instinctive feeling and conscientious scruples, they would upon educational questions show an equal respect for the conscientious feelings of great bodies of the people. Had the Government adhered to this clause, he should have been glad to have supported it, but as they had given way, he should not oppose its withdrawal.

MR. MARSH said, that religious censuses had been taken in Australia without any objection from the people, but they were as uncertain and as unsatisfactory as they could possibly be. On the last oc-

casion on which such an inquiry was made he had about 300 people in his employment. He never asked them what their religion was, but put down all the Irish as Catholics, all the English as belonging to the Church of England, and all the Scotch as Presbyterians. That was almost the universal rule, except that some persons followed the example of a friend of his, who, having eighty-six servants, lumped them and put all down as belonging to the Church of England. In the Colonies there was, however, a reason for a census of this sort which did not exist in this country. There a certain sum of money was reserved to be divided among all religious denominations, and it was therefore important to ascertain how many members there were belonging to each sect. In England no such reason existed, and therefore an inquiry as to the religious professions of the people was mere idle curiosity, and its results would prove of no practical value or serve any other purpose than to enable some statistical member of the British Association to draw an erroneous conclusion as to the relative numbers of the different denominations. It was remarkable that there were a good many questions to be considered at the statistical congress in the ensuing week, but religious persuasion was not among them. When statistics attempted to deal with things which were not positive and certain, they were almost sure to go wrong. Illustrations of this were to be found in the statement as to the education of prisoners in the gaol calendars and in the weekly statement of the value of goods exported from this country. Prisoners concealed their knowledge in order that their sentences might be mitigated; and in one case he had a servant who had been transported, and who during seven years professed to be unable to read or write, but directly his sentence had expired proved to him that he could read as well and write better than he could. It was very wise of the Government to withdraw the obnoxious portion of this clause. There ought to be a delicacy in asking as to a man's religious opinions, and men ought to act in harmony with the speech of the Irish gentleman in the time of the Prince Regent, who, being asked to what religion he belonged, replied, "In such excellent society as the present I am of no particular persuasion, but when I am at home I am of the old faith." Instead of trying to expose religious differences, they ought to endeavour to conceal them.

LORD ROBERT CECIL said, he did not think that the right hon. Baronet could well have come to any other decision than that at which he had arrived. The Church of England had no reason to regret the course which he had adopted. The victory of instinctive feeling which they had witnessed that day would for ever dispose of Mr. Horace Mann and the Census of 1851; and he hoped that they would never again hear those most fallacious Returns, and the still more fallacious inferences which had been drawn from them, cited in debate. There was a good deal to be said against a census having reference to religious opinions. He did not know what business the State had with the matter; but he wished they had heard a little more of those arguments in the year 1850. When it was proposed to frame the census upon a plan which it was thought might be favourable to the religious body which had the greatest political organization, and could apply the sharpest whip to its members, they heard nothing about the impropriety of examining into religious opinions. Ever since the Census of 1851 was published it had been made the basis of reproaches against the Church of England, and attempts to undermine her position as an Establishment. It was all very well to renounce it now, but it had been appealed to in continual debates with very telling effect. He hoped that after the *exposé* of that day's debate all that would end. The country would now know that it was Churchmen who wished for facts, and Dissenters who did not. The Dissenters had by their conduct admitted that there was something awkward, something they did not wish to be inquired into, in the Census Returns of 1851. If a trader had kept his books in rather an intricate and unusual manner, and when any one proposed to check them he threw up his hands in virtuous indignation and objected to any examination, they would all know what to believe. If a lady was asked her age and declined to tell it, they would all know what to infer from the denial. And so, too, if they asked the Dissenters their number and they did not like to tell them, they all knew what to believe. It would hardly need any facts to show that the Census of 1851 could not in future be relied upon; but he wished to call the attention of the House to the fact that in many cases the congregations of Dissenting chapels were returned at larger numbers than the buildings would hold. At Bradford the Wesleyan Reformers had

a chapel capable of holding 810 persons. The number returned as attending religious worship was 1,061 in the morning and 1,483 in the evening. At Halifax the chapel would hold 400 persons; the numbers returned were 460 in the morning and 526 in the evening. At Leeds the chapel would contain 200; the numbers returned were 650 in the morning, 723 in the afternoon, and 1,030 in the evening. What a crush there must have been! A right rev. Prelate, whose impartiality was well known, and who entertained no strong views upon religious questions, stated in the other House that in his diocese Sunday-school children had been driven from chapel to chapel at various times of the day, and that where two or three denominations had each a chapel they had clubbed their congregations at different services, so that all three might count for each. These were the sort of things which had tainted the Census of 1851 with fraud, and had affixed to it the character which those on his side of the House had always endeavoured to enforce, and which hon. Gentlemen opposite had now stamped indelibly upon it as true. Whatever else might be said, whenever those Returns were appealed to in future, Churchmen would be able to say that they asked to verify them and the Dissenters would not consent.

MR. EDWIN JAMES said, that the obnoxious portion of the clause had not been withdrawn either courteously or generously, because, although the right hon. Baronet made a speech which was rather that of a philosopher than a statesman, there was in it a great deal of sneering and cynical observation upon the Opposition on the part of religious bodies to this census. The right hon. Gentleman said that there was an instinctive feeling or sentiment against this clause, and he likened it to the instinctive feeling which he said animated George III. to refuse to consent to Catholic emancipation. That was a most unjust and unsound illustration. George III. told Mr. Pitt from an instinctive feeling, that his yacht was ready, and that he was prepared to start for Hanover if emancipation was pressed. He might remind the right hon. Baronet that Horne Tooke wrote that what was called firmness in a king was called obstinacy in a donkey, and he therefore thought that this allusion to the instinctive feeling of George III. was an unjust sneer upon a great body of persons who had from conscientious motives opposed this census. The right hon. Gentleman was "willing to wound but yet afraid to strike." Had the provision been proposed by the Conservative party, those who remained of the effete body of the Whigs would have raised the cry of civil and religious liberty throughout the country, and would have made great capital of it; but being in office the right hon. Baronet and his colleagues endeavoured to pass the matter by with a sneer. The noble Lord the Member for Stamford (Lord R. Cecil) compared the compulsion to declare religious opinions with the compulsion of a trader to exhibit his books. Why, a trader was responsible to his creditors for all the property which he had received, and was therefore bound to show his books. Again, the noble Lord, as a sort of satire upon the question, said that if a lady was asked her age she would not answer.

LORD ROBERT CECIL explained that he said, that if a lady was asked her age and did not reply, every one knew what to think.

MR. EDWIN JAMES said, he was told that that was a plagiarism from the noble Lord at the head of the Government, from whom he would not be much surprised to hear such a jaunty sort of expression upon a question of religion, but what had it to do with the question before the House? He was sure that every one would rejoice that this obnoxious clause had been withdrawn; but it appeared to him to have been withdrawn in a manner which was most ungracious to religious bodies who opposed it from an instinctive and natural feeling, upon which the Whigs, if in Opposition, would have traded, but at which, being in office, they sneered.

MR. NEWDEGATE said, he wished to protest against the expression which had been current in the debate that the Legislature had nothing to do with religion. That never had been true in this country; neither under the Commonwealth, nor under any form of monarchy. It was entirely untrue to say that the Legislature of England, which had to provide so many things essential for religious worship, had nothing to do with religion. The example of the United States had been referred to; but in the United States there was no Established Church; nor did the present condition of that country invite the imitation of England. It was well known that he had much community of feeling with the Protestant Dissenters; that his sympathy for them were very great, and that he would be no party

to anything calculated to injure or reflect on them. He should not have been surprised at the Roman Catholic party objecting to a religious census; but he confessed he was both surprised and pained at seeing the Nonconformist body object in so arbitrary a manner to furnishing the necessary information, which could only be obtained properly by means of the census. However, as the proposal contained in this clause could not be carried out, he was satisfied that the next best thing was now to be done. We were in the Census to have no specific information at all with regard to religious persuasions, but were to rely upon other natural sources of information—the registries of births, marriages, and deaths. He believed that the Returns of 1851 with respect to religion were entirely fallacious, and therefore rejoiced that they had been given up, as they could not be improved in the ensuing Census. An attempt had been made to draw a parallel between the conduct of the Dissenters on that occasion, and that of those who opposed Catholic Emancipation; and reflections had been cast freely upon those, and the memory of those, who opposed that measure. Yet, it had recently been admitted by the leading organ of public opinion, the intelligence and power of which were well known throughout the world, that the proceedings of the opposition to Catholic Emancipation had been too surely justified by the event. The memory of King George III. and of his faithful adviser, Lord Eldon, had been vindicated from the imputation of unreasoning bigotry. Of the sincerity of that Sovereign's convictions no doubt was ever entertained; for it was well-known that he would have abdicated rather than assent to that measure. His political foresight was now respected. He trusted that a better temper would be manifested by the Roman Catholics, and that there would be a revival among them of national feeling, as contradistinguished from a blind submission to the behests of Ultramontanist faction. In conclusion, while he regretted that the Government did not feel themselves strong enough to insist upon the retention of that part of their Bill which related to religion, he tendered them his best thanks for sweeping away the erroneous Returns of 1851.

SIR MORTON PETO said, that if the right hon. Gentleman, the Home Secretary, had possessed, among his other attainments, a knowledge of the history of Nonconformists, he would not have made the speech which he had addressed to the Committee upon the present occasion. The right hon. Gentleman had referred them to the Continent for examples worthy of imitation. He (Sir Morton Peto) had had some experience of the Continent; and in Austria, which had a *concordat* with Rome, none of his agents were permitted to have a Roman Catholic servant, because they were assumed to be Protestants. It was sometimes assumed in that House that the Roman Catholics alone were persecutors; but on a recent visit to a Protestant State in the North of Europe, he found thirteen persons belonging to the same denomination as himself were imprisoned, and compelled to subsist upon bread and water, simply because they had a decided religious conviction. The accuracy of the Census of 1851 had been impugned; but he believed that any inquiry which might be instituted into that question would result, as previous inquiries had resulted, in showing that the Census of 1851 was substantially correct. Why should Dissenters be compelled to make a religious confession to a Government from which they derived no assistance in religious matters? They had no objection, as far as he was aware, to give the number of their places of worship, the amount of accommodation provided in each, and even the number and description of their schools; and he maintained that it would be unjust to require more of them. He was glad the subject had been debated, though he regretted the spirit in which it had been treated by the right hon. Gentleman, the Home Secretary, by the character of whose remarks he felt, as a Nonconformist, that he had been personally insulted. There was no body more devotedly loyal to the Crown, more anxious for the welfare of their fellow-subjects, or even more ardent in their support of the Government to which the right hon. Gentleman belonged, than the Dissenters of England. It was, therefore, to be deplored that the Home Secretary should have deemed it his duty to pass upon them a gratuitous insult. He would not continue his remarks, inasmuch as Government had thought fit to withdraw the obnoxious part of the clause; but he thought that Churchmen and Dissenters had a higher duty than quarrelling as to their relative numbers; and that when inquiry was made in the country as to the various places of worship, they would find that over and beyond all there was a large outlying population, who were neither Church-

men nor Dissenters; and instead of Churchmen and Dissenters quarrelling as to which was the most important body, let them coalesce to bring back these wandering sheep to the fold of Christ, and in a Christian feeling, laying aside all spirit of antagonism, let them act together for the benefit of the entire community.

MR. FRANK CROSSLEY said, he could not compliment the right hon. Gentleman the Home Secretary upon the good grace with which he had yielded to the pressure to abandon the proposal. Indeed, he could not help saying that he had done a right thing with a bad grace. He had withdrawn an objectionable proposition, but he had also clearly intimated that nothing but the force of numbers could have induced him to give way. Yet there were very strong and cogent reasons why Dissenters should refuse their assent to a religious census. The Government had no right to inquire into a man's religious profession, and if they had a right to demand what his faith was, they might claim an equal right to know how he observed its teachings. In reference to the remarks of the noble Lord opposite (Lord Robert Cecil), he wished to point out that in many chapels numbers of persons were compelled to stand during the whole service, and were crowded in the building just as hon. Members were crowded in that House during an important debate; and just as the House, with sittings for only about 200 had 650 Members, so several chapels held a far greater number than the regular seat accommodation could provide for. He thought it very desirable that the numbers belonging to each denomination should be known, and suggested that either the principle of 1851 should be adopted, or that the number of places of worship and the numbers of seats should be ascertained, so as to obtain an approximation to the results.

SIR JOHN TRELAWNY said, he believed it could be shown that if people were compelled to make a public confession of their religious opinions, the result would be in some cases to inflict upon them great hardships in a social, and even in a legal point of view. Some years ago a man in the West of England was sent to prison for a period of one year and nine months for having written some words upon a gateway expressive of his religious convictions. Subsequently, upon the attention of the Home Secretary being called to the case, the punishment was remitted; but still the fact remained that the public statement of opinions which might be thought heterodox in some particulars might expose even a well-meaning man to heavy pains and penalties. Again, if a man were to describe himself, in compliance with an Act of Parliament, as of no religious opinion whatever, would he not disqualify himself from giving evidence in a court of justice? The Americans contented themselves with obtaining an account of the churches and other places of worship belonging to all religious denominations, and the number of persons they were capable of accommodating. Similar facts might be gathered in this country from the authorized publications of the different Dissenting communities, and he thought the Home Secretary would do well to have them compiled for the information of the public generally.

MR. MONCKTON MILNES said, he rose for the purpose of expressing a hope that, notwithstanding the over-learned, but perhaps not over-lively, speech of his right hon. Friend (Sir George Lewis) the great Dissenting bodies would rightly understand the spirit in which these words were proposed and the spirit in which they were withdrawn. He trusted that it would be understood by every body of persons in the country that the words were inserted because it was thought that the results of the provision they introduced would prove exceedingly useful to the legislation of the country, and that its withdrawal was due to a becoming deference to a strong expression of opinion on the part of Dissenters. When the whole of the grants for education which were annually voted by Parliament depended upon the fact of there being large Dissenting bodies who proclaimed themselves as such, and as such desired and received Government aid, it could not be said that an accurate account of the numerical strength of each denomination would be an entirely worthless document. He could not sympathize with the feeling that induced a man to decline to state his religious profession, because he believed England to be the most religious country in the world, and religious profession was perfectly consistent with the spirit of this country. Allusion had been made to the time when religious opinion carried with it civil disability, but even in the worst times of persecution the English people boldly avowed their religious opinions, and it was a proof rather of a decline than of an advance of religious sentiment that there should be an indisposition on

the part of any considerable body to make the same declaration. At the same time he thought that in the face of the opposition which existed Government had done wisely in withdrawing the clause.

MR. MONSELL said, he sincerely hoped the Government would not pursue the same course in regard to Ireland as they proposed to adopt in regard to England. In Ireland no difficulty whatever would exist in obtaining a religious census. Every one had a religion of some kind, and no one was ashamed to avow it. It was absurd to say that they could ever arrive at any conclusion worth having, unless they took a correct religious census of the people, and he hoped the Government would insert a clause in the Irish Census Act, not only authorising, but directing the Lord Lieutenant to take steps for the purpose. The real meaning of the opposition in England, besides the conscientious conviction, lay in the idea that the floating masses of the people, of no particular religious persuasion, would, if there was a religious census taken, be all put down to the Established Church.

MR. CARDWELL said, he was happy to say that the announcement made by the Government of their intention to discontinue the prohibition against the taking of a religious census in Ireland had not excited the smallest opposition in that country. On the contrary, so far as his information went, it was the universal desire that such a census should be taken. The Government intended, therefore, to take it, and when the Irish Bill came to be discussed in Committee he should consider the propriety of introducing words to that effect.

SIR JOHN PAKINGTON: Before I touch upon the question immediately before the Committee, I cannot refrain from congratulating hon. Gentlemen opposite on the additional proof we have this day received of the unanimity and subordination to their chief which prevail among the occupants of the Treasury bench. A few days since we heard the Chancellor of the Exchequer turning into open ridicule the statements and intentions of the Prime Minister; while at the commencement of our proceedings to-day the Secretary of State for India presented a petition, couched in the strongest language, against the proposed religious census, adding, in defiance of our rules, an emphatic declaration to the effect that he cordially concurred in that condemnation. That is to say, the right hon. Gentleman cordially concurred in condemning a proposition brought forward by Her Majesty's Government, to which he, therefore, was a party, which the noble Viscount the Prime Minister, in answer to a deputation, has openly approved, and which the right hon. Gentleman the Home Secretary has to-day advocated in clear and forcible terms. One of the public journals has described a recent speech of the Chancellor of the Exchequer as a "frantic indecorum;" I am not sure that the escapade of the Minister for India should not be included in the same category. With respect to the omission of these words in the Bill, I must express my deep regret that we are not to have any census of religion. This I regard as a great misfortune much to be deplored, and I cannot help thinking that the Protestant Dissenters of this country and their representatives in this House will be sorry for the course they have taken on this subject. I am free to use this language, because I am not aware that I ever said anything approaching to disrespect of my Dissenting fellow-citizens; on the contrary, I have again and again expressed my sincere convictions that we, Christians of the Church of England, are deeply indebted to our Dissenting brethren for the manner in which they have filled up that vacancy which exists in the means and administration of the Church of England, and, therefore, I never hear a discussion like this without regretting that we Protestant Christians do not think more of the substance of our Christianity, and less of forms. Upon this subject I have watched the proceedings of the Dissenters with astonishment. I came down to the House to hear some satisfactory reason given for the course they have pursued, and I listened with attention to the speech of the hon. Member for Leeds; but that hon. Member said nothing which I could qualify as being like a reason. I concur entirely with what fell from the right hon. Gentleman the Home Secretary on this subject; and it seems to me that the Protestant Dissenters are now trying to stop a purpose of great public importance without being able to assign anything like a fair reason for their conduct. Therefore, I am bound to express my belief that they are actuated by what I cannot call by any higher expression than a matter of prejudice. A friend of mine put into my hand a letter from one of his constituents, in which the writer declares that "when a Government official

asks me my religious profession, he is guilty not only of impertinence but of insult." How are we to account for such extravagant ideas? We have been told to-day that the Roman Catholics have no objection to make a declaration of their religion; but, on the contrary, desire to do so. We of the Church of England—no small body numerically in this country—likewise have no objection to make such a declaration. If any man were to come to me officially, and were to ask me my religious profession, I should have no more hesitation in saying that I was a member of the Church of England than I should have to acknowledge that I was a Member of this House. I can see no insult or offence in the question, and can feel none. I can only account for the part which the Protestant Dissenters take in one way, and that is by believing that they are afraid of the results of the examination. I can see no other rational mode of accounting for the unreasonable outcry they have raised than by supposing that they are afraid of being found numerically not so strong as they claim to be, or as they were made to appear by the last census. When I say this, let me distinctly state that if any charges of unfairness are made in respect to the mode of taking the religious part of the last census, I do not participate in them; but I concur in the statements made as to the defective method then adopted, and am glad to hear that the Government have no intention to repeat it. I believe the results were, however unintentionally, unfair towards the Church of England, and the hon. Member for Leeds has to-day given a proof of this. The hon. Member spoke of 14,000 places of worship connected with the Established Church, and 20,000 places of worship connected with the Dissenters; but my belief is that the number of 14,000 places of worship, as being the amount connected with the Established Church, is a very great understatement. I speak from memory, but I believe that there are in England and Wales some 11,000 or 12,000 parishes ["More, more!"] and that in consequence of the divisions and districts the number of benefices in connection with the Church of England is not less than between 18,000 and 19,000. Therefore, if the last census only gave the result of 14,000 places of worship, that was a manifest understatement and injustice to the Church of England. A census for religious or any other purposes should be accurate and reliable, but the last census was not so. I very much wish that the religious statistics of the country could be ascertained, and the Protestant Dissenting body have incurred serious responsibility by the unreasonable determination they have come to that this useful information shall not be communicated to Parliament. Then comes the question whether, entertaining these views, I shall be disposed to divide the House for the purpose of maintaining the words in the clause. I think it would be very injudicious to do so. If I find fault with the Government at all, it is not so much for withdrawing the words in question as, in the first instance, for withdrawing the penalty. I do not say that, with the powerful opposition from the Dissenting body, they could have proceeded with the penalty; but when the penalty is withdrawn it becomes a matter of option to state the religious profession, and therefore no reliance could be placed on a return so made, especially after the opposition manifested against it. I am not disposed to blame the Government for the course they have taken to-day. I rather thank them for the intention they entertained to give this information; but I think the responsibility must rest with the Protestant Dissenting body, who have taken their course with such vehemence and unanimity. Though we might charge the noble Lord at the head of the Government with using language on a former occasion inconsistent with the course taken by the Government to-day, I am not disposed to do so, and am not surprised that the noble Lord should regard the opposition now manifested as constituting a change of circumstances, and a reason for a change of conduct.

VISCOUNT PALMERSTON: I think my right hon. Friend the Secretary of State for the Home Department has been very unjustly accused of attempting to cast some insult on the Nonconforming body; for it is only by a perversion of the meaning of an argumentative illustration he has used that such a charge could be supported. I entirely concur with my right hon. Friend the Secretary of State, and with the Member for Leeds in thinking that there is value and utility in a religious census. I mention the hon. Member for Leeds, because in the latter part of his speech, he elaborately and successfully showed the utility in embracing in statistical information the gradual progress of religion. I entirely concurred with my right hon. Friend as to the ex-

pediency of putting into the Census a religious enumeration; and it never occurred to my mind that it was an inquiry which any person, whatever might be his religious opinions, could reasonably object to. I quite deny that it was to be an inquiry into the shades and grounds and character of every person's religious opinion; for inquiring of each individual to what denomination he belongs would be only like asking in what denomination he was christened; in which he was brought up; if married, where he was married, and where he intended to be buried. These are questions of fact; and it was not intended to ask as to the intensity or shade of a person's belief, but simply to record the fact to what denomination of Christians he and those belonging to him professed to be attached. My right hon. Friend has shown that there is nothing in the question which was proposed to be asked by this clause that need cause any man to refuse an answer, and he stated, in illustration of that opinion, that numerous petitions have been presented, which an immense number of persons have signed, describing themselves as belonging to some one denomination or other of the Christain Church. Therefore, I concur in thinking that there is not a shadow of reason in the objections taken to calling upon persons to record their religious profession. I differ from the right hon. Baronet (Sir John Pakington) in his opinion that the intention which we have announced to take away the penalty for not answering the religious question, at all strengthens the case of those who object to the declaration of religious profession. It did appear to me that there was a fair objection to the penalty, and I certainly should have imagined that when the penalty was taken out of the Bill, and the declaration was left optional, every ground of objection on the part of the Nonconforming body had been entirely removed. The question then was put on the Dissenters' own ground—that of the voluntary principle, and I should not have conceived that they would have the slightest cause to object to such an arrangement. I have said that I concurred with the hon. Member for Leeds in thinking that there is value in a periodical enumeration of the different sections of the Christain Church, but I do not agree with him as to the mode of obtaining the information, because nothing could be more entirely fallacious than the mode adopted in 1851. You may say, perhaps some valuable information may be given by the enumeration of the different buildings devoted to Divine worship by different denominations. That may be an enumeration of considerable importance, and may be obtained, I believe, through the medium of the registration; but to ask, as was done in 1851, how many people attended on a given Sunday in different places of worship would procure no information from which any useful conclusion could be drawn. You might get an enumeration of how many people attended Divine worship in the morning, afternoon, and evening; but how do you know that they were not the same individuals who attended these several services in some places, and entirely different congregations at each service in others? No inference of value could be drawn from such information, and therefore I entirely protest against adopting such a mode, attended with trouble and leading to no reasonable conclusion. I concur with the right hon. Baronet in regretting extremely that this objection has been so strongly taken up by the Nonconforming body; and it is impossible to deny that their opposition lays them open to suspicions, as to the motives which have given rise to it. With respect to the enumeration of 1851, I do not believe that there was any fraud practised, but I cannot but think that there is no truth whatever in the conclusions which have been drawn from it. I did not expect there would be so strong an opposition on the part of the Nonconformists to the proposition of the Government, but, at the same time, I quite concur with my right hon. Friend that the opinions and feelings of so large, so highly respectable, and valuable a body of men, placed as they have been on a religious principle, are entitled to respect, and therefore the Government would, I think, be much to blame if they persisted in calling on the Committee to retain in the Bill words to which such strong objection has been taken. Nevertheless, with all respect to the Nonconforming body, I still entertain the opinion that their objections—however founded, in their own mind, on religious principle—are not borne out by any reasons that will bear the test of argument. We defer to their feelings, but we cannot assent to their reasoning.

MR. WHITESIDE said, the noble Lord, and the right hon. Gentleman the Secretary for the Home Department, had given excellent reasons for pursuing the course they had abandoned. He had been charmed with the language and argument of the

Home Secretary. How convincing were the facts, and how well arranged the matter! But, after being convinced by the right hon. Gentleman, he was disappointed to hear that the right hon. Gentleman was about to withdraw a proposition so satisfactorily supported. It appeared from the statement of the noble Lord at the head of the Government, that the Dissenters had not a shadow of reason for the course they had taken; and yet they were to succeed in their object; so it might be concluded that when they had good reason on their side they would fail. At present, however, whether the Dissenters were right or wrong, it appeared that they were too powerful for the Ministry to withstand, and were enabled to dictate their own terms to the Government. It was said by the hon. Member for Leeds that it was decreed that the Church of Christ was not to be subject to the Government. [Mr. BAINES: In matters of religion.] He had always understood it to be the duty of the Christian Church to be subject to the State: such, at all events, was the interpretation which he drew from the Sacred Writings. It must not be supposed that the Church of this country objected to a proper religious census. He had been applied to by a clergyman in Staffordshire to press for such a census; for this clergyman stated that, at the last census, his parishioners, being much engaged at the time in the glass-works, absented themselves, in consequence of their unwashed condition, from the church on the day of the taking of the Census; so that they were not put down in the account. Yet, if they were asked how they would be enrolled, they would reply, and truly, that they were members of the Church of England. When the Church-rate question was under discussion, the Church of England had been described as a sect; but no one would be persuaded that that was true, when he stated that 80 per cent of the women of England were married in the Church. That was a great fact; for, with that part of the population on the side of the Church, the other part would be sure to be brought round. He saw, also, among the papers he had occasion to examine that 78 per cent of the children at school, were in schools of the Church of England. That was a good fact; and another fact was, that the Dissenters were afraid of a religious census. When, therefore, he was told of the number of the chapels of the Dissenters, and the Church of England was being turned into a sect, it was his firm determination, with all respect to the person who made the statement, not to believe a word of it. Why should he not say, "I am Protestant, and belong to the Church of England?" He had said so all his life; and yet the Dissenters, when they came into this House, and were asked to say that they were the same men out of it as in it, complained of the question as being an offence. With respect to Ireland, the right hon. Gentleman, the Secretary for Ireland, had risen with alacrity to inform the right hon. Gentleman, the Member for Limerick (Mr. Monsell), that the words "religious profession," which had been struck out of the English Bill, should be introduced into the Irish Bill. Now, it should be recollected that those words were not at present in the Bill for Ireland. Why, then, did the right hon. Gentleman evince so great an eagerness to place Ireland on a different footing to that of England in respect to the Census? He believed the people of Ireland to be less than 6,000,000 at that moment. He also thought that the Roman Catholics were sincere in their desire to have their religious profession enumerated in the Census Bill. The Presbyterian body he believed to be equally anxious for that course. The Episcopalians were not ashamed to rank among the members of the Church of England. Nevertheless, he objected most strongly to the principle of legislating for a common empire upon different principles. They were willing to have one common census for England and Ireland. He should, therefore, claim for himself the right of objecting to any measure for Ireland framed upon a different principle to that for England.

MR. CARDWELL said, he wished to explain. The Irish Act of 1850 adopted a different mode of taking the Census, inasmuch as the Government of that day availed itself of the assistance of the constabulary in the collection of that Census, and the Return for Ireland was more complete than that for England. In the Act of the present year the Government had followed *verbatim* the law of 1850, except so far as omitting the prohibition of taking the religious census. When he gave notice of the Bill he stated, however, to the House that it was his intention by that measure to take a religious census.

LORD JOHN MANNERS said, it was stated by the right hon. Gentleman the Member for Limerick (Mr. Monsell), that nobody in Ireland objected to the religious

census. He wished, therefore, to ask the hon. Member for Leeds whether there were any Protestant dissenters in Ireland, and if there were, why they did not share the conscientious scruples of their co-religionists in this country with respect to the religious provision of the Census Bill?

MR. DAWSON intimated that a Report had been presented to the General Assembly in Ireland that a deputation had waited upon the Chief Secretary in Ireland for the purpose of expressing their desire for a census to be made of the religious denominations in the country.

MR. BAINES said, he would appeal to the Committee whether he had allowed a word to drop from him that could have conveyed the slightest offence to any hon. Member of that House. He studiously avoided saying anything that could wound the feelings of any Gentleman. He wished he could say that the speech of the right hon. Gentleman the Secretary for the Home Department had been as inoffensive to the Dissenters as his (Mr. Baines') arguments were towards the members of the Church. That speech of the right hon. Gentleman was, in his opinion, contemptuous and discourteous towards the Dissenting body, describing them as it did as being deficient in the faculty of reason. When the right hon. Gentleman was conscious that that body constituted 5,000,000 of the population of England and Wales, and formed the great strength of his own party, he (Mr. Baines) did not think that that was the language which the right hon. Gentleman should have used towards them. In reply to the question of the noble Lord opposite (Lord John Manners), which was one that would better have been addressed to an hon. Member for the sister country, his information only enabled him to say that there was a considerable body of Wesleyans in Ireland, and he believed that they objected to the form of inquiry it was proposed to introduce. It was absurd to say that Dissenters were afraid of such an inquiry, but they felt that there was a great difference between the admission of right in the Government to make such inquiry, and one founded upon the free will of the people themselves. He had himself given notice of an Amendment, which he believed would produce the most accurate Returns that could be obtained of the religious opinions of the people generally. He repudiated the allegations that had been made of any wish on the part of the Dissenters to conceal their numbers.

SIR CHARLES DOUGLAS said, he could not allow the debate to close without expressing his satisfaction at the result that had been arrived at. He did not believe it was a fact that the Roman Catholics of this country were indifferent on this question. He knew from communications which he had in private with many persons, that the Roman Catholics would object to any declaration of religious profession as much as any other body of men. It had been said that the members of the Church of England did not object to the question of religious profession being stated; but he thought that they would be taking a very short-sighted view of the case if that were true, and he believed it was for the interest of the Church that details of this character should be suppressed.

Amendment *agreed to;* the words "religious profession" *struck out.*

MR. CHILDERS said, that in the Irish Census the state of education of the population was taken, and he thought it desirable the same should be done here. With that object, he moved in line 29 the insertion of the word "education."

SIR GEORGE LEWIS said, he was afraid that the insertion of that word would convey no intelligible meaning as to the kind of return required. Before sitting down, he wished to reply to the statement which had been more than once made during the debate, that he had offered an intentional insult to the Dissenters of this country. Now, he was not aware what part of his remarks was open to any such interpretation; and he was quite unconscious of having intended any such insult, or of having used any expressions which could be fairly construed into an insult. There appeared to be great sensitiveness in the minds of many Dissenters on the subject of the proposed census. He was at a loss to know what he had said which could be taken as an affront to them, for the expressions which he attributed to the Dissenting body were in many instances used by their own representatives and organs. The hon. Member (Mr. Baines) thought it uncourteous and unfair to say that there was a want of reason in the objections urged by the Dissenters. In stating the grounds on which the Government had submitted their proposal, he had certainly said that these were reasonable grounds; and having examined the objections taken on the other side, he had also said that, in his opinion, they were not

founded on reason, but, according to the statement of the Dissenters themselves, rested rather upon feeling than upon argument. That was not his expression; it was used by the hon. Gentleman himself. Was there anything improper or unfair in this treatment of the subject? As hon. Members knew, this was not the first time that faith and reason had been opposed to each other. The greatest advocates of religion had maintained that it was impossible to scrutinize faith by the light of pure reason. He gave the Dissenters credit for being animated on this question by a strong, fervid, and sincere religious feeling; but he must be allowed to retain his opinion that their objections to the proposal of the Government were not founded on reason.

Amendment *negatived.*

SIR JOHN TRELAWNY proposed at the end of the clause to add the following words, taken from the American Census instructions:—"And of all places where educational instruction is imparted to the youth of the land."

SIR GEORGE LEWIS said, the propriety of including educational statistics in the census had been considered before the Bill was introduced. The fact was that the Education Commissioners, who had made extensive inquiry on this subject, had obtained educational statistics extending over a considerable part of the United Kingdom, the sum of £10,000 being assigned to them for defraying the cost of their inquiries. They would report upon the subject in full, and the information which they had procured would be quite sufficient, he believed, for all practical purposes. That being so, the Amendment was unnecessary.

MR. ADDERLEY reminded the Home Secretary that the Commissioners had only taken certain selected districts of the country.

SIR GEORGE LEWIS said, their statistics, though certainly incomplete, would be sufficient to serve as a guide for the whole country.

MR. ADDERLEY said, he thought the Amendment too valuable to be dismissed without more consideration. By a recent Act certain employers would be prevented from engaging the services of boys except on production of a certificate that they had attended school, signed by a competent schoolmaster. The information elicited by the hon. Baronet's proposal would afford valuable assistance in carrying that Act into effect, whereas the statistics of the Commissioners would not supply what was requisite.

SIR GEORGE LEWIS replied, that if the Amendment were adopted the information obtained would not individualize the schools; it would enumerate, without describing them, and would not assist in the administration of the Mines Regulation Bill. To do that it would be necessary to have a complete register of schools, not taken at intervals of ten years, but renewed from time to time. Hon. Members who desired to engraft upon the Census Bill provisions for securing educational statistics must remember that the operation was an expensive one. The enumeration, the printing, and the digest of the proposed educational statistics would probably add not less than £30,000 or £40,000 to the cost of the Census, which, as it was, would amount to more than £100,000. Believing that the grant made by the Treasury to the Commissioners would elicit sufficient information for all practical purposes, he was not disposed to allow a new inquiry of this nature.

LORD JOHN MANNERS observed, that as there was no religious, there should be no educational census.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to;* as was also Clause 5.

Clause 6 (Enumerators to take account of Houses, &c., and to distinguish the Boundaries of Parishes, Boroughs, &c.).

MR. CAIRD moved in line 31, to insert after the word "division" the words "with particulars as to the number of rooms having windows in each house." There could be no better means of coming at accurate information as to the material improvement of the people than by inquiry as to the improvement that had taken place in their dwelling-houses.

MR. ROEBUCK said, that one great objection to the window tax was that it caused an intrusion into private houses. He believed that if an enumerator went into a house to count the windows in each room, he would stand a good chance of being summarily ejected.

SIR GEORGE LEWIS said, that the Government had consulted with those who had managed the Census in former years, and were advised not to insert any particulars in addition to those which they had put into the Bill. Besides this he did not think the information sought for by the hon. Gentleman would be of any practical use.

MR. CAIRD said, his object was not to obtain an account of the number of dark rooms in a house, but the number of openings which it had for the admission of fresh air.

Amendment *negatived.*

Clause *agreed to;* as were also the remaining clauses.

MR. BAINES proposed a clause requiring returns of all places of worship, schools, and educational establishments, similar to those obtained in the Census of 1851, under the heads of "Public Worship' and 'Education.'" He made this proposal because he was of opinion that it was desirable to have the fullest and fairest census —religious and educational. At the same time, it was not his intention to divide the Committee on that subject. He thought the clause of great importance, and gave it up with reluctance, in deference to the opinions of others.

Clause *negatived.*

MR. BLACKBURN said, he hoped that in the Scotch Census Bill, a similar clause to that which had originally stood in the English Bill, for obtaining information as to religious professions, would be inserted. The members of the Established Church of Scotland would have no objection to it, and if the Dissenters objected, they could state their objections when the Bill came before the House.

MR. CAIRD said, he had received strong representations from Dissenting bodies in Scotland against such a clause.

MR. DUNLOP had received similar representations.

SIR GEORGE LEWIS said, that his right hon. and learned Friend the Lord Advocate would state what course the Government intended to take with reference to the Scotch Census.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

CENSUS (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3 (By whom account to be taken).

MR. MONSELL moved to insert the words "religious profession."

MR. HADFIELD said, it was strange that Ireland should be the only country from which a Return was to be obtained of the religious profession of the population. The words did not appear in the Bill of 1850.

Motion *agreed to.*

Clause *agreed to;* as were also the remaining Clauses.

House adjourned at six minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 12, 1860.

MINUTES.] PUBLIC BILLS.—1ª Dominica Hurricane Loan; Admiralty Court Jurisdiction.
2ª Indemnity; Local Taxation Returns.
3ª Law and Equity.

INDIA—PRIZE MONEY.—QUESTION.

THE EARL OF ELLENBOROUGH said, he wished to ask the Lord Privy Seal, Whether he was in a position to state the cause of the delay which had arisen in the distribution of the booty taken by Sir George Whitlock's force at Kirwee. The circumstances were these. Kirwee had been in the possession of two chiefs named Nardain Rao and Madho Rao, relatives of the late Peishwah, and cousins of Nana Sahib. On the occurrence of the outbreak or mutiny they declared themselves against us, cast fifty guns, raised troops, and corresponded with Nana Sahib, gave assistance to the defeated troops of the Nawab of Banda, and were in all respects rebels. On the advance of Sir George Whitlock their force dispersed, and they ultimately gave themselves up. That was on the 3rd of June, 1858, and all their property was taken possession of by the British troops. The treasure found in their palace amounted to a large sum. They had in coin and bullion £430,000, and jewels of the estimated value of £300,000, in addition to a sum of £90,000 which they had plundered from the ryots. The latter amount was paid over to Mr. Commissioner Mayne, of Banda. They possessed also £325,000 in the Government 5 per Cents, which were confiscated. The sum of £430,000 and the jewels were placed in the treasury at Allahabad; the money was credited to Sir George Whitlock's force, and 5 per cent interest was allowed. Not one rupee of the amount, however, had yet been distributed, it remained in the treasury; and, like many other sums over which the State had no honest control, he was afraid it had figured in the statement of Mr. Wilson as money which might be disposable by

the Government so as to enable them to dispense with a further loan. The Governor General stated early in 1858, or towards the end of 1857, that all movable property of the rebels, such as was ordinarily treated as prize, was in this case to be so considered; but to this hour he had never seen any Order in Council—and if any such existed he was totally unaware of it—declaring under what conditions the booty taken in India was to be distributed. He must say that in this case, as well as in that of the Delhi and Lucknow prize money, a very great want of consideration for the army had been shown by the authorities. Such a state of things was of great public detriment. It was considered in a certain degree to have contributed to that lamentable catastrophe, the mutiny of one half of the local European army, an event most deplorable in itself, but still more deplorable from the course which Her Majesty's Government had pursued in consequence of it. In reference to this subject he would read to their Lordships a paragraph from the one of the papers laid on the table on the subject of amalgamation of the two European armies:—

"For years past a painful conviction had pervaded the army that the Government had not behaved fairly to it in the matter of prize, a conviction which led to the destruction in Lucknow alone of property to the extent of many thousands of pounds, to the destruction, indeed, of all frangible property which could not be appropriated by the captors, who (and the men were not Company's soldiers) declared 'Government should make nothing by it.'"

This was the state of feeling which was produced in the army by a neglect of their interests. The soldier was naturally desirous to possess at once that which he had gained, sometimes to be at once employed—in many cases to be sent home to his family. Certainly nothing could be more important to the public interest than that the sums gained gloriously in war should be at once distributed to the soldiers. It was as necessary for the Government of India to be on good terms with the army, as it was for the Government of England to be on good terms with the people, for it was by the army alone that we maintained that empire.

THE DUKE OF ARGYLL said, that having received notice of his noble Friend's question, he made application to the Secretary of State for India, and the answer he received was that no report whatever had been received by the Indian Government with reference to the distribution of booty in question. His noble Friend was aware that the Secretary for India had no power to move in the matter, that the Indian Council were the ordinary judges in the matter of prize, and that the home Government could only review. He had received no information whatever of the circumstances connected with the capture of Kirwee.

THE EARL OF ELLENBOROUGH said, this statement of the noble Duke showed that the state of things was a great deal worse than he had supposed. There was booty captured to the extent of £1,150,000 so far back as June, 1858, and yet, not a word respecting it had been sent to the home Government.

LORD MONTEAGLE said, this was only one of a series of disrespectful acts of the Indian Government towards Parliament. In the face of the statutory law, which called for an annual production of all matters relating to the Indian revenue, they were left for years and years in perfect ignorance of these affairs. When his noble Friend was connected with the India Board he was at great pains to obtain the information—in fact, he was bound to do so, because he and the noble Earl were parties to the passing of the Bill which compelled the Indian Government to furnish information. But this was the second year in which he called their Lordships' attention to the wilful neglect and contemptuous disregard of their statutory duty which the Indian Government exhibited. This year there was not even that attempt at excuse which was made last year for the neglect of the form in which these accounts were to be furnished. He thought the Government at home were in some measure responsible for this contempt and disregard of the statute law.

THE DUKE OF ARGYLL said, that the last time the noble Lord complained of the non-production of these accounts the noble Earl opposite declared that it was physically impossible to furnish them in the time. Whether that were so or not, this matter now under discussion had nothing whatever to do with those accounts.

THE EARL OF ELLENBOROUGH: The Government of India is better off in cash by pretty nearly a million, to say nothing of the paper money, than it was before, and has never said a word about it.

LORD MONTEAGLE: And they are bound to give us all information as to their finances.

JEWS ACT AMENDMENT BILL.

COMMITTEE.

Order of the Day for the House to be put into Committee on the Jews Act Amendment Bill read.

LORD LYNDHURST said, that when first this Bill came up from the other House it was not his desire to have anything to do with it. He certainly did not approve the form in which the Jewish Disabilities Bill went down to the other House, but he did not think it respectful to their Lordships to ask them so soon to reverse their decision. When, however, he found that the Amendments which he suggested and which he now intended to move would be assented to, he consented to take charge of the Bill. It was their Lordships' intention, in passing the Jewish Dissabilities Act, that a Resolution by the House of Commons should become a permanent provision. It turned out afterwards that the House of Commons had no power to make such a provision permanent and that the Resolution must be renewed every Session. To obviate the inconvenience it was thought that the Resolution might be turned into a Standing Order. But the Speaker was of opinion that the House of Commons had no power to convert a Resolution originating in an Act of Parliament into a Standing Order. This Bill did not go further than to carry into effect the intention of their Lordships, and to enable the House of Commons to convert the Resolution into a Standing Order. The Amendment which he should propose in Committee would be this—

"Whenever the House of Commons shall order that any Resolution, pursuant to the first Section of the said recited Act in the same Session, shall be a Standing Order of the House, any Member professing the Jewish religion may thenceforth be sworn pursuant to such Standing Order as long as the same shall continue in force."

Their Lordships would perceive that in fact the Bill would enable the House of Commons to do that which it was supposed by this House, when the Act passed, they had the power of effecting—namely, converting the Resolution into a Standing Order, so as to prevent the necessity of renewing it at the commencement of every Session. After the Bill had passed through Committee *pro formâ* and the Amendment was inserted he proposed to reprint it.

LORD CHELMSFORD said, that the Bill, although a short one, and apparently of a very unpretending character, was nevertheless one of considerable importance, and which certainly ought not to have arrived at this stage without receiving more notice than had yet been given to it. He had given an intimation to his noble and learned Friend that although he did not intend to oppose the Bill, he wished to make some observations upon it. He supposed he was not understood, for the second reading had taken place without his having had the opportunity of making his remarks; and therefore, although what he had to say would have been more applicable to the second reading, he trusted their Lordships would indulge him in the few observations which he wished to offer on the kind of legislation which the House of Commons proposed by this Bill. Their Lordships must recollect that, pending the discussions which took place in that House on the long-agitated question of the admission of the Jews into Parliament, a noble Earl (the Earl of Lucan) came forward as a peacemaker, and proposed an arrangement by which each House would be at liberty to exercise an independent course of action by a Resolution, and if it thought fit, when any person professing the Jewish religion presented himself at the table to be sworn, those important and well-known words "On the true faith of a Christian" might be omitted. As he understood the compromise, it was not the intention of the Legislature that any Resolution passed by the House of Commons should have the force of an Act of Parliament. The intention, as he understood it, was that the Resolution should be binding on the House of Commons during the Parliament in which it was adopted, and not beyond. From the part which he (Lord Chelmsford) had taken for so many years in this important question, he was not at all pleased with the arrangement; but finding that a great majority of their Lordships were anxious for some settlement, he offered no opposition, although he felt at the time it never could be considered anything more than a temporary arrangement, not a final settlement of the question. However, the Act of Parliament passed; and he certainly was very much astonished to hear that any difficulty had arisen as to its construction. It seemed to him to be so very clear and plain that it required great ingenuity to find a different meaning from that which the Legislature intended. It was the intention—and he thought the intention was very clearly expressed in the Act—that the Resolution should continue in force

during the Parliament in which it was passed if not repealed. But he understood it was the opinion of a very high authority in the House of Commons that the Resolution was only operative in the particular Session in which it was passed, and that it would not continue in operation during the continuance of a Parliament. He (Lord Chelmsford) on the contrary apprehended that the Resolution would have the effect which every Resolution passed by the House of Commons would have, which was, as he understood, that it would continue during the continuance of the Parliament which passed it, unless previously repealed. And that was the intention of the Legislature in passing the Act. The words of the Act were,

"Where it shall appear to either House of Parliament that a Person professing the Jewish Religion, otherwise entitled to sit and vote in such a House is prevented from so sitting and voting by his conscientious Objection to take the Oath which by an Act passed or to be passed in the present Session of Parliament has been or may be substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the Form therein required, such House, if it think fit, may resolve that thenceforth any Person professing the Jewish Religion, on taking the said Oath to entitle him to sit and vote as aforesaid, may omit the Words 'and I make this Declaration upon the true Faith of a Christian,' and so long as such Resolution shall continue in force the said Oath, when taken and subscribed by any Person professing the Jewish Religion to entitle him to sit and vote in that House of Parliament may be modified accordingly."

However, it was the opinion of a high authority in the Commons that this Resolution would only have this effect during the Session in which it was passed; and accordingly they appealed to their Lordships for some assistance to obviate this unsettled state of things, and they had sent down this Bill, which certainly went very far beyond their Lordships' original intention that neither House should interfere with the other, and that each might independently pass a Resolution to enable a Jew to take his seat: whereas the House of Commons applied to their Lordships to consent to a law by which permanently any person professing the Jewish religion might omit the words "upon the true faith of a Christian." He was not surprised that his noble and learned Friend had positively refused to take charge of the Bill unless the Amendment which he had read were introduced. They had, of course, entire confidence in his noble and learned Friend, and, therefore, it might be assumed that that would be the shape of the Bill. As he had already intimated he considered the Bill in that form entirely unobjectionable. But he could not withhold a remark or two on the unnecessary character of this Amendment. If he were right in his construction of the Act, the Resolution which the House of Commons was enabled to pass was binding during the Parliament, unless there was a decision to the contrary. It was proposed by the Amendment that the House of Commons should have the power of making their Resolution a Standing Order. He did not know that any greater effect would be given to their Resolution when it was converted into a Standing Order than what it had during the time it existed in the original form of a Resolution. Upon that point there was a great authority in their Lordships' House, to whom he would appeal.

LORD EVERSLEY: A Resolution of the House, strictly speaking, would not be valid beyond the Session during which it was passed. A Standing Order would remain valid in succeeding Sessions until repealed.

LORD CHELMSFORD: If that was the case, there could be no objection whatever to their Lordships agreeing to the Amendment of his noble and learned Friend. As they were treading on rather delicate ground in legislating with regard to the House of Commons, he trusted, however, that his noble and learned Friend had the sanction of the authorities of that House for the alteration he proposed.

LORD BROUGHAM strongly recommended their Lordships not to dissent from the Bill as proposed to be amended by his noble and learned Friend. That their Lordships had the clear and undoubted right to reject the Bill, he held to be so clear a proposition as to require no enforcement by argument. That their Lordships had the power to reject any Bill sent up from the other House, in the whole or in part, he held to be incontrovertible. A Bill sent up from the House of Commons for imposing a tax, they had a right to refuse—to refuse the tax. A Bill sent up to repeal a tax, their Lordships had a right to refuse, and thereby to insist that the tax continue. If a Bill was sent up from the Commons enacting one tax and repealing another their Lordships had a right either to reject that Bill altogether, and require the tax to remain in its existing shape, or to reject part and adopt part—to reject the part which imposed a new tax and to adopt the part which repealed an old tax. He knew that it was not

usual to do so. He knew that it was contrary to the usual course of legislation in the two Houses that their Lordships should take that course; it was contrary to precedent, right or wrong, to take that course; but that it was their undeniable right he had not the shadow of a doubt. Nay, he would go further, and say that their Lordships had a right to originate in their own House a measure enacting a tax and to send it to the other House: "Whereas it is expedient that a certain sum shall be levied by a tax on the people in order to meet the exigencies of the public service: be it, therefore, enacted;" and the Lords passed a "tax" Bill. He (Lord Brougham) would not say that the other House would give such Bill a very cordial reception: he would not take upon himself to say that they would give it even a respectful reception: probably the Commons would reject it altogether. They might reject it in not the most courteous manner. Nay, probably they might treat it as Bills of this description had been treated before in the other House, and actually throw it out by bodily force. And so also it was the undoubted prerogative of the Crown to refuse the Royal Assent to any Bill, even though sent up from both Houses of Parliament without a dissentient voice in either. It was an undeniable right of the Crown to refuse its assent. No doubt the Ministers who advised the Crown so to refuse assent to such a Bill would be answerable to the country for the advice which they gave their Sovereign; but that the Sovereign had an undoubted right so to refuse assent he held to be a perfectly clear proposition.

LORD TEIGNMOUTH rose to call the noble and learned Lord to order. His observations had nothing to do with the question before the House.

LORD BROUGHAM said, it would be seen to be applicable enough when he came to apply his argument to the Bill before them. He would not say he should make it clear to the understanding of the noble Lord, but he would undertake that it should be clear to the understanding of 99 out of every 100 who might hear or read what he was now saying. He held it to be the right of every branch of the Legislature — of the Crown, of the Lords, of the Commons—to take such a course; but it was a different thing to say that in any given case that power should be exercised, and he held that in some cases the exercise of an undeniable right might be as inexpedient though not so illegal or unjust, as the exercise of that which was no right but a wrong; and he held that to reject this Bill, which dealt entirely and singly with proceedings of the other House of Parliament, which applied to the manner of taking their seat by Members of that House, which carefully excluded all reference to the House of Lords, which was simply and solely a Bill for regulating matters respecting only Members of the other House of Parliament taking their seats; to reject this Bill he held would not only be inconsistent with former precedent, but inconsistent with the respect due to the House of Commons, and inexpedient in every point of view. The right of their Lordships to do any act did not prove any the least justification of doing that act. Their proceedings, though quite lawful, might be both inexpedient and unconstitutional. The Bill gave effect to what was understood at the time to be the intention of this as well as the other House of Parliament; and he (Lord Brougham) thought that the mode in which the Bill intended to give effect to that intention, now that a difficulty had arisen, was unexceptionable.

House in Committee.

LORD LYNDHURST proposed the Amendment of which he had given notice.

Amendment *agreed to.*

The Report thereof to be received *To-morrow.*

HOLYHEAD HARBOUR OF REFUGE.

SELECT COMMITTEE MOVED FOR.

THE EARL OF MAYO, in moving for a Select Committee to inquire into the state and efficiency of the Harbour of Refuge at Holyhead, said he should arrange the statement he had to make under four heads:—first, the number of shipwrecks that have occurred during the last twelve months inside the harbour; second, the principal defects of the harbour; thirdly, the silting up of the harbour; and fourthly, the enormous increase on the original estimate. And as to the first point, the number of vessels wrecked within the harbour, the following account of the vessels that were wrecked inside the new Refuge Harbour at Holyhead on the 27th and 28th of April, 1859, is taken from *The Shipping Gazette* of the 29th of that month:—

"April 27: The *Richard*, of Whitehaven, sunk. The *Mary Anne*, of Preston, stranded in the New Harbour. April 28: The *Royal William*, from Dublin for Liverpool, sunk in the New Harbour. The *Anne*, of Swansea, sunk. The *Byzantium*

received considerable damage in New Harbour last night, by the brig *Queen*, running athwart hawse. The brig *Richard*, of Whitehaven, drove against the upper sea wall and fills with the tide; supposed to be much damaged. The smack *Amlwch Packet*, employed carrying stone for the harbour works, sunk at the same place. The schooner *Js. Annie*, of Swansea, on shore at the upper part of the harbour. The brig *Reaper*, of Whitehaven, on shore on the beach. The above vessels, either by parting their cables or driving from their anchors, have come into collision with others and damaged them, but in consequence of the storm continuing, particulars cannot be obtained at present. The *Queen*, Wilton, of and from Chepstow, for Whitehaven, was towed in with loss of both masts, bowsprit, and all the gear attached thereto, a complete wreck, by dragging foul of the barque *Byzantium*, Harris, from Matanzas for Liverpool, in the bay last night; she slipped both anchors. The *Vigilant*, Belgian ship, slipped both anchors, and was towed in from the bay with loss of mainboom, boat, and bowsprit sprung, and bowsprit-shrouds carried away. The *Gipsy* was towed in with loss of both anchors, having slipped them in the bay. The *Royal William*, brigantine, parted from her anchors in the New Harbour last night, drifted alongside the quay and sunk. The *Mary Anne*, schooner, which drove on shore in the New Harbour last night, fills with the tide, and must discharge. The *Mary Elizabeth* sunk in the New Harbour; and a small smack in the Old Harbour also sunk."

It thus appeared that on the 28th of April, 1859, no fewer than seven vessels were sunk and five others seriously damaged inside the New Refuge at Holyhead. The next occasion that them erits of the harbour were tested was on the 26th of October last. The effect of the gale is thus described by *The Times*:—

"A large part of the breakwater works at Holyhead have been destroyed, and vessels anchored far inside and sheltered, compared to where the *Great Eastern* lay, have either gone down bodily or been driven high and dry ashore. . . . Within the very extremity of the breakwater, where one would have thought the Channel fleet might have ridden through any gale, much damage had been done. High and dry ashore under Holyhead mountain lay a fine barque, and around her, in the same predicament, were three smaller vessels. Out in the centre of the harbour the tops of two slender tapering masts showed where Captain Henry's beautiful schooner yacht, the *Mariquita*, had gone down bodily. Immediately behind this last was another and larger vessel, which had apparently only escaped the same fate by driving on the rocks."

On the same occasion the *Great Eastern* had narrowly escaped destruction; and upon two occasions (26th and 27th) when it was deemed advisable to remove her to more sheltered positions, her anchors could not be raised until they broke. Again, on the occasion of her departure for Southampton on the 4th of November following, Captain Harrison was again obliged to strain the chains until the anchor broke:

"And from the marks," says *The Times* reporter, "upon the anchor and chains, both of which were deeply scratched, it was supposed that the anchor had sunk through the mud until it nipped in rocky ground, and then held till the last strain broke it."

The following Return from the Board of Trade shows that three other vessels were wrecked in the Harbour in January and February last:—

Jan. 27, 1860.—The barque *Robert Mills*, lying with two anchors down in heavy gale of wind, dragged broadside on to the breakwater, and lay there thumping and making water until the wind shifted to the W.N.W., when she swung to her anchors again, and was towed for safety to Old Harbour.

Jan. 30.—The schooner *William Henry* put into Holyhead New Harbour for safety, and when beating out and endeavouring to clear a brig, ran upon the rocks and filled.

Feb. 27.—The barque *Robert Mills* let go anchors off the new breakwater Holyhead, but she drove and continued driving until she got on the Penrhyn Rock in Holyhead Bay, when she became a total loss.

So well, indeed, was the danger of the harbour understood, that he was informed that the Liverpool merchants had warned their captains against entering it, and the *Royal Charter* passed it in a heavy gale of wind the evening before she was wrecked, and would have entered it had it been a safe harbour. He would now proceed to show what were the principal defects of the harbour, and also that they were brought before the Government before the measure had received the sanction of Parliament. When the Bill for forming the Harbour of Refuge was introduced in the Commons in 1847, the citizens of Dublin petitioned against it on the following grounds, as stated in the Report of the Naval Commissioners, 1847:—

"First, That Holyhead being situated on a bold coast, and bounded by dangerous rocks on a lee-shore, exposed to the violent action of the prevailing winds, and to unusually rapid tides, is not a fit place for a Harbour of Refuge.

"Second, That the entrance being in the teeth of the prevailing winds, no vessel could enter the harbour at such times when shelter is most required.

"Third, That, as by far the largest portion of the bottom of the area proposed to be enclosed by Mr. Rendel was found, after careful examination, to consist of rock, it would be impossible that vessels could, in storms or rough weather, anchor with facility or security within the proposed harbour.

"Fourth, That from the rapid increase of the Stanley Sands in the direction of the proposed harbour, there would be great liability to its being choked up with silt, or a bar being formed at its entrance."

The shipowners of Liverpool also presented a petition to Parliament, and which contained the following paragraph:—

"That your petitioners are strongly impressed with the inexpediency of laying out the immense sum of money necessary for the construction of an Harbour of Refuge (so desirable on some part o fthat coast), at the port of Holyhead, on the ground that the rocky nature of the bottom of the greatest part of such harbour would render it unsafe, if even possible to anchor ships there; and they venture to hope that Her Majesty's Government, before finally adopting that port for such purpose, will institute further inquiries on the subject."

Shortly after these petitions had been presented, and in consequence of them, a Commission, consisting of three naval officers, was appointed to inquire into the merits and demerits of the plan. The Commission sat on the 14th of June, and closed their inquiries on the 16th; but in the meanwhile the Bill had been read a second time on the understanding that no further proceedings should be taken until the Report of the Commissioners had been a reasonable time in the hands of Members. Notwithstanding this arrangement the Government appointed a Select Committee on the Bill, which sat three days before the Report of the Commission was in the hands of the Members; and in consequence, the citizens of Dublin and Liverpool and those who opposed the scheme, had no opportunity of being heard. The civil engineers and nautical authorities who were examined before the Naval Commissioners were, Mr. Rendel, Sir John Rennie; Mr. Bald, Tidal Harbour Surveyor to the Admiralty; Mr. Page, Engineer to the Woods and Forests; Mr. Williams, Managing Director of the City of Dublin Steam Packet Company; Captain Christie, R.N. Mr. Williams stated, on behalf of his Company, that there appeared to be great doubts of the harbour being safe, on account of the bad anchorage shown by the Admiralty charts; the principal part of the site appeared to consist of a floor of rock; and in many cases the naked rock projected above the covering, and was so rough and uneven as to chafe the hawsers. Captain Christie stated that of 369 operations only four appeared to afford good holding-ground. Mr. Bald, being examined as to the anchorage ground, stated:—

"The edge of the coast from Ynys Wellt is low and rocky, as far as Holyhead Harbour." "There is a channel inside the Outer Platters; but as foul ground extends for some distance from both Ynys Cribi and Ynys Wellt, it would be imprudent to use it without the assistance of a pilot."

"And it is this space of water, with its foul rocky bottom, which has been proposed to be formed into an asylum harbour.

"It is unnecessary to mention that any asylum harbour which shall be formed at Holyhead without possessing good anchoring ground within it, will be a failure, and the case of *Howth* Harbour ought to be a sufficient warning. I am quite satisfied that had the important subject of the bottom and anchoring ground been sufficiently investigated, as to its being clean or foul, no asylum harbour would have ever been proposed and designed in a place so extremely objectionable. I examined the nature of the bottom; an iron chain 100 feet long, with a very heavy lead attached to it, was dropped down; the impression upon my mind at the time, upon looking at the nature of the shore and going over it was, that it was *a floor of rocks*."

The evidence of Sir John Rennie, Mr. George Rennie, and Mr. Page will be found confirmatory of Mr. Bald's.

He had now to draw their Lordships' attention to the evidence of the witnesses who were examined before the Naval Commissioners on the part of the Shipping interest of Liverpool. The first witness examined was Mr. Lockett, the Chairman of the Shipowners' Association of that Port. His evidence is as follows:—

Mr. *Lockett*: We have had many discussions before our board of shipowners respecting this harbour and the nautical gentlemen connected with it. We wish, first, to be certain as to the anchorage; because, if it is, as represented, a rocky bottom, if it is going to be enclosed in the manner laid down in this chart, it is considered it will be anything but a harbour of refuge for ships from Liverpool. Many gentlemen say, instead of its being a harbour of refuge in certain gales of wind, it will be a harbour of destruction.

Captain *Askew*, Harbour Master of Liverpool: My opinion of the bottom of the anchorage, is that which has been already represented, and I can only follow the language of Mr. Lockett in saying, that so far from its being a harbour of refuge, it will be one of destruction. I think the north breakwater, instead of being a protection, will be an injury. In a gale of wind from the north-west to the east-north-east, I defy any man to go along that wall. I am also given to understand it is principally rocky, with the exception of some patches of sand; if you take a vessel in there, and let go her anchor, and the anchor did not hold, as you cannot immediately take the canvass off, she must either go on the vessels which are there, or upon the rocks.

Mr. *Irwin*: On behalf of the shipowners of Liverpool I may add to what has already been observed, that I am quite certain they never would avail themselves of this intended harbour from the fact of its insecurity."

"Mr. *Askew*: It would be impossible to lay in safety in it."

The next point to which he desired to draw their Lordships' attention was that of the silting up of the harbour. The engineers examined before the Naval Com-

missioners in 1847 objected to the site chosen for the harbour of refuge on the ground of there being every probability that it was filling up. Mr. Bald stated that the Stanley Sands, through which the river Alaw runs, had advanced half a nautical mile in twenty-four years, and that in fact the proposed asylum harbour would prove only a cesspool to receive the silt and alluvium discharged by the Alaw; and a chart recently published, by Mr. Calver, one of the surveying officers of the Admiralty showed that diminution of ten feet in the depth of the new harbour had taken place since Captain Beechey surveyed the bay in 1840.

The importance which the late Sir Robert Peel attached to questions of setting may be gathered from his remarks on the Harbour of Dovor in 1847:—

"With respect to Harbours of Refuge, he could assure the hon. Member for Dovor, that the subject had not escaped the attention of Her Majesty's Government. But if there were any one thing in respect to which the utmost precautions were unusually necessary, it was the spending of £2,000,000 or £3,000,000 of money in erecting Harbours of Refuge. He had himself lived to see a Harbour of Refuge constructed at an expense of hundreds of thousands of pounds, which harbour had become almost utterly valueless, because sufficient precaution had not been taken to ascertain the nature of its sedimentary deposits. The construction of such a work as Dovor might involve an outlay, not of hundreds of thousands, but of millions; and before that work was undertaken, it was manifestly desirable that they should have the most reasonable grounds for believing that it would attain its purpose. He could not, however, deem it consistent with his duty to propose to the House of Commons an enormous outlay, without being able to show that every precaution had been taken; first, to insure the selection of the best place; and next, that every guarantee had been afforded that a work of that kind would, if undertaken, be so constructed as to afford the greatest possible amount of advantage to the public."

He now came to his fourth and last point, the great increase on the original estimate. Mr. Rendel originally estimated the cost at £600,000; but the engineers who were examined before the Naval Commissioners gave estimates in detail to show that, instead of £600,000, it would cost little short of two millions:—

Mr. Page estimated the cost at . .	£1,500,000
Sir John Rennie at	1,800,000
Mr. George Rennie at	1,800,000
Mr. Bald at	1,900,000

Again, it will be found that the testimony of those eminent authorities has been borne out by the result; for, according to Mr. Hawkshaw's last Report to Parliament, the sum of £1,158,000 has already been voted for the works, and £762,000 more will be required to complete them, making the total aggregate estimate to the present time £1,920,000; but, according to the evidence of Captain Washington, Hydrographer to the Admiralty, before the Select Committee on Harbours of Refuge, 1858, it is clear that the total cost of the Harbour will be little short of three millions. He (the Earl of Mayo) had known the harbour since 1808; but in 1852, in consequence of a proposition to make it a great Atlantic harbour, he determined to make himself thoroughly acquainted with it. Accordingly, on his way from Ireland he stopped at Holyhead; saw the Engineer, or the gentleman who acted for him, and attentively examined the maps. He found rock, rock, rock, everywhere, and his study of the map increased his surprise that any one should recommend a large expenditure of money on such a place. On coming to London, he sent some papers on the subject to the noble Earl (the Earl of Derby), who was then Premier. In 1859, a part of the great breakwater in course of erection was swept away, and the sea swept over it. Under all the circumstances, he could not but think it very much to be regretted that £1,500,000 should be spent upon this harbour, not of refuge, but of destruction. The citizens of Dublin and the merchants of Liverpool had petitioned against the expenditure of the public money in the formation of the harbour. The most experienced captains asserted that it was most unsafe for vessels in bad weather without the construction of a proper breakwater, which was estimated to cost £400,000; but if Holyhead was a safe harbour, what did they want with a breakwater? He trusted that the Government would grant him the Committee he asked for, because he believed he should be able to prove that the harbour of Holyhead, instead of being a harbour of refuge was really a harbour of destruction; and that there was no use in throwing good money after bad in the vain hope of making it truly effective for its purpose. The noble Earl concluded by moving—

"That a Select Committee be appointed to inquire into the State and Efficiency or otherwise of the new Refuge Harbour at Holyhead, the Cause or Causes of the Number of Wrecks that occurred therein during the last Year; also to inquire into the Plan as now sanctioned by the Admiralty for the Construction of a Packet Harbour for the Accommodation of the large Class of Steamers about to be employed for the Irish Mail Service."

THE DUKE OF SOMERSET said, he could not take on himself any of the responsibility for the construction of the harbour at Holyhead, which had been undertaken at the recommendation of a Royal Commission appointed to report on the most suitable site for a harbour of refuge on that coast. He believed, however, that the outline of the harbour proposed by the late Mr. Rendel would have cost less, and would have afforded greater shelter, than the plan subsequently agreed to. But it was no use to regret what had taken place; their Lordships ought rather to determine whether Holyhead was really so defective as a harbour of refuge. After the great gale of the 25th or 26th of October, a letter was written from the Admiralty to the officer in charge to inquire what damage had been done to the breakwater, and likewise to the shipping. In reply it was stated that—

"The breakwater was uninjured. The sea did not break into the harbour; but at high water the crest of the waves came over the unfinished part of the breakwater. Some 600 feet of wooden staging was washed away, and a wooden building in which the red light was kept was destroyed. There were fifty-six vessels inside the Platters (rocks), and the *Great Eastern* lay outside in the roads."

The following casualties were reported:—

"The *England*, bark, deep laden with salt, having already lost an anchor off Liverpool, put into Holyhead to get another, and had not supplied herself when the gale came on. She broke the fluke of her remaining anchor, and, falling foul of three smacks and a schooner, landed herself and them on the beach. They were got off with little damage. The *Gipsy*, schooner, ran in during height of gale, let go both her anchors, swung foul of a vessel, slipped one anchor in order to clear her, parted the chain of the other, and went on the rocks; she was much damaged. The *Maraquita*, schooner yacht, was run foul of by a steam-tug, and thrown on the rocks. One or two other collisions occurred among the small craft, but no vessels dragged their anchors. The sea, with wind at east, was heavy for boats, but nothing to hurt a wholesome vessel, properly provided with anchors and chains. The harbour is easy of access, and proved itself perfectly safe. The *Great Eastern* was the only vessel in the outer roads, and was at single anchor; when the wind came to the north-east she swung and rode outside the shelter of the breakwater. She dropped a second anchor, and rode well all night. Next day she weighed one anchor, and, having steamed ahead for this purpose, her remaining anchor broke across the shank. On the 2nd of November she broke another anchor."

But it was the opinion of the officer on the spot that she never was in any danger. Admitting that the money spent at Holyhead might have been laid out to greater advantage, that a larger area might have been enclosed, and that rocks which would now have to be blown up with gunpowder might have been avoided, he still thought the evidence went to prove that as a harbour of refuge it was not unsafe. As regarded its present condition, he felt it would be desirable in any case to complete the outer work, to prevent what had been already done from going to ruin; but before any new and expensive works were undertaken the matter should be submitted to the consideration of Parliament. Application had been made last autumn for the construction of a pier or jetty to accommodate the large new steamers which were to run between England and Ireland. In the original plan a solid pier was contemplated, which would have taken four or five years to complete, and the advantages of which would in the end have been very questionable. He therefore refused to countenance the outlay requisite for that purpose; but, regarding it as highly desirable that the public should enjoy the benefit of those vessels, he had sanctioned the erection of a wooden jetty at a cost of £9,000, which would be available for their passengers. If this did not prove sufficient, it would be necessary to consider the matter carefully next year; for, cost what it might, it would be requisite to establish a good communication between England and Ireland. He promised that the works in progress at Holyhead should not go beyond what he had now stated, and that the subject should receive the attention of Government. Under the circumstances, he hoped the noble Earl would not press his Motion.

THE EARL OF HARDWICKE would not go into the general subject of harbours of refuge, but he thought it was perfectly clear that if in a harbour like Holyhead twenty vessels were lost in ordinary gales, that the prevailing winds were such that vessels could not enter, and that when in there was no good holding-ground or anchorage, there were certainly good grounds for refusing to expend larger sums of money than had already been expended. If the noble Duke would undertake to say that he would himself carefully and vigilantly look to the future progress of the work he had no desire to relieve the Government of the responsibility. The information they had was the only information they could acquire, and it required nothing but a sound judgment to take such measures as would prevent the public witnessing a further expenditure of public money, and of

finding that they had no harbour of refuge after all.

THE MARQUESS OF CLANRICARDE was of opinion that in a matter of such national importance a minister required a great deal more than merely sound judgment'—he required considerable vigour in order to deal with and overthrow the proceedings of professional individuals, who domineered over men of sound judgment who were too apt to defer to those professional persons. The noble Duke had not contradicted any one of the statements that had been made. There was an expenditure of millions of money, and what was the justification for it?—that it was expended under the authority of the most eminent men. An eminent man, in fact, one who expended an immense sum of money, which made him still more eminent, and when the thing failed, who was responsible? Not the political head of the Government, because he had the best advice of the eminent man. Who, he wanted to know, was the eminent man to be condemned? He never heard of one. He had never heard of a Minister being censured, or of a public officer being dismissed, for all the money that had been thrown away. It had been mentioned before their Lordships' Committee that several of these harbours were useless, and that the money might just as well have been thrown into the sea. It was a poor consolation to tell them that they were to proceed with sound judgment if sound judgment was still to be fettered by professional engineers, who always would go on expending money on plans and systems which had failed for the last 3,000 years in all parts of the world. There were two harbours in existence at Holyhead. One was a harbour of refuge, built at an enormous expense, but not usable by packets, so that another had to be constructed for that purpose. He trusted that the noble Duke would take this question up with a determination to examine the matter and act for himself. After all this expenditure at Holyhead, the passengers had to embark and to disembark at a common wooden jetty, such as existed on the Thames, or at any watering place. He hardly knew of any harbour excepting Kingstown that had succeeded. He trusted the public money would not be further wasted on a work that was a monument of the folly of those eminent professional men who became eminent, not by the display of any skill, but by recommending enormous works to be constructed at an enormous expenditure.

LORD VIVIAN said, if anybody was responsible for the large expenditure, it was Parliament, which had sanctioned it. He recollected well a Select Committee of their Lordships sitting to decide as to the construction of a harbour of refuge at Holyhead for the Liverpool shipping. He did not know whether that exhibited "sound judgment," but having sanctioned the work, their Lordships must be held to have some share in the responsibility.

THE EARL OF SHREWSBURY said, they had it on the authority of Sir Edward Belcher, that the great fault was that Mr. Rendel's plan had not been carried out. He feared that an enormous outlay had been made for very little purpose; and that to have a harbour worth anything, they must revert to the original plan. He could conceive no inquiry more legitimate than that they should endeavour to ascertain the best plan for making the harbour. It had been suggested to refer the question to the Committee now sitting upon Breakwaters; but he thought it would be as well to refer it to the Admiralty, and that they should take care that no more money should be wasted on it and thrown into the sea. It was in evidence that the harbour was gradually silting up; and it was right an investigation should be gone into on that point, before there was a greater expenditure.

VISCOUNT DUNGANNON trusted the serious attention of Her Majesty's Government would be directed to the subject. From all he had heard respecting the construction of the harbour, he thought it would be a difficult matter to elongate the pier in such a manner as to render it a safe retreat for vessels. The Breakwater, winter after winter, had been washed away, and never could get a firm holding. It was highly desirable for the traffic between England and Ireland that improved accommodation should be given; but he doubted, notwithstanding all this expenditure, whether they were not going from a bad Scylla into a worse Charybdis. He hoped that next Session the subject would be inquired into by a Committee.

THE EARL OF DONOUGHMORE said, he did not deny that Holyhead had not answered their expectation. But referring to what the noble Marquess had said with reference to eminent men, in fairness to the memory of the late Mr. Rendel, he must say that, first, his plan had not been

followed out; that, secondly, it was not fair to expect that the harbour could resist every heavy gale, seeing that it was not completed. Excepting when the wind was from one particular point, Holyhead did afford a fair shelter for vessels. The question of a pier for packets was quite distinct from the question of the harbour as a place of refuge, and formed no part of the plan of Mr. Rendel.

THE MARQUESS OF CLANRICARDE said, that his observation upon engineers was a general one, and that he had no intention to apply it particularly to Mr. Rendel.

EARL GRANVILEE said, that having been acquainted with the eminent engineer, Mr. Rendel, it was impossible not to know how high he stood in the estimation of the profession, and how singularly clear-headed and able a man he was. If they were to avoid all professional advice, and especially eminent professional advice, he did not know how great national works were to be undertaken.

Motion, by leave of the House, *withdrawn.*

House adjourned at half-past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 12, 1860.

MINUTES.] PUBLIC BILLS.—1° Anchors and Chain Cables; Peace Preservation (Ireland) Act (1856) Amendment.
2° Crown Debts and Judgments; Inclosure (No. 2); Railways Act (Ireland) (1851) Amendment; Weights and Measures (Ireland).
3° Annuity Tax Abolition (Edinburgh); Registration of Births, &c. (Scotland); Tramways (Ireland).

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 78 to 83 *agreed to.*

Clause 84 (Abolition of Office of Accountant).

MR. MURRAY observed that the office of Accountant was perfectly useless, and ought at once to be abolished. The clause proposed the abolition of the office on the death of the present occupant, but he thought that when an office was to be abolished it was a bad principle to wait till death. This business might very well be done by the Registrar. He, therefore, proposed the omission of that part of the clause which would retain the present Accountant in office.

Amendment proposed, in page 18, line 15, to leave out the words "the person now discharging the duties."

MR. E. P. BOUVERIE said, the Amendment, so far from promoting economy, would place an additional charge upon the funds of the court, as they could not abolish the office of the Accountant in Bankruptcy without giving the present possessor of it compensation. Besides, he doubted whether it would be prudent to abolish the office of the responsible individual in whose name the enormous sums passing through the court were now paid; but at any rate, the most economical plan was that proposed in the clause, namely, allowing this gentleman to hold the office as long as he lived, and afterwards to entrust the duties to the chief registrar.

MR. EDWIN JAMES said, he hoped the hon. Member would take the sense of the Committee upon his Amendment. The Bill assumed that the office should be abolished when it next became vacant, and he, for one, could not understand why it should not be abolished at once. It was a most flagitious sinecure, and although the holder of it was called an accountant, he kept no accounts whatever. He trusted the Committee, in considering the Amendment, would not be alarmed by the question of compensation, which could be dealt with separately.

THE ATTORNEY GENERAL asked the Committee to consider that if the office of Accountant was to be at once abolished they would have to pay the present possessor of it his full salary, while they left him nothing to do. That gentleman would, no doubt, in such a case feel that they had conferred on him a great benefit, for he would be relieved from the discharge of his duties, and yet be in the receipt of full salary. It was in these circumstances thought more prudent and more economical to retain that gentleman in his office, and avail themselves of his services, taking care that no future appointment should be made. He was quite willing to admit that there was no necessity for a separate officer of this kind, and therefore it was proposed to abolish such an appointment on the first vacancy that took place.

MR. MURRAY said, he did not object to give fair compensation to gentlemen in the position of the Accountant in Bank-

ruptcy; but under Lord John Russell's Act it was provided that if that office were abolished the Lords of the Treasury should be empowered to determine what was the amount of compensation to which, under the circumstances, the holder was to be entitled; and it did not, therefore, necessarily follow that he should retire on the full amount of his salary—namely, £1,500 a year. He was quite willing to accept this proposition of the Act, and he trusted the House would assist him in procuring the immediate abolition of the office.

MR. HUNT said, he wished to remind the Committee that if the office was abolished the present accountant might receive some other Appointment under the Bill; and the amount of his compensation might in that way be considerably diminished, if indeed any compensation at all should be necessary.

MR. HENLEY said, he hoped the hon. and learned Attorney General would tell them what the duties of this gentleman really were. It was admitted on all sides that such an office was useless, and in these circumstances he should like to know why the present Accountant was to be retained.

SIR FITZROY KELLY observed that great injustice would be done to this gentleman if his office was to be abolished without giving him adequate compensation; and the effect would be that in future great difficulty would be found in obtaining the services of able and efficient public servants for similar offices. He thought the proposal of the Attorney General was the best that could be adopted. It would be better to leave the present Accountant to discharge the duties, instead of dismissing him, and then conferring upon him compensation.

THE ATTORNEY GENERAL said, he could not characterize the proposal that had come from the other side of the House as other than a most extravagant democratical proposition. The office had been originated by an Act of Parliament, and the duties were designated and the salary fixed by that Act. It was, in truth, a freehold office, and one to which the words of the Duke of Wellington in 1831, when speaking of the proposed abolition of the office of Patentee of Bankrupts, were in every respect applicable. The Duke, speaking of the Rev. Mr. Thurlow, the holder of that office, said in "another place" that he was as much entitled to retain his office as any one of their Lordships was to retain his seat. It would be an outrage on justice and a violent and democratic measure to deprive the present Accountant of the rights guaranteed to him by Act of Parliament, and he believed that the adoption of such a course would ensure the rejection of the Bill in "another place."

MR. HENLEY denied that there was the slightest ground for the imputation cast on the Opposition side of the House. He had no right to assume that it was proposed to abolish this office without compensation. On the contrary, he had been told by the Mover of the Amendment that he was willing to accept the proposition in the Bill of the noble Lord (Lord John Russell) on that point. Neither had the hon. and learned Gentleman any right to charge them with violent and democratic conduct. The hon. and learned Gentleman had not condescended to argue the subject or to answer the question he had put as to what were the duties of this office, but he had heaped upon them the most violent abuse. He would ask the hon. and learned Gentleman if indulgence in that kind of language was the way to get on with his Bill? It was the very way to stop it. He could tell the hon. and learned Gentleman that he would not be permitted to make such charges unanswered if he (Mr. Henley) was present. And he would ask those hon. Gentlemen who were anxious to proceed with the Bill to keep the Attorney General quiet if they expected to do so.

MR. CONINGHAM said, he would rather accept the proposal of the Attorney General than give in to the principle of compensation as it had been laid down by hon. Members.

MR. GLYN said, he would support the proposal of the Attorney General, but he must protest against being considered in any way favourable to the principle that they were bound to give the full salary to retiring officials. He hoped that in future the banking transactions of the Court of Bankruptcy would be placed on a more satisfactory footing than hitherto they had been.

MR. EDWIN JAMES said, he thought that the same justice which was meted out to the messengers in bankruptcy ought to be applied to the Accountant. He admitted that the messengers had been a scandalous abuse, and that their charges must be moderated. But the messengers did something for their money, while the Accountant did nothing. He trusted the Committee would record its opinion in opposition to these sinecures.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 89; Noes 37; Majority 52.

Clause *agreed to;* as were also Clauses 85 to 92.

Clause 93 (Official Assignee to take possession of Bankrupt's Estate).

MR. E. P. BOUVERIE said, that the state of the law at present was this—All the personal property of the bankrupt was given into the possession of the official assignee to be paid by him into the Bank of England on the bankruptcy fund account. There was, therefore, a security that the funds coming into the possession of the officer of the Court would be retained for the benefit of the proper parties. The Bill entirely altered that arrangement, as instead of the official assignee paying the property into the bankruptcy fund account it was to be handed over to the creditors' assignee, who was not an officer of the Court, upon his appointment. What he should propose was—that the property should be paid over by the official assignee to the bankruptcy fund account, there to be retained for the benefit of the persons entitled therein.

THE ATTORNEY GENERAL said, that the object of the hon. Member for Kilmarnock was that which he himself intended to carry out by a subsequent clause.

Amendment *agreed to;* the Clause *agreed to.*

Clauses 94 and 95 *agreed to.*

Clause 96 (Duties of Official Assignee to cease on Appointment of Creditors' Assignee).

SIR FRANCIS GOLDSMID said, he thought it would be much safer to retain the power of getting in the estate in the hands of the official assignee, who was a responsible officer, than to transfer it to the creditors' assignee. He should therefore propose so to amend the clause as to carry out that object.

MR. HORSFALL opposed the Amendment. The commercial community were quite agreed on the propriety of the proposed change.

THE ATTORNEY GENERAL opposed the Amendment, which was withdrawn.

Clause *agreed to:* as were also Clauses 97 to 111.

Clause 112 (Disqualification of Officers).

MR. ROEBUCK said, he could not understand why the Master of the Rolls and the Recorder of London were eligible to sit in Parliament, and the Chief Judge in Bankruptcy was not to be so.

MR. E. P. BOUVERIE said, the Master of the Rolls by long custom had been permitted to sit in Parliament, but the course of modern legislation had been to exclude Judges from seats in that House, and he saw no reason why the Chief Judge in Bankruptcy should be excepted.

Clause *agreed to;* as were also Clauses 113 to 128.

House *resumed.*

Committee report Progress, to sit again on *Monday* next.

THE GALWAY CONTRACT.

QUESTION.

MR. CORRY said, he rose to ask the Secretary to the Treasury, Whether the assignment of the Galway Contract has been purchased by the Montreal and Ocean Steam Packet Company; if so, on what terms the purchase has been effected, and what modifications of the conditions of the Contract have been sanctioned by the Government?

MR. HORSFALL said, he would also beg to ask Mr. Chancellor of the Exchequer whether a pledge was given by the Treasury to Mr. Inman, as the representative of the Liverpool and Philadelphia Steam Ship Company, that no transfer of the Galway Contract should take place without affording him the opportunity of showing cause why such Contract should not be transferred; and, if so, whether it is true that the Contract has been transferred without affording Mr. Inman the opportunity which had been promised. And whether the statement with regard to the Mails contained in the following advertisement, published on Monday last, has been authorized by Her Majesty's Government:—

"The Galway Contract having been transferred to the Montreal Ocean Steam Ship Company, the *North Briton*, which sails on Wednesday, will call at Galway for the Newfoundland, United States, and Canadian Mails."

THE CHANCELLOR OF THE EXCHEQUER: Sir, in replying to the question of my right hon. Friend (Mr. Corry) I may at the same time refer to the question of my hon. Friend the Member for Liverpool (Mr. Horsfall). It is not necessary, as he will see, that I should at present enter into any details on the subject. An arrangement was made between the Montreal and Ocean Steam Packet Company

on the one side, and the Galway Packet Company, as I may call it for the sake of clearness, on the other, for an assignment of the Galway Contract to the Montreal and Ocean Steam Packet Company; but that arrangement was of necessity subject to the consent of the Government, and an application was made two or three days ago for that consent, a copy of the assignment being also placed in the hands of the Government. At the same time an intimation was made to the Government that the answer must be an immediate one, as the matter would not bear giving time for consideration. Under these circumstances the Government really were precluded from giving any full consideration of the question upon its merits, and they did not hesitate to reply that without at all indicating what would have been the result if full time had been given for consideration, they could not sanction the assignment. The two gentlemen who hold office in Canada, and who had given Government to understand that the question was thus pressing, were to have quitted England, I believe, yesterday evening, and the answer then sent to them was considered by Government as a definitive reply, which indeed, it was, to the application made to them. This day, however, I have learned, only within the last few minutes, that one of those gentlemen has not quitted England. That gentleman, Mr. Smith, I believe, holds the office of Postmaster-General in Canada, and he has sent in a letter requesting that a more full consideration might be given by the Government to the subject. I have had no opportunity of communicating with my Colleagues since that letter was received, and I am not, therefore, enabled to make any statement in regard to it. With respect to the ques, tion of my hon. Friend the Member for Liverpool, I need hardly say that the advertisement he has quoted in his notice intimating that the Galway Contract had been transferred to the Montreal Ocean Steam Ship Company has not been authorized or sanctioned by Her Majesty's Government, and therefore it must be understood, of course, as meaning merely that the arrangement had been completed between the parties so far as they were concerned. With regard to the pledge stated to have been given to Mr. Inman, that no transfer of the Galway Contract should take place without affording him the opportunity of showing cause why such contract should not be transferred, it is perfectly true that a pledge of that kind was given to Mr. Inman, and, of course, the Government will take care that that pledge is redeemed.

MR. BAXTER said, he would beg to ask Mr. Chancellor of the Exchequer, if the Government has sanctioned the sale of the contract and subsidy for conveying the mails between Galway and America; if the four new steamers, on the faith of the performance of which the large subsidy of £78,000 per annum was promised, are not after all to be placed upon the station; if it is true that the Atlantic Royal Mail Company are unable to fulfil the conditions under which they undertook the service, and have resorted to this sale or assignment in order to secure to their shareholders a large sum of public money without rendering any service; what is the sum for which the contract has been sold, and what course the Government mean to take, with a view to ascertaining the opinion of the House of Commons on these transactions?

THE CHANCELLOR OF THE EXCHEQUER: Sir, with respect to the information my hon. Friend has asked for, all I can tell him is this:—He is already aware that the assignment of the Contract has not been sanctioned by the Government. As to the four new steamers, on the faith of providing which the subsidy was promised, they would not, under the assignment, have been placed on the station; but other new steamers would have been provided by the Canadian Company, which, of course, would have been subject to certain conditions of inspection and approval. With regard to the alleged inability of the Atlantic Royal Mail Company to complete the service, Government have no official notice whatever. The sum stated in the assignment was £35,000 a year, to be paid for seven years; and with regard to the course which the Government intend to take in order to obtain the opinion of this House, that will depend on the decision yet to be come to, and therefore it is premature as yet to give any reply.

MR. HANKEY said, he wished to ask the Secretary of State for War, When further Copies of the Report on the Defences will be delived to the House for sale, as numerous applications have been made for the purchase of Copies which cannot now be obtained?

MR. SIDNEY HERBERT said, that 2,250 copies of the Report of the Commission on National Defences had been printed, and 500 distributed.

The Chancellor of the Exchequer

OFFICE OF POSTMASTER GENERAL.

QUESTION.

SIR GEORGE BOWYER said, he rose to ask the Secretary to the Treasury, When a Postmaster General will be appointed; and when the Report on the Post Office will be laid upon the Table?

VISCOUNT PALMERSTON said, the duties of the Postmaster General had been performed by the Duke of Argyll in the absence of Lord Elgin. That arrangement had been made on the alternative that when Lord Elgin arrived at Ceylon he might find that his services were not wanted, and that he might return. Unfortunately the Chinese difficulty had not been settled, and it would fall to the duty of the Government to appoint a successor.

THE LEBANON MASSACRES.

OBSERVATIONS.

SIR CHARLES NAPIER said, he wished to put a question to the noble Lord the Foreign Secretary on the subject of the recent massacres in Syria, and that he might put himself in order, he would move that the House do now adjourn. The House would not be surprised that, having taken some part in the war in Syria some years ago, he should sympathize with the unfortunate victims of the massacres which had lately been committed in that country. He understood from a statement which had been made in "another place," that the Government had sent a squadron, under Admiral Martin, to Syria; but that force, although it might protect the inhabitants of Beyrout, Sidon, and other parts of the coast, would be of little advantage to the population of the interior. This was not the first time that atrocities of this kind had occurred in Mount Lebanon; and attacks made by the Druses upon the Maronites had been encouraged by the Turks. During the war of 1840 the allied forces saw a large party of Druses marching through the country with the heads of thirty Christians upon pikes. Unhappily no reliance could be placed on the Turks, who thought they had an interest in setting the Druses and Maronites by the ears, and were in the habit of standing by, and looking on complacently, while they destroyed each other. Unless the Maronites of the Lebanon had come forward in the gallant manner they did during the war in Syria, and assisted his small force in driving the Egyptians out of the country, that object could not have been accomplished. These unfortunate people were detested whenever they came into contact with the Druses, and he therefore, begged to ask the noble Lord the Foreign Minister for an assurance that some effectual steps would be taken to prevent further massacres among the Christians in the interior of Syria as well as on the coast, and also to afford protection to British subjects.

SIR JAMES FERGUSSON said, he rose to second the Motion, not for the purpose of making a speech, but of asking the noble Lord for some information, which he thought would be most acceptable, on this subject. The House, in common with the rest of the country, must have seen with deep pain and regret the accounts given by the newspapers of the recent shocking occurrences in Syria. He was anxious to induce the House, and if possible the country, while their information was still necessarily so imperfect, to suspend their judgment upon the responsibility for those events until it received more authentic intelligence. Great injustice would be done, and possibly great and permanent evil inflicted on that country if people here ran away with the idea that one party only had been to blame in this unhappy matter, or if the influence of England should cause vengeance to be taken upon one race alone, while others who were as much or perhaps more in fault than those who were at present victorious remained unpunished. Two years ago he spent some time on Mount Labanon, where he resided for a short period with these very Druses, now accused of being concerned in the recent disturbances; and he thought the House would commit a very great mistake if it concluded that these disturbances had had in the main a religious foundation. He believed that they originated in an irreconcilable quarrel between antagonistic races, and that religion had in fact had very little to do with them. It was well known that two great races, the Druses and Maronites, divided between them the chief part of that fertile region, and he feared there must always exist a deep-seated hostility between them. Nor should it be forgotten that it was the interest, not only of the Turks, but of some European Powers to foment their contentions. He was sure the noble Lord, whose attention had been so much directed to this question, must be aware that other nations in Europe had constantly encouraged these disputes on Mount Labanon with a view to

establish their own influence in that quarter. While he was there himself two years ago it was well known that efforts were made by French and Russian agents to rouse hostile passions and excite disturbances in the mountain. From living there for a short time he became so sensible of the imminent danger thus threatened that he was induced to make a communication to the noble Lord, the then Secretary of State for Foreign Affairs on the subject. He was sure the Government must have received intimations from the intelligent gentleman who was our Consul General at Beyrout, which must have placed them in possession of important information on this question. But great injustice would be done if the European Powers did no more than to leave these people to the tender mercies of their Mussulman rulers. If the Turks were enabled to establish their authority in the Lebanon in a more sovereign manner than they had lately exercised it, not only would that fertile and flourishing region be seriously injured, but there was great risk of its being reduced to the same state of misery as prevailed in other parts of Syria and to a great extent throughout the Turkish dominions. In most districts of Syria the traveller was struck with the squalid and wretched condition of the villages; but when he arrived in the Lebanon he observed evidences of the greatest wealth and prosperity among the inhabitants. On inquiry he would find the reason of this to be that the Porte had no immediate authority there, and the people were, so to speak, self-governed. But if the Turkish Pashas were now to be sent down to those regions for the purpose, as it was called, of allaying disturbances and checking disorder, they would be glad to have the opportunity of fleecing the unfortunate population and enriching themselves at their expense, producing under the name of tranquillity what was merely ruin and desolation. He was satisfied Her Majesty's Government must also see that other dangers were impending. France would probably not be unwilling to gain the means of establishing her power in the East. He had seen a report in the newspapers, and he believed the Government had made statements to the same effect, that assurances had been received from the French Government that it was their determination not to interfere in this matter beyond securing protection to French subjects. But could they depend upon such assurances? Had not similar assurances been given respecting countries nearer home? And, knowing that the interest which France took in this question was not only political but religious, were they sure that these disturbances would not be fomented by French agents as affording an opportunity for establishing that influence which she had long been anxious to gain in the East? The question was so interesting, and involved considerations of such magnitude and importance, that he trusted the House would pardon him for having seized that somewhat irregular occasion for claiming its attention.

MR. DARBY GRIFFITH said, that having had a personal acquaintance with these regions, he wished to corroborate what had been so well stated by the hon. Baronet, and to express his hope that the House and the Government would not hastily espouse the cause of either of these contending races.

LORD JOHN RUSSELL: Sir, I quite agree with the hon. Baronet (Sir James Fergusson) that no doubt we must be very cautious in imputing the blame of these unhappy transactions to one of the parties concerned rather than the other. It is well known that the Druses and the Maronite Christians have long been divided by sentiments of deep-seated hostility; and those sentiments have from time to time broken out in wars and contentions. Unfortunately there has lately been such an occurrence. With regard to the immediate cause, one party lays the blame upon the other, while the other party says that it was the first who attacked them. No doubt there have been individual murders on both sides. Whatever may be the cause of the outbreak, and whatever measures it may be desirable to adopt, I think the House can have no hesitation in coming to the conclusion that the European Powers are bound to do their utmost to put a stop to the massacres which have been going on. We have been told first one village and then another has been attacked by the Druses, and that great slaughter had ensued, and our Consul informed us that he believed that not less than 20,000 people were wandering in the mountains in a state of the greatest distress. The hon. and gallant Officer (Sir Charles Napier) says, that merely sending ships to the sea coast will not save those who are in the mountains. Undoubtedly that is true, but when the Turks are reproached with regard to the apparent indifference that they have shown, or at all

events the very little exertion they have made, there is this to be said, that during the winter reports have been very current and very prevalent indeed, that in Bosnia, the Herzegovina, and Bulgaria, there would be risings in the course of the spring. The Sultan naturally directed regular troops to be sent to those districts, and his army not being very large, I am told by the Turkish Ambassador in London that at the time of this outbreak there were only 400 regular troops in Syria. Of course it was not to be expected that 15,000 or 20,000 armed men should be put down by this small number of regulars, but even allowing for that, I am afraid it is too true that the Turks have showed but little activity or desire to put down these disturbances. It appeared to us that it was desirable to have ships on the coast, not only for the protection of British subjects, but in order that the Pasha who might be sent from Constantinople should be better enabled to send troops into the interior, and to relieve Damascus from the apprehensions of an attack which have lately prevailed there. We were informed that at Damascus there was the greatest apprehension of an attack by the Druses, and, of course, the British Consul and British subjects there were in the utmost danger. The Pasha who was sent from Constantinople might have said, "I should be ready to put an end to the massacres in the mountains and to relieve Damascus, but it will be necessary to keep all the troops on the coast, in order to prevent the Christians and the foreign subjects there being murdered." Therefore, it will be a great satisfaction to him if he is enabled by the presence of foreign ships of war to feel quite at ease with respect to Sidon, Beyrout, and other places on the coast, and to transfer his troops to the neighbourhood of Damascus. To show the effect that may be produced by even a very small force, I will state that while these massacres were occurring an English gentleman was cruising in the neighbourhood of Tyre with his yacht. Repeated messages were sent requesting him to approach the harbour, and place himself in a position to protect the town, and ultimately, although his guns were of very small calibre, and could be of little use, he warped in and placed them in a position to command the entrance to the town. It afterwards appeared that there were then in the town two spies of the Druses, who that same night sent word to the camp that an English ship of war was in the harbour, and that an attack in the face of such a force would be of no use. There was no attack, and the place was saved. This shows that not only a British naval force, but what may be taken to be a British naval force, may save the lives of the inhabitants of the seaports, and prevent massacres which were likely to take place. The graver subject to which the hon. Baronet has adverted is one of very large extent, and one into which I cannot properly enter now. It is one which must be considered by the representatives of all the Powers at Constantinople. I do not believe that those jealousies or those wishes to obtain influence on the part of European Powers which have acted so powerfully in former days would now be detrimental to the settlement of the question, and I quite agree that the Turks ought not to be allowed to extend their power, which frequently does not so much establish order as corruption and venality, over this district. At the same time it is very desirable to provide, if possible, that these very hostile parties should live in peace together.

MR. GREGORY said, he wished to call the attention of the noble Lord the Secretary of State for Foreign Affairs to the fact, that there was a servant of Her Majesty who, if he was upon the spot, would have more influence upon the tribes of the Lebanon than any demonstration, naval or military, which the noble Lord might propose to send out. The gentleman to whom he alluded, and who was, he believed, well known to every one who travelled in Syria a few years ago, was Mr. Wood, our Consul-General at Beyrout. He was a gentleman of great ability, and when Consul at Damascus obtained an influence among the mountain tribes such as had been possessed by no other European. He spoke the language like a native. He was thoroughly acquainted with Oriental sentiment and opinion, and by means of various good offices which he had done to different sheiks and rulers of tribes in the mountains he had obtained a personal influence among that people which was perfectly extraordinary. He believed that if that gentleman was sent to Syria in the present emergency he would be able to exert an influence most material to the settlement of this question, and would afford to Her Majesty's Government information which, amid the conflicting testimony that would be received, would be most important and most reliable.

SIR HENRY WILLOUGHBY said, he understood that the Turks were in 1846, by a Treaty with what were called the Five Powers, bound not to occupy the district in which these massacres took place with troops, and it therefore seemed rather hard to blame them for these occurrences.

VISCOUNT PALMERSTON: The hon. Baronet is wrong in his statement. There is no treaty which excludes the Turks from Lebanon in the same manner in which they are excluded from the Principalities. There was an arrangement made a good many years ago according to which no Turkish administrative authority was to be paramount in Lebanon, but the people of that district were to be left to govern themselves under officers appointed from the races therein. For a long time great endeavours were made by the Turks to get out of that engagement, but they were held to it, and I believe that it is still in existence. It does not, however, preclude them from appointing a Pasha to represent the Turkish authority in those districts.

Motion made, and Question, "That this House do now adjourn," put, and *negatived.*

THE NELSON MONUMENT.

QUESTION.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ADMIRAL WALCOTT: It has long been subject of reproach, not wholly undeserved, that this country, with all its generosity and undoubted reverence for the memory of those who have reflected honour on the name of Englishmen, is generally slow in rearing monuments to preserve her sense of their high merits. On the Continent the battle has scarcely been won, the laurel earned by the living, or the grave closed above the last resting-place of the heroic dead, than the statue is erected, or the scene of victory pourtrayed. Half a century has elapsed, however, since the great conquest of Trafalgar, and the entombment of the man who won it in the crypt of St. Paul's, and still in the greatest thoroughfare of this Metropolis, his Monument, to our shame, remains unfinished. This House has done its duty in furnishing the funds sufficient to render it complete; but for some inexplicable cause, hitherto, the eyesore remains, although the design was entrusted to the charge of an accomplished artist, who, I should have thought, with his fertile genius and great capacity for the work, would have found no difficulty in furnishing it without a delay so protracted. I must, therefore, ask, with whom, or with what department the blame rests? "I bear it for immortality," said an old Roman, when he held one handle of the plough, whilst Death held the other. Such was the spirit which animated Nelson, the greatest of English Admirals, whose memorable signal is still the watchword for every successor of the profession he so largely adorned, and whose name needs neither statue of bronze, or tomb of granite; for it is written not only in the living hearts of his countrymen, but also in the memory and history of every civilized nation in the world. When I turn my eyes to the stupendous works and materials of our naval ports and harbours; when I bring before my eyes the number of our ships built and maintained at so great a charge to present an armed front and impenetrable barrier to our enemies, I still cannot but recollect that to secure that end we must man those wooden walls with hearts such as beat in the breast of Nelson, and that the highest incentive to duty which a country can offer to the living, lies in the gratitude which she has displayed to her worthy and heroic dead. In such a spirit, and for this reason, I ask, why is the Monument of Nelson suffered to remain incomplete?

MR. COWPER assured the hon. and gallant Admiral that the delay in the completion of the Nelson column was not to be attributed to any want of veneration for the character or exploits of Lord Nelson. The delay had arisen from a contrary feeling, from a desire that the lions which were to adorn the base of the column should be worthy of the position in which they were to be placed, and worthy also to represent the British Lion. Sir Edward Landseer, whose acquaintance with animals in general was well known, had now been selected for the purpose; and the House might rest assured that in producing representatives of the British Lion, his patriotic feeling would not suffer him to exert himself less than he had done in making likenesses of all other animals.

ITALY.—SARDINIA AND SICILY.

SIR ROBERT PEEL: I rise, Sir, according to notice, to move an Address for copies or extracts of papers relating to

the threatened annexation of Sicily to Piedmont, and to any information received by Her Majesty's Government as to the probable demands of France consequent upon the event of that annexation taking place; also for any papers showing that Her Majesty's Government have within the last few weeks intimated to the Government of Turin that the continued aggressive policy of that Government would not be viewed with indifference by Great Britain. I trust the House will not think I have selected an inopportune moment for calling its attention to the threatened annexation of Sicily to Piedmont and the probable demands of France, and I trust also the House will concur with me in the hope that Her Majesty's Government may have intimated to the Cabinet of Turin their apprehensions with respect to the aggressive policy of Piedmont. The latter part of my notice I am bound in fairness to say is taken almost word for word from a question which was asked in 1848 by the Earl of Aberdeen with reference to the affairs of Sardinia. It applies with tenfold force to the circumstances of the present time, and I hope the House will not grudge me a few minutes while I direct its attention to the State of European affairs, particularly those of Italy.

In referring to the threatened annexation of Sicily, and the probable demands of France, it is impossible not to cast a glance for a moment over the course and history of the events which are occurring on the shores of the Mediterranean, fraught as they are with the deepest interest, and calculated to give rise to serious complications among the different States of Europe. The question of Sicily directly and immediately concerns England, both commercially and in a maritime and political point of view. It concerns England commercially, because, of course, she cannot withdraw from commercial intercourse with other countries, nor, with a due regard to her material interests, can she remain an indifferent spectator of the fate of European nations. It also concerns England in a maritime and political point of view to an infinitely greater extent than those questions which have recently given rise to so much discussion, such as the cession of Nice, the sale of the poor Savoyards, and the outrage upon the integrity and independence of Switzerland. The Mediterranean is and ever has been the great highway for the traffic of Europe. Dr. Johnson said it ought to be the centre of trade and civilization, for upon its shores all the greatest empires of the world had flourished — Assyria, Persia, Greece, Rome, and Carthage—and from its shores we had derived our laws, our arts, everything which raised us above the savage and the slave. If the Mediterranean was of such immense importance in former times, what must be its position and character now? I do not hesitate to say that the maintenance of our commercial and political interest in the Mediterranean at the present moment is almost of as great importance as the maintenance of our maritime supremacy in St. George's Channel or the Irish Sea. In that opinion I only concur with every English statesman of modern times. A debate took place in this House in 1810 upon the condition of Sicily, the independence of which we maintained against the aggressive power of Bonaparte. Mr. Perceval was then Chancellor of the Exchequer, and he said in words of great force and singularly applicable to the present moment that all Governments in this country—men of all parties—had held that our connection with Sicily was of value in a political point of view, as well as with reference to our commercial interests at Malta and other parts of the Mediterranean. He added, "There is no difference of opinion as to the importance of preserving the independence of Sicily from the grasp of Bonaparte." We want to do that now. We know from the experience of the last few months that Sardinia is merely a tool in the hands of the Emperor of the French. We know that by opposing to the utmost extent of our power the influence which France wishes to acquire, both in Syria and in Sicily, we are maintaining that political influence which we are entitled to exercise in those parts of the world.

The question being so important, I want the noble Lord at the head of the Foreign Office to give us a frank explanation of the policy he is pursuing. I do not want it to be said, as it has been said on recent occasions, "Oh! you are too late; the thing is done; the annexation has taken place." I want to warn the noble Lord that he must not be too late in the present instance, that he must not tell us some weeks hence, "Oh! we have been deceived by Earl Cowley, or outwitted by M. Thouvenel and Count Cavour, or duped by the *franchise* and cordality of the French Emperor." The noble Lord told me the other day that I should not pay any attention to newspaper reports, and that if I only listened to what

he said I should know the truth. I want to know the truth above all things, and, therefore, I address myself to the noble Lord. But I do not think the noble Lord can say that we are over-anxious or over-curious on the subject of our foreign relations. The state of Europe is alarming, and would justify far more discussion than has yet taken place in either House of Parliament. It is calculated to cause us great anxiety and even distress of mind. Italy is in a ferment. There is no cohesion in Italy. From the Prussian Provinces on the Rhine I get letters which assure me that there is a general feeling of mistrust and apprehension, as against a common enemy. In Germany there is an attempt at union, which I hope may be successful—also against a common enemy. In Switzerland there are 176,000 men ready to rally round the standard of the Republic in defence of its rights and interests. Solely in consequence, I believe, of the unsettled state of affairs on the Continent, we are arming to a greater extent than we have done for the last forty years, and we are contributing more of our money than we ever did before for improving and extending our maritime and military defences. We talk not only of the defence of our ports but of the Metropolis. We have even called out Volunteers—a force which has not been seen among us for half a century, and I am glad of this opportunity, as some remarks which I made on a recent occasion have been misunderstood, to pay my tribute of admiration to the zeal, discipline, and efficiency of which we had so magnificent a display in the presence of the Queen some weeks ago in Hyde Park. I hope their services may never be required in the field; but I firmly believe that our Volunteers would prove themselves, if necessary, no unworthy defenders of the interests and institutions of England. But to return—I think the posture of affairs on the Continent is more serious at the present moment than it was in 1848. In that year we had a Sicilian revolution and the mission of Lord Minto. I was abroad at the time, and well recollect the visit of Lord Minto to Italy. I have always retained a very agreeable *souvenir* of the kind and friendly manner in which he received me, but, looking at his visit in a political point of view, I say it was theatrical. It was a revolutionary *fiasco*. At the time of the Sicilian revolution Lord Minto went to Rome. He coquetted with the Roman Liberals, visited Ciceroachio, praised Pio Nono, and patted Ferdinand of Naples on the back; but he deceived the Sicilian patriots and compromised the British Government. Though Foreign Affairs were not half so important in 1848 as at present, yet these subjects relating to Italy were then the occasion of no less than fifteen separate debates, while in the present year, such has been the forbearance of Parliament, that we have hardly had one debate on the affairs of Italy. I therefore call upon the noble Lord the Foreign Secretary to make a statement of his views to-night on this important subject. The noble Lord has spirit and capacity to do so when he chooses. I have read the despatches which he has laid on the table, and I take pride in thinking them worthy of an English Minister. As a Member of the English Parliament I thank the noble Lord in the name of Switzerland for the manner in which he has defended the interests of that country and of Europe, and if the noble Lord would only go on like that, he will find in me as vigorous and generous a supporter as in any hon. Gentleman in this House.

In casting a glance over the course of events on the Italian shores of the Mediterranean, it is impossible not to advert to the achievements of Garibaldi, which have been universally accompanied by the sympathy of public opinion. The career of Garibaldi has been the subject of manifestations in this country — in Glasgow, Manchester, and other places — and he has elicited unqualified approbation from all classes in this country. Nevertheless, his progress and success have given rise to great difference of opinion in Italy; yet I am bound to say, as regards the expedition to Sicily, that, putting aside all political considerations, I can conceive nothing more glorious than the exploits of Garibaldi from the time of his leaving Genoa, with the revolutionary connivance of the King of Sardinia, up to the moment of his becoming Dictator at Palermo. All these details have been so admirably laid before the public by a correspondent, that I feel it would be a work of supererogation now to dwell on them. Garibaldi's rapid progress shows what the perseverance and prestige of one energetic man can accomplish. But when we read that an army of 20,000 men, well equipped and furnished with all the appliances of war, capitulated and laid down their arms before 2,000 men, ill equipped, with a bad commissariat, but who gained possession of the forts, the

harbour, and the treasury, then, I say, the achievements of Garibaldi assumed a character of such moment as forbade the Powers of Europe to remain indifferent spectators of them. I do not lay so much stress on the mere fact of 20,000 men laying down their arms, for we all know what influence a panic has sometimes on men. At Milan, in 1848, the whole Austrian army under Radetzky ran away before a wholly unarmed population; and yet that same army marched back from the Mincio to the Ticino in a few months, annihilated the whole Sardinian army, and recovered the position they had before lost. In saying this I do not wish to diminish the splendour of Garibaldi's achievements. I could almost liken him to Miltiades, who with a handful of men obtained on the plains of Marathon immortal renown for his success against all the hordes of Asia. Garibaldi has perplexed all the calculations of warfare. But we must not be dazzled by his triumphs; we must look to the political consequences which would infallibly ensue from them. After Garibaldi was made Dictator at Palermo there were cries of not only "*Viva Italia!*" but also of "*Viva Vittore Emmanuele!*" I suppose all was arranged between France and Turin; but when Garibaldi allows the people to cry out "Long live Victor Emmanuel, King of Sicily," I ask, can this be the same king who only the other day sold like sheep in the shambles, or slaves in the market-place, so many thousands of his most devoted subjects? Before this man is taken for a King of Sicily a warning voice should ring from the valleys of Savoy to teach the people of Sicily, before it is too late, what he who sold the liberties and interests of his Savoyese subjects—a race devoted for generations, for centuries to his family, and the rock and mainstay of his inheritance—is capable of doing towards newly acquired subjects. We have in this country a strong feeling of patriotism—and I know what the feeling is—but if I were a Sicilian patriot I would almost consent to continue for some time longer in the dungeons of Castellamare, rather than bow before such a false god of patriotism. They call him "Il Rè galantuomo;" and if you want a translation of that term, you may ask the citizens of Nice, or the mountaineers of the Alps. I deeply deplore the fact that the salvation of Italy is to be worked out between political treason on the one hand, and a military despotism on the other. I cannot see how the interests of Italy can profit by such a junction. They want Victor Emmanuel to be King of Sicily; and I will therefore show what its condition was when a Prince of the House of Savoy was sovereign of the island. By the treaty of Utrecht, Sardinia was ceded to Austria, and Sicily to the Duke of Savoy. In 1714 Victor Amadeus II. was crowned King of Sicily. He went to his new kingdom, proclaimed a parliament, and promised all kinds of liberties, after which he went away, and soon began to intrigue, as it seemed to be the habit of all the Savoy Princes. In 1718 he intrigued with the Spaniards to drive out the Austrians from the Milanese territory. The Spaniards did so, but then they turned round on their allies and drove them also from Sicily. The domination of the Spanish Bourbons thus began in 1736; and it is now in its very last agony. I make no allusion to the time when Sicily was in the hands of England, in 1806, and when we held it against the whole force of France until we gave it up at the peace. I wish to allude for a moment to the mission of Lord Minto, which took place in 1847 and 1848. By the advice of the present Prime Minister, then Secretary for Foreign Affairs, he went to Naples, and recommended the separation of Sicily from the dynasty of Naples. He allowed Admial Parker to salute the flag of Sicilian independence and took other steps to make that independence complete. Allow me for a moment to call the attention of the House to an extract from a despatch which was written by the present Prime Minister to Mr. Abercromby with respect to that offer. The noble Lord, on the 8th of May, 1848 wrote in the following terms:—

"With reference to the offer of the Crown of Sicily to the Duke of Genoa, you will state to the Sardinian Government that it is, of course, for the Duke of Genoa to determine whether it will or will not suit him to accept this flattering offer; but that it might be satisfactory to him to know that if he should wish to do so he would, at the proper time, be acknowledged by Her Majesty."

In 1848, therefore, the Government of this country distinctly stated that they were prepared to see a separation of Sicily from the Crown of the two Sicilies effected, and the sovereignty of the island committed into the hands of a Prince of the House of Savoy. Now, what I want to know is whether the policy of the noble Lord with regard to the question is the same to-day as it was at the period to which I am referring? Does he now desire that Sicily should not only be separated from Naples,

but united to Sardinia, and thus thrown into the grasp of a man who is the mere tool and instrument of the Emperor of the French ?

I do not wish to trouble the House by quoting at length from the recent despatches of the noble Lord the Secretary for Foreign Affairs in reference to the affairs of Italy, and I am happy to think it is unnecessary for me to do so, inasmuch as the great majority of hon. Members have no doubt read them with the attention which they merit. The noble Lord, however, I am bound to say, has not shown the same vigour in his despatches upon the affairs of Naples which he has manifested in those which relate to the House of Savoy. The noble Lord in one of the former despatches uses a somewhat curious expression. He says he always wished well to the dynasty on the throne of the Two Sicilies. But in 1848 the noble Lord did not wish well to the throne of the Two Sicilies, because he told Lord Minto that Her Majesty' s Government would support a separation. Again, on the 22nd of June I find the noble Lord writing to Mr. Elliot in these words :—"Her Majesty"—he does not say Her Majesty's Government—"is sincerely desirous to see the dynasty now on the throne of the Two Sicilies maintained and consolidated." These sentiments, I repeat, are not in accordance with the policy of 1848, and I wish the noble Lord would be good enough to inform us what is the cause of the change. But to proceed—Mr. Elliot turns round upon the noble Lord, and informs him that the Government of the two Sicilies persists in maintaining itself by a direct violation of the law. This statement does not, however, appear to exercise much influence over the mind of the noble Lord, for on the 2nd of July he writes to say "Her Majesty's Government"—not simply Her Majesty as before—"desire to see the present dynasty of Naples maintained on the throne." But we have Mr. Elliot on the 17th of July again stating that the King's Government was based on a continued denial of justice, and, more than that, the noble Lord himself on the 16th of January, admitted that "the commonest rules of justice were not observed." The noble Lord in that very same despatch proceeds to say, "We wish well to the Neapolitan dynasty. We recommend the establishment of a representative constitution. We do not offer any opinion on the details of such a measure,"—it would perhaps have been appropriate that the noble Lord should not do so at the time, because we were then upon the point of having our own £6 and £10 debates—"but we recommend free discussion, a popular assembly, and public opinion as the chief ingredients." Now it appears to me that if the noble Lord was anxious to stand forward as the advocate of those blessings, he need not have gone quite so far as Naples for the purpose. In thus criticising these despatches, no one of course, will for a moment suppose that I entertain any feeling in favour of acts of cruelties so atrocious as those which the King of Naples is said to have committed. I have read authentic reports of those acts, and have learnt upon indisputable evidence the crimes which this military despot has perpetrated. I cannot understand how now, in the nineteenth century, the people of a nation which had once tasted the blessings of constitutional freedom could be content to submit without a murmur to a rule which maintained no semblance of liberty or of law. The noble Lord recommends them to try "free discussion, popular assemblies, and public opinion ;" but, as I said before, he need not go so far as Naples to seek fitting objects for such advice. He has only to look across the Channel to perceive that those despatches which he sent to the Court of Naples may with great force be addressed to the Emperor of the French. Now, let me add that almost every one of us—laying aside all political meaning—sympathize with the proceedings of the heroic Garibaldi. Such, however, let it be clearly understood is not the case with the noble Lord, who has done everything he could to stop him in his career. Let there be no mistake on this matter. I think it was the hon. and learned Member for Dundalk (Mr. Bowyer) who, on the 4th of May last, put a question to the noble Lord with respect to Naples, to which he returned the following reply :—

> "The Ministers of the King of the Two Sicilies have from time to time communicated with us, which shows a reliance, a great reliance on the friendship of Her Majesty's Government. Upon one occasion there was a report that General Garibaldi was going to Sicily with armed ships. The Government of the Two Sicilies immediately applied to Her Majesty's Government to endeavour to stop that expedition, and I lost no time in applying to the Sardinian Government, asking them, if they had any authority over Garibaldi, not to allow him to proceed."

It is quite evident that the course which Garibaldi has taken has not the approval of the noble Lord; but, be that as it may,

I trust he has no desire to see Sicily united to Sardinia, which is intriguing under the cover of Garibaldi. But while these intrigues are going on promises are, it seems, being made of a free Constitution and every sort of good to the Sicilians if they will only give way. I, however, very much doubt whether the Sicilian patriots will be disposed to place much reliance on those promises, seeing how often they have been already deceived. In 1848, on the recommendation of the noble Lord, a Constitution was offered to the Sicilians, an offer which, when matters assumed a more favourable aspect, was ignored. Nay, more, the King of Naples sent General Filangieri to bombard and destroy Messina, while those very men who supported him in his constitutional policy—Poeri and Settembrini—were consigned to spend years of misery in a dungeon because they had shown themselves faithful to the liberties of their country. In 1821, also, a Constitution was promised, as it is to-day, and immediately withdrawn. I repeat, therefore, that I hope the Sicilian patriots will not be deceived by those promises, and that we shall have that independence secured to Sicily—either through the medium of a guarantee on the part of the Powers of Europe, or by some other means —which she has shown herself so fit to enjoy. The noble Lord at the head of the Government, when asked the other evening what course Her Majesty's Ministers would be prepared to take with reference to any suggestions that might be made to them on this subject from the Court of Naples, made use of the following remarkable words :—

"It is the fault and fortune of such Governments as that of Naples, when, by the cruelties and atrocities committed under their authority, their subjects have been driven to desperation and have revolted, that they appeal to all friendly Powers for assistance to remove the men who are the authors and instigators of those revolutionary movements, and if their prayers were granted, and steps taken to accomplish the object they desired—unless, which is very unlikely, they were prepared to alter their own course—the first, most effectual, and only necessary step would be their own removal."

Now, that was a straightforward and generous answer to return, and on the sentiments which it expresses I, for one, fully participate. I have now to thank the House for allowing me to address them at such length. I will merely say in conclusion that I do not profess to see any solution of the existing difficulties of Sicily. I can only hope, as I said before, that Her Majesty's Government will not sanction the union of that island with the Crown of Sardinia. We have already enough on our hands without encountering the complications which such a policy must involve. The state of Europe is sufficiently alarming, and, more than that, we know that great danger will be likely to result if the influence of France is allowed to acquire in Sicily predominant power. Now, I want to see the political influence of England maintained. Much has been said during the Session of her power and resources, and no one can deny their greatness at home. I, however, should wish to behold her enjoying abroad that influence which she is entitled to exercise, and employing it for good, for we know that, whatever may be the extension of our wealth or the growth of our commerce, the prosperity of the country cannot in reality be said to be based upon a sound footing unless we maintain due political weight in Europe. I do earnestly trust, then, that Her Majesty's Government will take every opportunity to secure and consolidate that political influence; for, if one iota of it be abated, if you allow the prestige of the country to be dwarfed and narrowed, in the same proportion will her greatness undergo diminution. But if, upon the other hand, you are prepared to act upon the policy which I have pointed out and to uphold unimpaired that influence "which has grown with our growth and strengthened with our strength"—then will the Parliament and people of England be able to look with confidence to the progress of passing events, while she herself will continue to retain that high position among the nations of Europe which, during the last half century has shed so magnificent a lustre on the annals of her history.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies or Extracts of Papers relating to the threatened annexation of Sicily to Piedmont, and to any information received by Her Majesty's Government as to the probable demands of France consequent upon the event of that annexation taking place; also any Papers showing that Her Majesty's Government have within the last few weeks intimated to the Government of Turin that the continued aggressive policy of that Government would not be viewed with indifference by Great Britain,"

—instead thereof.

LORD JOHN RUSSELL: Sir, I cannot deny — indeed — I freely admit the

ability, sincerity, and generosity of the hon. Baronet who has just spoken. I will readily admit likewise that I have to thank not only him and others who share his political views, but also hon. Members opposite for the forbearance which they have shown in a very difficult period of foreign policy. I have not to complain, therefore, that the hon. Baronet should take this occasion, on going into Committee of Supply, to ask what are the views of the Government with regard to the present state of Italy. At the same time I must say that, as the hon. Baronet went on from one topic to another, I was much at a loss to gather from his observations what was the policy he would recommend. I own I was puzzled to know whether he wished that the King of Naples should be enabled to assert his authority in Sicily, and that the influence of Her Majesty's Government should be used for that purpose, or whether he desired that the people of Naples and Sicily should be free to choose for themselves that kind of government which they prefer. Sir, in looking at this subject, one must consider what has happened since 1815, and more particularly the events of last year. In 1815 Austria had allotted to her Lombardy and Venetia, but her influence was not confined to those territories. From 1815 to 1859 she extended her influence over every part of the peninsula; and when the political influence, which a great country such as Austria possesses, was not sufficient, she sent her armies to put down the institutions which the people had chosen for themselves, and to restore absolute dominion. The present Prime Minister of Austria has been obliged to confess that that system has failed. Well-intentioned, as he maintains it was, towards the people of Italy and the general state and balance of power in Europe, he cannot deny that the result of that policy has been such as to make the Italians averse from Austrian rule and to compel Austria to renounce that policy for the future. Well then, Sir, what has happened. From 1848 to 1859 France and Austria occupied by their arms parts of the Roman States. In 1859 it happened, as it was very likely to happen in some year or other, without any one being able to fix the precise epoch, the King of Sardinia excited the people of Italy to resist foreign domination. He assured them that he felt for their agony, and that he sympathized with their griefs; and at that time he obtained the assistance of France to enable him to oppose Austria. This country, under the guidance of the Ministry of the Earl of Derby, refrained from taking any part in that war, and that neutrality was applauded and supported by all parties in Parliament and all classes in the country. Assuming that position, therefore, it was not for us to expect any of the rewards or spoils which might be the results of the contest. It appears now that at the very commencement of the war France had stipulated, not in a formal treaty, but in an agreement so binding that Sardinia could not afterwards free herself from it, that if a considerable part of Italy were transferred to the King of Sardinia, Savoy and Nice should be annexed to France for the security of her frontier. Well, the hon. Baronet says that we interfered too late. The first we heard of such a project was naturally, almost immediately (at most three weeks) after our coming into office, when the French Government said that they would not entertain this project if the Treaty of Villafranca was to be carried into effect, but they were of opinion that as that treaty had placed the King of Sardinia in possession of a great portion of Italy, then the security of France required that Savoy and Nice should be given up. We stated at once, in the beginning of July last, the mischievous effects such an annexation would produce. We believed it would have a mischievous effect; but we did not say then, we have never said, that we should oppose that annexation by force of arms. We informed the French Government that, in our opinion, a grave mistake in policy would be committed if these provinces were annexed to France. We pointed out that the distrust which would thereby be created in Europe, on the Rhine, and elsewhere, rendered the annexation in every way objectionable. That was the course we pursued and the opinion we maintained. It is an opinion we have never concealed from the Emperor of the French, or from any of the other Powers of Europe. But we never proposed to carry that protest to the extremity of war in the event of the annexation being carried out.

In considering the conduct of Sardinia and of the Italians, it must be borne in mind that the people of Italy have, not merely since 1815, but for hundreds of years, been suffering from the effect of their own dissensions. They have been subdued by foreign Powers, they have been kept in subjection to tyrants whom they

have despised, they have been misgoverned to the utmost extent, their national genius has been silenced; and all these misfortunes have sprung from the same cause. It has been a reproach to them in the eyes of foreign nations, and one which they have felt deeply, that to their own disunion, dissensions, and jealousies they owed the miseries they suffered. Such being the case, what was more natural than that the men who wished that their country should be independent, and that she should play her part once more in the great theatre of the world, should apply the antidote where they found the poison at work, and attempt by union to remedy the disease from which their country languished? That was the feeling even in Tuscany, where there was no violent tyranny to complain of. The Government was mild, though no encouragement was given to political or even to literary exertion, and had it been only a question of driving away one Sovereign and putting another in his place the people would not have been disposed for revolution; but the feeling in Tuscany, as well as elsewhere, was that, unless they could have union and range themselves under the banner of a single Sovereign, there would be no chance of security and independence for them as a nation. The King of Sardinia is a brave and gallant man, a soldier who has distinguished himself in the field; but it is not so much his personal merits as his being the Sovereign who has evinced a desire to assert the independence of Italy which has rallied the Italians round him and induced them to unite themselves under his sceptre. It was the same feeling that induced the people of Italy to place themselves under the protection of France. What, then, was France to do in such a case? The Emperor of the French had signed a treaty by which the Dukes of Tuscany and Modena had their rights reserved to them; but he had declared at the same time that he would neither use force himself nor permit others to use it to coerce the will of the people of Italy. The Italians were encouraged by that declaration, and proclaimed that their wish was to be annexed to Sardinia. Austria, enfeebled by the war she had just passed through, and dispirited by the reverses she had sustained, although she still maintained her former views as to the rights which were derived from legitimate sovereignty and rights derived from treaties, agreed to make no attack on what she would call the revolted parts of Italy and to confine herself to the defence of her own dominions. What was the course, then, which Her Majesty's Government took? Seeing that the people of Italy had suffered from their former disunion, and from the foreign intervention which had taken place in 1821, in 1848, and on other occasions, they deemed that the time had now come when it was right to see whether the Italians could not form and sustain a Government for themselves. Her Majesty's Government, therefore, laid it down as a principle by which they would abide, that the Italians should be allowed to make their own choice of a Government and that no foreign Power should be interposed to coerce them. I could not gather the view of the hon. Baronet on this subject, but the view I have stated is a broad and simple view. We have found hitherto that the people of Italy who have rallied under the King of Sardinia have shown no disposition to break into tumult. There has been but one outrage, but one murder committed during the revolution in Central Italy, and nothing like anarchy has displayed itself there. On the contrary, there has everywhere been submission to the new form of Government, and the people have ranged themselves under the banner of order.

Well, then, I come to that which formed the theme of the greater part of the speech of the hon. Baronet—the case of Naples and Sicily. And here I must say I could have wished that the hon. Baronet had spared the memory of one who is now no more—Lord Minto. His representations of Lord Minto's conduct are entirely erroneous. Lord Minto went to Italy at the desire of my noble Friend, who was then Foreign Secretary, with the view of reconciling the Sovereigns of Italy to make reasonable and useful improvements, and of recommending the chief persons of the Liberal party to remain tranquil under their respective Sovereigns, and to look for internal improvement from those Sovereigns, rather than attempt revolution.

SIR ROBERT PEEL, in explanation, said, I should be sorry to allow the noble Lord to remain for a moment under a misapprehension. I said that I had the most agreeable souvenir of the kindness and amiability with which Lord Minto treated me personally, but that his political mission was a failure; that the Government who sent him had deceived the Sicilian patriots. That was all I said,

I did not say a word against the personal character and conduct of Lord Minto.

LORD JOHN RUSSELL: The hon. Gentleman having represented certain facts, and having declared that Lord Minto was the instrument of deceiving the Sicilian patriots, it is necessary to state exactly what occurred with respect to Naples and Sicily. Lord Minto, when he went to Naples, found that the King had given a Constitution to his people and that a Liberal Ministry were in office. He assisted at a Council with the King of Naples that sat many hours, and the result of which was that certain concessions were made to the people of Sicily, which it was hoped would induce them to remain under the sceptre of the King of Naples. Lord Minto was authorized to make these proposals to the Sicilians; but when he arrived there two circumstances had occurred which contributed to the failure of his endeavours, both of which were beyond Lord Minto's control. One was, that the French revolution had broken out, and that the French people had proclaimed a republic. The minds of men were agitated throughout Europe, as we all remember, by that news. The people of Sicily among others were discontented with their former Government, and, wishing for a change, they began to think that some republican change would be more advantageous than the institutions they had formerly lived under, or than a return to the sway of the King of Naples. Another circumstance had occurred which I may relate, as so many circumstances of a similar character are known that it can be no additional reproach upon the late King of Naples to mention it. Lord Minto's only chance was in carrying these concessions with him as a British Minister, and recommending them in that capacity to the Sicilians as a sufficient guarantee for their liberty. But when he arrived in Sicily he found that these conditions had been known some days, and that they had been sent without any recommendation from the King of Naples. The people of Sicily had deliberated upon those proposals, and had determined to reject them, and thus his mission failed at the moment of his arrival.

Now let us see what have been our relations with respect to that Spanish branch of the House of Bourbon which now sits upon the throne of Naples. In 1806 the British Government refused to make peace with France almost solely because the Emperor of the French demanded Sicily, and the British Government to its honour refused to surrender the territory of an ally. Thus the house of Bourbon owed to the Government of Great Britain the preservation of Sicily. A constitution was at that time established in Sicily, which Lord William Bentinck did much to confirm. By that constitution the kingdom of Sicily was to be separated from the kingdom of Naples. If the eldest son of the King of the Two Sicilies chose Sicily he was to abandon the crown of Naples, while if he chose Naples he was to give up Sicily, and the second son was to succeed to the throne of that country. In 1814 the King of the Two Sicilies procured an article to be inserted in the Treaty of Vienna, in which he was recognized as King of the Two Sicilies, whereby the constitution of 1812 was torn to pieces and scattered to the winds. In 1815 the King of the Two Sicilies made a Treaty with Austria, by which he engaged not introduce into his dominions any other Government than that which the Emperor of Austria might think fit to introduce into Lombardy. By this Treaty he not only destroyed the constitution of 1812, but he made a compact with a Foreign Power that he would not restore liberty to Sicily. In 1821, when that country had a constitution, it was overthrown by the presence of a foreign force, and 40,000 Austrian troops were left to occupy Naples and Sicily, and I believe did occupy those countries for three or four years. In 1848, again, the King of Naples gave a constitution to his subjects, which he afterwards destroyed by his own hands. From 1848 to 1859 the people of Naples and Sicily suffered under—not the absolute Government of the monarch and the despotic conduct of his Ministers, but under an arbitrary and vexatious police, which made every man's house a prison, which tracked men as they walked the streets, and followed them into the privacy of domestic life, and which made the whole kingdom such a scene of misery and tyranny as has hardly any example. The present King succeeded to the throne. The late Government of this country thereupon sent Mr. Elliot to Naples, and told him verbally—for I believe he had no written instructions—to advise a liberal Prime Minister and a constitution to the King of Naples. When we succeeded to the Government we likewise advised the King to make concessions of popular institutions, and, above all, to establish a just administration of the law. The Ministers of the King of

Sir Robert Peel

Naples said "We do not mean to grant a constitution; we disapprove of popular constitutions, but we mean to administer the law." Upon this we inquired, if they meant to administer the law, why they kept so many persons in prison against the law? They rejoined that the law was intended for the people, and not for the Government; that the Government might arrest anybody it pleased, and that it was necessary for the purposes of the State that the Government should not be compelled to bring them before the tribunals. Thus we went on, always advising concessions and a liberal constitution, or at the least an administration of the law, and if our advice has not been taken, and the concessions lately made have not succeeded, it only proves that those concessions were made too late. We at least cannot reproach ourselves that we have concealed from the King of Naples the policy that would have saved his throne and given security to his dynasty in future. Even a few months ago the King of Naples might have secured both Naples and Sicily. An expedition went out to Sicily—and here I must explain the particular fact to which the hon. Baronet alludes. He adverted to a speech made by me in this House in answer to the hon. Member for Dundalk (Mr. Bowyer) relative to Garibaldi; but the hon. Baronet did not state, and probably did not know, the date when that occurrence took place. It took place in the summer of last year, when the King had just ascended the throne and had ascertained the existence of much discontent in Sicily, and when it was desirable he should take every opportunity of meeting this discontent by just concessions and the establishment of a free constitution in that island. The Government of Naples wished us to represent to Sardinia that it ought not to invade a friendly State. It so happened that the King of Sardinia had no such design or intention, and we received a communication to that effect. What happened lately took place without our knowledge. I know not whether it was without the knowledge of the Sardinian Government, but so far from their having inspired the expedition, my accounts all tell me that they looked upon it as a wild and mad enterprise, and thought they would soon receive inteligence of its utter failure. I have stated on former occasions, when Garibaldi was reproached with being a filibuster, that the name could not justly be applied to a man who had rescued a country from slavery, and placed it in a position of liberty and happiness. Garibaldi is, at least, a man of very extraordinary character. He landed with between 1,000 and 2,000 men, and in the course, I believe, of a fortnight, 18,000 or 20,000 of the forces of the King of Naples agreed to evacuate Palermo, and the people of Sicily followed him as their deliverer. Well, then, again comes a new position of affairs. It may be that the people of Sicily will declare in favour of annexation. It may be, and I think it likely, that an attempt to annex Sicily and then to annex Naples, and, I suppose, the Roman States, would not end in the consolidation of a firm Government. For my own part, I doubt very much whether the people of the north of Italy can, under the same sceptre with the people of southern Italy, form a firm and permanent Government, which would act in harmony for the welfare of the Peninsula. These are my doubts and my opinions. If the King of Naples is able by the concessions which he has made to conciliate the Neapolitans, and induce them to live under his rule with free institutions, Her Majesty's Government cannot find fault with such a result. Again, if the people of Sicily can obtain the constitution of 1812, and are satisfied with the constitution, it is not for us to find fault with the arrangement. But, on the other hand, we will never lose sight of the principle which we have before enunciated, and which we think is a sacred principle—one to which there are indeed some, but very rare, exceptions—namely, that with regard to the internal government of a country the people of that country are the best judges, and that no foreigner should interfere by force to coerce and to overwhelm their decision. It is not only a nice question, but it is one of the most extreme difficulty, for foreigners to declare, "Such a man is worthy of your confidence; such a Prince may be safely followed; such a chief is a good political adviser, such another will give you a constitution under which you may live happy." A foreigner should speak on such matters with great measure and with great reserve, and can only give an opinion according to the imperfect lights which he may possess. It is, therefore, for the people of Sicily and of Naples, and I must add also—whoever may be offended by that expression—it is for the people of the Roman States themselves to say what is the form of government under which they choose to live.

With regard to the policy of the British Government, we may from day to day have to treat of matters in which our relations with other Powers may induce us to recommend a particular measure at one time, or a certain course at another; but I can assure the House, and it is the only word and the last word I have to say, that, as far as concerns the people of Italy, we have no other policy than to leave them to decide for themselves their own fate. If their decision should be such as tends to the future happiness and independence of Italy, I feel confident we shall rejoice at it, and not on account of Italy alone,

"Who values liberty confines
His love for her within no narrow bounds;

and I believe that for the liberty and happiness of Europe, as well as for "the balance of power" in Europe—a phrase which is often abused, but which yet has a clear and significant meaning—there can be no better guarantee and no greater security than the independence of Italy.

MR. KINGLAKE: It was, I think, quite unnecessary for my hon. Friend (Sir Robert Peel) to deprecate any possible opinion on the part of the House that his Motion would be in any way inopportune, for the attitude taken by Sardinia is certainly one well calculated to give great anxiety to every man who feels an interest in the maintenance of the peace of Europe. An aggression by any one European State is always a matter of deep importance, but the experience of the last few months has taught us that an aggression by Sardinia is an operation which draws with it very peculiar consequences. Sardinia, as we know, is a neighbour of France; and when Sardinia, going forth in quest of prey, succeeds in aggrandizing herself, it seems that the Emperor of the French instantly comes before Europe and claims to be indemnified for the additional strength which she has acquired. This is obviously a consideration which gives great importance to all such transactions as those which have lately occurred. Given, that Sardinia is to possess herself of the island of Sicily, we may then have to make out, according to some new Rule of Three, what country will be sufficiently rich to compensate the Emperor of the French for this aggrandizement of his neighbour. Is it Genoa which is to be given up? Rumour says so. That would be an acquisition by the Emperor of the French which would be vastly more than equivalent to the doubtful advantage expected by Sardinia in the annexation of Sicily. The Emperor's plan for the territorial re-arrangement of Europe seems to be to put forward another State to make claims for herself, and then to seek the kind of compensation I have suggested. My hon. Friend used an expression in speaking of the Austrian army in 1848 which was, I think, rather a slip of the tongue, and which probably he would be glad to have corrected. He talked about the Austrian army running away from Milan. It certainly did retire from the city at the time of the insurrection; but that very retirement was the beginning of a series of most masterly military operations which ended in a campaign, in the course of which Marshal Radetsky was able to roll back the tide of war, and to gain for himself, at the great age of 86, the just reputation of being—I will not say the first, because the Duke of Wellington was then alive—but the second commander in Europe. The noble Lord (Lord John Russell) has made to-night one statement which has given me most unfeigned satisfaction. He has told us that Count Rechberg, the enlightened Prime Minister of Austria, has at length announced his abandonment of that one unhappy line of policy which tended greatly to separate this country from her ancient ally. I rejoice that that cause of difference is now entirely removed. The noble Lord seemed inclined to excuse or palliate the peculiar position in which General Garibaldi is placed, by referring to the good which he seems able to do; and the noble Lord said that many a man might be called a filibuster who, in point of fact, was greatly benefiting a country. But I cannot feel that that is a satisfactory mode of explaining the position in which Garibaldi stands, for it seems to me that if there be any palliation for the kind of enterprise which he has undertaken, it lies in this—that he is one of a great people who aim at being a nation. It is in that light, and not because he is simply doing good, that his enterprise is viewed with approbation by so many Englishmen.

The question that is suggested to my mind by the Motion of my hon. Friend is this—is Sardinia a country truly independent—is she a country, I will not say lawfully, but honestly, labouring to put together the scattered members of Italy, or is she in point of fact the vassal—the mere vassal of France? Now, I regret to be obliged to come to the conclusion that the

latter description is the true one. Up to March last no doubt it was possible to hope and believe that Sardinia was actually independent. At that time Count Cavour assured not only the Foreign Minister of his country, but also his own most intimate friends, that no consideration should induce him or the King he represented to sell or to surrender either Savoy or Nice, and yet within a fortnight from that time he was devising a scheme to secure the Treaty of Zurich. The only excuse for such a departure from a pledged word was, that he was acting under pressure; but, if so, why does he now claim to stand before Europe as the Minister of an independent State? I am free to admit that a Power of second-rate importance like Sardinia, placed under compulsion by a great Power like France, does demand our compassion, but it does not form a reason for our becoming the ally of a Power which confesses she has lost her independence. The ties which bound the King of Sardinia to the provinces of Savoy and Nice were most sacred. Those provinces had not only been from time immemorial a part of the sovereignty of his ancestors, but they were the territories which had given them rank as sovereign Princes in Europe. Not only from that circumstance, but also from the fact that his ancestor regained those provinces in 1814 under solemn pledges to retain them, was he bound to consider the ties sacred. We know that in 1814-15 those provinces were in the hands of the belligerent Powers, who were then bringing to a conclusion the war they had been waging against France. It was competent to those powers to dispose of those provinces as they pleased, and they thought fit to restore them to the King of Sardinia, an independent sovereign, in order that, being on the frontier of France, they might form a part of the system of the balance of power in Europe. They even advanced a large sum of money to the King of Sardinia to enable him to fortify those provinces against the very Power into whose hands the present King has thought fit to surrender them. The King of Sardinia has parted with the ancient possessions of his family, he has given up his military frontier—he has lost the best battalions of his army—he has abandoned a great portion of his seaboard, in order that he might preside, or seem to preside, over the great endeavours now being made to reconstruct the kingdom of Italy. I admit that the hope of attaining such an object might well excite a manly ambition; but I think that the abdication of a part of his own territories was but a sorry step towards that end. In the position which Sardinia occupied in Europe it was the duty of the King to cultivate the friendship of France, of Austria, and of England; but he has so acted that he has no other ally than France, if that country can be called an ally, which is, in fact, his master. When he awakes from the dream for which he has abandoned so much he will find his position is like that of King Joseph or King Jerome, who had territories assigned to them, but whose dominion was merely nominal, and whose kingdoms soon disappeared. For the sake of Italy, Sardinia has been pardoned much, but let her beware how she so operates in Italy as that her conduct may have an influence on the affairs of Central Europe. It is obviously possible for Sardinia so to operate with her troops on the Mincio as to be able to influence events upon the Rhine. I happen to know that Count Cavour announced a policy of this kind in March last. He then deliberately stated that Sardinia was looking to the possession of Venetia, but her first duty would be to keep Austri in check on the Mincio while the Emperor acted on the Rhine. It is one thing that Europe should assent to Sardinia extending herself in Italy, but it is another thing to assent to her using the power gained in Italy to influence events in Central Europe. We must never forget that the great "Quadrilateral," of which Verona is a part, is a barrier or rampart for Germany. The policy of which the King of Sardinia has consented to be the instrument has been suggested to another Potentate. It is well known that since 1857 the French Government has pressed upon the Prince of Prussia the idea of his taking some of the minor States of Germany and giving up to France, as compensation, the Rhenish provinces. To obtain that object was, I believe, the hope of the Emperor when he went the other day to Baden; but he found there an insuperable difficulty—he found there an honest man. It would, indeed, hardly have been possible for the Prince of Prussia to act otherwise than his honourable, straightforward nature, dictated on that occasion, for he was in possession of a fact which I will mention to the House, and can do so with perfect confidence on its accuracy. The House will do me the justice to remember that I have on former

occasions ventured to make statements which I think time has shown to be accurate, and therefore the House may feel inclined to believe the fact which I am about to state. I assert this, and it is a fact of deep importance for those who still retain the idea that the Emperor of the French is the sincere champion of Italy. I assert that at the second meeting at Villafranca the Emperor of the French proposed to the Emperor Francis Joseph to give him back Lombardy upon condition that Austria should acquiesce in operations which he then intended to attempt on the Rhine. I repeat that the Prince of Prussia was in possession of this fact, and it is not to be wondered at that he met the proposal of the Emperor in the same spirit of straightforward honesty as inspired the answer of the Emperor Francis Joseph. That answer was very short and very simple. He said, "No, I am a German Prince!"

Now, Sir, I believe that even if the German Princes were not so high minded, if they were to waver on this subject, the feeling of the people of Germany is of such a kind that they would be compelled to do their duty. In Germany, although there are differences on a thousand subjects, there is one subject on which all are united. You can always secure the concurrence of every German around you when you say that the French shall never have the German Rhine. In truth, the Germans seem to have determined that they will not again go through the humiliations and disasters which they suffered in the early part of this century, but they will begin with that noble uprising of the people which characterized the close of the last war—they will begin with the year 1813. But even if the people of Germany had forgotten the disasters to which they were exposed by French invasion, her Princes could not be ignorant of modern history, as to the manner in which a Bonapartean Sovereign is accustomed to make peace. From the Peace of Campo Formio, in 1796, down to the Peace of Villafranca, in the last year, you always find this to be the characteristic mark of the Bonapartean mode of making peace—that they make a peace not on the terms merely of arranging the relations of the two belligerents, but on the plan of deliberately sacrificing the interests of neutrals and friends. So it was at Villafranca. The scheme of the Emperor of the French was to make peace with the Emperor of Austria by delivering up to him Lombardy, and to induce him to accept it as the price of treachery on his part against her German confederates. Well, now, I ask, why is it that, from one end of Europe to the other, we have nothing but rumours of war? France has no quarrel that I know of — no dispute, even, with Belgium or with Prussia, or with the Mecklenburg, or Saxony, or Denmark, or Bavaria, or Sardinia; and yet there is not one of these States whose territories are not in some way threatened by the rumours now prevailing in Europe. It is notorious that along the whole eastern frontier of France agitators are at work endeavouring to sow the seeds of discontent, and prepare the minds of the people for a change of the rule under which they live. I have seen a letter from a gentleman of high character, whose name I will mention confidentially to any hon. Gentleman who is accustomed to take part in these debates, though I do not think it would be right to mention it publicly—I have seen a letter from a gentleman residing in one of the States thus threatened, and he gives an account of an interview which had taken place between him and one of those French emissaries, a passage from which I will quote as somewhat interesting to the House. The emissary says to him,

> "There is not a country which France does not hold in her hand, not a country without some internal question on which it is possible to found a strong and immediate action. In Prussia and Denmark, the hostility of the small States; in Austria, Hungary; in Russia, serfage; in England—in England—"

[The hon. Gentleman here paused significantly, during which an hon. Member called out "Ireland! Ireland!"] The House seems surprised when I pause at the mention of England, but the truth is this emissary, as the ground on which the French Government founded their hopes as regards this country, had mentioned the name of an hon. Gentleman, a Member of this House—[*Cries of* "Name!"] —and as he is not present it would perhaps be right to abstain from naming him. It is unnecessary to say that the French emissary did not at all mean that the Member to whom he referred was engaged in any sort of intrigue that would bring upon him any kind of blame; all that was meant was that the policy pursued by that hon. Member was of such a kind as to give great reliance and gratification to the Emperor of the French.

Well, I ask, why is Europe thus dis-

turbed? I say the answer lies in the internal state of France. The internal state of France is such that it becomes absolutely necessary for the ruler of that country to divert attention from home affairs by giving to the people of France the habit of looking abroad. We most of us know that M. Paradol is now lying in prison for having written what in most countries would be considered a very moderate pamphlet; and the passage for which he was thrown into prison is one in which he expressed what I believe is the feeling of many Frenchmen—a yearning for peace on their part, a desire to turn their attention to home affairs, and give up this habit of causing disturbance in the neighbouring States. The passage for which M. Paradol was prosecuted is this—

"France is like a man standing at a window, and so utterly engrossed by what is passing in the street, that he cannot be induced to mind what is going on in his own house."

Well, now, it is in order to make it possible to keep a man in prison for writing words like these that Europe is disturbed by wars or rumours of wars, or some miserable annexation of territory undertaken by the French Emperor. Among the statesmen and orators of France there used to be something which was called a foreign policy; but now there seems to be no more a foreign policy, but a mere series of small conspiracies. The foreign policy of France has degenerated into a mere system for the disturbance of neighbouring States. The kind of agitation now being carried on over the whole eastern frontier of France, may substantially and truly be said to be the operation, not of the French Foreign Office, but of the French police. Was there ever a more singular spectacle than that now presented? Here is France possessed with an idea that there is to be speedily a war with some Power—and yet, so singularly situated is she as not to know with whom she was to fight. France, as it seems to me, is, as it were, led forward like some mere dumb animal that has been taught to pull a trigger and fire a musket, without knowing why or wherefore, except that she was under the orders of her master. Our own foreign policy is at present in a somewhat labyrinthine state, but for this labyrinth there is an effectual clue, and that is one which the words of the noble Lord the Secretary of State for Foreign Affairs himself gave us on the 26th of March, words which delighted every section of the House, and which have been responded to throughout the country. After stating his wish to live on the most friendly terms with the Government of France, he went on to say—

"We ought not to keep ourselves apart from the other nations of Europe, but when future questions arise—as future questions may arise—we should be ready to act with others."

Sir, I consider that these assuring words contain a true indication of the policy which England ought to pursue.

MR. WHITESIDE: I wish to call the attention of the House to the practical part of this subject. The hon. Baronet opposite put a question to the noble Lord, to which I was not so fortunate as to hear the answer. He asked for information as to the probable demands of France in the event of the annexation of Sicily to the Kingdom of Sardinia. No doubt, as the noble Lord truly observed, delicacy and reserve ought to be observed in respect to a future foreign policy, when you are ignorant of what that policy may be and have no knowledge of the facts. But the noble Lord gave no answer to the direct question put to him. He, however, made a statement full of interest, and I only regret that the right hon. Gentleman the Chancellor of the Exchequer was not here at the time to be instructed by it. It was declared some months since in this House —although it was not then admitted by the Treasury Bench—that long ago a bargain was struck between the Minister of Sardinia and the French Emperor, that in the event of the Kingdom of Sardinia being considerably enlarged compensation should be made to the injured and terrified ruler of France. The noble Lord, however, is the first Minister of the Crown who has acknowledged the truth of this statement, and he has truly added that this policy of the French Government was calculated to disturb Germany and fill Europe with distrust, and that that opinion was conveyed by our Minister to the Government of the Emperor. That I hold to be a very important announcement. It is an announcement of the view which Her Majesty's Government took of that transaction. But I beg the House to remember that, while the noble Foreign Secretary has made that significant statement as to the recent policy of France, we have had the right hon. Gentleman the Chancellor of the Exchequer announcing to us for weeks and months past, with his extraordinary powers of eloquence, that nothing but peace and happiness were to flow from

our commercial arrangements with that country the policy of which the noble Lord tells us fills Europe with alarm and distrust. Which of these two Ministers is in the right I do not pretend to say, except to hint as delicately as I can that I think it is the noble Foreign Secretary, and not his right hon. Colleague the Chancellor of the Exchequer. As, however, the noble Lord has expressed his opinion, it is only fair that the right hon. Gentleman should have an opportunity of favouring us with the opposite view of the question, and of depicting the general confidence and tranquillity consequent upon the conclusion of the French Commercial Treaty. I agree with the noble Lord that a policy of peace, to be pursued, I presume, consistently with honour, is the policy worthy of a British Minister. I was not in this House when the discussion took place upon the conduct of Lord Minto; but I have read what was said on that occasion, and I learnt that the noble Viscount defended that noble Lord from attacks then made upon him, as I understand, by certain Members of his present Administration. It is a remarkable circumstance that the hon. Baronet (Sir Robert Peel) should commend the patriotic spirit displayed by the Volunteers of this country, and that the hon. and learned Gentleman opposite (Mr. Kinglake) should tell us that Europe is disturbed by rumours of war, changes of dynasty, and possible revolutions; while for months past we have been assured by the most eloquent Members of the Ministry that if we only acquiesced in his schemes we might calculate upon a secure and prolonged European peace.

LORD JOHN RUSSELL explained that the right hon. Gentleman was perfectly right in saying he had declined giving the information referred to in this Motion, which he felt it his duty to oppose.

MR. MONSELL said, that he could not collect from the noble Lord's speech whether Her Majesty's Government were encouraging or discouraging the annexation of Sicily to Sardinia. If the inquiry addressed to the noble Lord had been whether the Government were in favour of leaving the people of Sicily to choose for themselves what form of domestic Government they would live under, the noble Lord's speech would have been perfectly satisfactory, and everybody present might have concurred in it. That, however, was not the question put by his hon. Friend, who wished to know whether the policy of annexing Sicily to Sardinia was to be pursued, and whether the consent of Her Majesty's Government was again to be given to principles which must lead to continual changes in the map of Europe, putting every small State in perpetual trepidation lest it should be transferred to some other Power. In the neighbourhood of the Rhine the question was perpetually asked, were the provinces to continue to belong to themselves, or were they to be annexed to some other power! Of all questions that came before the House, this was the most important. Undoubtedly the principle was sanctioned in the first instance by our Government in regard to Northern Italy. Take, for example, the case of Parma. Nobody pretended that there was the slightest cause of complaint against the Government of that Duchy, where justice was equally administered, and the Sovereign trusted and beloved by her subjects, on whom she had conferred innumerable benefits. Yet, merely to gratify the ambition of a neighbouring Power she was driven from her throne and her dominions annexed. The Emperor of the French, as Count Cavour had distinctly stated, following the example set in the annexation of Parma, Tuscany, and Modena, proceeded to apply the same principle to Savoy and Nice, where nobody supposed that the favour of "universal suffrage" adopted expressed the real opinions of the people. Let the same system be followed in Belgium. Suppose a bad harvest, a dearth of employment for the manufacturers, and great consequent discontent to exist in that country,—what would be more easy, under such circumstances, than for French gold and active French emissaries to get up some kind of a popular demonstration, and thus to bring on a repetition of the transactions lately witnessed in Parma or in Nice? Again, take the Christian provinces of Turkey. No doubt the majority of the House would be glad to hear that those provinces had vindicated their freedom. It was, however, a totally different question whether we could sanction their annexation to Russia. But if we did not choose to sanction it, would not every logical ground of resistance to such an annexation have been cut from under our feet by our conduct in regard to the Italian States? This was a matter on which the whole peace and tranquillity of Europe depended. The principle upon which he was animadverting had never before been recognized by this country. It was violated in the case

of Cracow by Austria, whose proceedings were denounced in the memorable debates which took place on the subject in that House. It was opposed to the doctrines laid down by Sir James Mackintosh, in his remarkable speech on the annexation of Genoa to Sardinia, in which that eminent man declared that the great idea of a Christian commonwealth of nations was that every small State should be as much secured against the aggression of a large State as every private individual in a well-governed community was secured against the aggression of his neighbour. That was the only true principle; the setting up of any other would overturn the foundations of international law, bring back a heathen sentiment instead of a Christian one, and substitute for the dictates of right and justice the motto of the proudest of the ancient Irish chieftains—"the strongest hand uppermost."

MR. DARBY GRIFFITH said, he thought the hon. Baronet opposite, led away by his laudable feelings in favour of the liberties of one country, had rather overlooked the rights and interests of another. It would be most unfair, because of their natural indignation at the recent transactions connected with Savoy and Nice, to visit the sins of Sardinia and France upon the people of Sicily and the rest of Italy. The transfer of Savoy and Nice to France was attributable to Count Cavour and to him only, and he must be responsible for it to his country and to posterity. In his opinion the feeling in Sardinia was so much opposed to France that the extension of that kingdom and the formation of an united Italy would rather counteract than advance French views. The noble Lord at the head of the Foreign Office had only erred in one respect in regard to these transactions. Dazzled by the light of the Commercial Treaty, he and his colleagues had turned a blind eye upon the proceedings of France towards Sardinia, and had given delusive and evasive answers in the other House of Parliament; but since the period at which that annexation took place, nothing could be more suitable than the terms in which the noble Lord had expressed the policy of this country.

MR. VINCENT SCULLY begged to call attention to the very broad political doctrine laid down by the noble Secretary for Foreign Affairs—a doctrine that might increase in importance before long—that people were to be allowed to choose their own Governments. The noble Lord apologised to Roman Catholic Members for suggesting that they might also apply the doctrine to the Roman States, but he (Mr. Scully) took no offence, because he felt that the noble Lord must have been laughing at them in his sleeve when he talked of such a doctrine as that. Would the noble Lord or his Government apply it to India? Would the noble Lord or the Government direct their Minister to ascertain by the votes of the people of India whether they would have England as their ruler? All he (Mr. Scully) could say was, that England did not act upon or tolerate that doctrine, and never would act upon it. He believed that the principle of allowing the people to decide for themselves who should govern them might be safely applied to Ireland. [*A laugh.*] At all events, no man who had a shilling to lose would vote for annexation to France, though the fact of pamphlets on the subject being published simultaneously in Paris and Dublin showed that there were people infatuated enough to pay attention to it; but would the Government apply the doctrine to Ireland? He believed not. He would not defend the late or the present King of Naples, but no doubt it was difficult for the people of England to understand the position of the Neapoliton Government. So with respect to the Sovereign of the Roman States, who he supposed all would allow was a most beneficent ruler; he was not disliked by the Roman people, but beset by a host of foreign rabble. He had never himself, so far as he was aware, entertained an illiberal sentiment or given an illiberal vote; but he did not like to hear noble Lords propounding sham doctrines for the purpose of gaining a little clap-trap applause, when everybody knew that England never had acted, and never would act, upon them.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

PAPER DUTY REPEAL BILL.

SIR JOHN TRELAWNY said, he rose to move

"That this House, in consequence of the House of Lords having interfered with the arrangement of Supplies for the year, recommended by Her Majesty's advisers, and by such interference assumed responsibility for the conduct of finance, postpones the consideration of further proposals by the Ministers of the Crown towards meeting public expenses until the period when the authority of the House of Commons shall have been asserted, and the Bill for the repeal of the Excise on Paper shall have become law."

MR. SPEAKER stated that, one Amendment upon the Motion for going into Committee of Supply having been put and negatived, it would be contrary to the rules of the House to propose another.

SIR JOHN TRELAWNY said, he understood that the forms of the House would not allow of a second Motion being made on the proposal to go into Committee; but he wished to call attention to the subject of his intended Motion. He had refused to have anything to do with the Resolutions which the Government proposed to the House on the conduct of the Peers, believing them to be unworthy of the occasion. He held it to be the duty of the House not to be satisfied with mere words, but to take some active step beyond the passing of an abstract Resolution, which did not meet the case. In his opinion, the House had placed itself in a very degraded position, and lowered its authority in the eyes of the country. Take the case of a gentleman whose estate was claimed by a person having no legal title; would not the proper course for him to adopt be to defend his rights in a Court of Justice? But suppose he called his tenantry together, and then proposed and carried a resolution that his title was perfectly good, and that there was no danger in future of his position being attacked, and that if it should be he had the means of defeating the aggression. What would be thought of this? Would not the credit of his title sink in the estimation of his neighbours? But such was the position in which the House of Commons stood. Resolutions had been passed which were totally unnecessary, unless something had taken place which was deserving of censure; and if so, other steps were equally called for. It was not a question as to whether the paper duties was the best tax to repeal—and he frankly admitted that he was himself disposed to concur with those who thought that the abolition of the tea and sugar duties would have been more satisfactory to the largest number of people; but the House of Commons thought that on various accounts it was best that the paper tax should be taken off at this time, and consequently the noble individuals in "another place" were bound, according to constitutional usages, to accept the conclusion at which the Commons had arrived. Suppose an hon. Member of that House were the owner of a ship, to which he appointed a captain, and that in the course of its voyage it got near the rocks and in the midst of dangers, and that the captain was about to take in a sail when the owner ordered it to remain set, would not the owner from that moment have the charge of the vessel, and be responsible for its fate? That was precisely the position which noble Lords had taken in reference to one of the provisions of the Budget; and they were, therefore, responsible for the whole. Consequently, it would seem that in future the Lords were to have a control over the finances of the country. If so, he believed the House had a good case for postponing the consideration of Supply until the authority of the Commons should have been asserted, and the Bill for the repeal of the excise on paper should have become law. It was a good opportunity for warning the Lords that if they persisted in their present course of resisting popular measures passed by the Commons, the time would soon come when the people would discuss, in a different spirit than at present, the question of privilege, and it might become an important question whether we should not do well to substitute an elective for an hereditary peerage. Knowing, however, the value of the time of the House at that period of the Session, he would not now prolong his observations on the subject, which was, nevertheless, one of deep and urgent importance.

Sir John Trelawny

THE CHINA VOTE—OBSERVATIONS.

SIR HENRY WILLOUGHBY said, that though he was prevented by the rules of the House from moving the Amendment of which he had given notice, still he must express a hope that the House would require Estimates of the expenditure for the China operations to be produced in detail, for a portion of the money had been already spent. This Vote of £3,800,000 was called a Vote of Credit, and yet £443,000 had been spent in payment of outstanding debt. This was an important matter, because by such a proceeding the functions of that House in matters of expenditure might be defeated. The best way to extend the privileges of the House was to show a just jealousy of expenditure; but, unfortunately, in the present Session, before deciding what the expenditure was to be, the House had dealt with taxation in a very rough way, making marvellous changes in various directions. In calculating the expenditure for the year at £70,100,000, it was quite clear, from the present Estimate, without saying anything

of the sum that might be required for the defence of the kingdom, that that calculation was wrong to the extent of nearly £3,800,000. The sum of £443,000 to which he had alluded had no business in the present Estimate, for it had reference to a China war long gone by, and must be the settlement of an old account. If the Chancellor of the Exchequer knew of this outstanding debt when he was estimating his surplus for the year at £500,000, it was a matter that ought to have been mentioned. The House ought to know what portion of the present Estimate had been spent, and how it had been spent, for it was impossible that there could be an audit unless an appropriation was made. He hoped that the right hon. Gentleman the Secretary for War would give some explanation on this head, for if he found in Committee that the Estimate was not more satisfactory to him than it was at present, he should move that the Chairman report progress.

GENERAL PEEL said, he little thought that the statement he made on the 19th of March with respect to the Army Estimates, and the insufficiency of the money voted for the expense of the China war, would so soon have been verified by the facts. He then stated that the sum of £500,000 would be far from meeting the excess of expenditure over the Army Estimates for 1859, and that at least £500,000 more would be required. He also stated that it would require ten times the amount then asked for to defray the excess of expenditure on the China war. He showed that the excess on five Votes depending on the number of men, would more than absorb the whole of the money in the Vote of Credit assigned for the excess on the whole of the army expenditure. What he now wished to know was, whether one single shilling of the sum of money voted to meet the expense of the China war, had been paid to the Indian Treasury. It must be recollected that the whole of the expenditure connected with the Chinese war, had taken place in India. The munitions of war and the transport for the troops were taken up in India at, he believed, prices so exorbitant, that this Vote alone would require nearly the whole of the £500,000. The whole of the Native troops, moreover, employed in the Chinese expedition, were chargeable on that Vote of Credit, not a shilling having been taken for them in the Estimates of last year. They were raised in India; and he himself had seen the Order in Council, which declared that, from the moment they volunteered for service in China, they were to receive half batta and additional allowances. It was evident that those men became from the same moment chargeable to the British, and not to the Indian, Establishment. It could not be expected that the Indian revenue was to maintain troops which were going to do duty in China; nay, more, the Government must pay for their transport to the scene of operations. With that portion of the force which was drawn from Her Majesty's army the case was different, and an arrangement had been made that, instead of sending the regiments to England, as they were bound to do, the Indian Establishment should defray the expense of their transit to China, which was about equal in amount. They were under no such obligation, however, with respect to the Native troops; the whole expense of which must consequently be chargeable either on the £500,000 voted last year, or on the like sum which had this year been granted to defray the cost of the Chinese war. It was impossible to disconnect the army expenses from the Budget. The Budget represented and included—at least it professed to cover—the whole expense of the country, including that of the Chinese war. If it did not do so, it was, to use the expression of the right hon. Gentleman, the Chancellor of the Exchequer himself, "a gigantic delusion"—and he had no hesitation in saying the repeal of the paper duties was obtained under false pretences. He knew it might be urged that it was impossible to give estimates for prospective charges. He had never asked for any such estimate. All he had asked the Government to do was, to find means to meet the liabilities they had entered into; and that certainly might be fairly expected at their hands. Although evidence had been lately given before the Organization Committee as to the laxity of the accounts between the Indian Government and the Treasury, it was still hardly possible to believe that the Chancellor of the Exchequer and the Treasury were not aware that the expenses of the Chinese war were to become chargeable in the course of the present year. To believe that the Chancellor of the Exchequer was not prepared for this charge of £400,000, when he brought forward his Budget, required an exercise of that charity, "which believeth all things, and comprehendeth all things." The laxity of which he had spoken was not visible merely in the esti-

mates for the Chinese war, but existed equally in those for the present year. On the 27th of February he had pointed out that there were charged on the Indian revenue for the present financial year 92,500 men, for whom it was perfectly preposterous to suppose that the Indian Government would pay. These 92,500 men were entirely independent of those troops who were going to China, and who, according to the statement of the right hon. Gentleman, the Secretary of State for War, were already transferred to the British establishment. It was, therefore, evident that this excess of men must become chargeable on the Estimates of the present year. He did not wish to make any charge against his right hon. Friend; but within a month after these Estimates were laid on the table they were withdrawn, and subsequently to the passing of the Budget the revised Estimates were produced. The additional sum which it became necessary to take in those corrected Estimates for pay and allowances was met by a reduction in the other Votes. That reduction, however, consisted, not in a diminution of expenditure, but in the postponement of services till next year, which he believed it would have been found vastly better to perform in the present. For instance, £80,000 had been taken from the carriage department at Woolwich, though it was notorious that if there was any one department more than another in arrear at the present moment, it was the carriage department at Woolwich. Why, it was in evidence that at this instant there were a number of guns which could not be issued till their carriages were completed. He made no complaint of his right hon. Friend the Secretary of State for War; it was necessary that he should make his Estimates square with the sum which had been introduced into the Budget. He repeated the protest which he had before uttered against introducing the Budget before the Estimates for the year were laid upon the table; he believed that the statement thereby presented was delusive, and that, by giving a false colour to the sum actually required, the service of the country was prejudicially affected.

Mr. BAILLIE COCHRANE said, he found that by the forms of the House he should be unable to move the Motion of which he had given notice, and which was to this effect, that, in order to remove one great obstacle to peace with China, the British Plenipotentiary be instructed not to insist on the fulfilment of the third article of the treaty of Tien-tsin, by which his Majesty the Emperor of China agrees that the ambassador, minister, or other diplomatic agent appointed by her Majesty the Queen of Great Britain may reside, with his family and establishment, permanently at the capital, or may visit it occasionally, at the option of the British Government. He should, however, move it on the first Supply night. He should do so, not merely to raise a discussion, but because he considered that if it was agreed to that would go far to promote peace with China. At all events he thought that if the third article of the treaty was insisted on there was great danger that any peace we might make with China would not be of long duration.

Mr. WARNER said, the war in which we were now engaged with China was not one in which the House of Commons could be supposed to take an interest, for it was carried on by the Ministers of the Crown in defiance of a deliberate vote of the House of Commons, which had never been reversed. They had heard of an aggression by the House of Peers; but this was an aggression of far greater moment to the interests of the House. An opportunity ought to be taken of putting on record the sentiments of the House with respect to the manner in which the war had been commenced. As it had been undertaken, he hoped it might be attended with success; but he could scarcely hope for any very good results, and he trusted Her Majesty's Government would take advantage of any opportunity that might arise for coming to an amicable arrangement with the rulers of the Chinese Empire. It would, no doubt, be easy, with the resources at our command, to put down the brutal despotism which there prevailed, but the anarchy which would ensue might prove even worse. If results equally beneficial might be expected from our interference in China as in India, all would be well; but he looked forward with apprehension to the result of the pending conflict.

Main Question put,

The House *divided:*—Ayes 198; Noes 13: Majority 185.

Motion *agreed to.*

SUPPLY.—OPERATIONS IN CHINA.

House in Committee.

Mr. Massey in the Chair.

Mr. SIDNEY HERBERT: Sir, at this

late hour (half-past ten), I will endeavour to make the statement which it is my duty to lay before the House as concise as I can consistently with the explanation which I have to give of the Vote of Credit which has been laid on the table of the House. But before I do so perhaps I may be allowed to take some notice of the observations which have been made by my right hon. and gallant Friend opposite (General Peel). The gallant General says that he prophesied that five times £500,000 would be requisite to make up the deficiency between the Estimates and the expenditure for last year, and for the China war generally, and he asks me whether every sixpence of the £500,000 which we took has not been expended in making up the deficiency on the ordinary Estimates of last year? In the first place I have to reply that not one sixpence of that sum was applicable to making up any deficiency which might have occurred in the ordinary Estimates of last year. My gallant Friend, who is well acquainted with these matters, must have spoken without reflection, for he must have known that you cannot apply one farthing of a Vote of Credit to any purpose but that for which it was voted. You cannot spend it in making up an ordinary deficiency in the ordinary Estimate of the year. If his vaticinations, therefore, should prove correct, which I trust they will not, the deficiency will have to be made up by a Vote next year, specially taken to cover it. But so far from all that sum being spent in that way, we have reason to believe that a large portion of it still remains unexpended. We cannot tell yet—until we receive accounts from China it is difficult to say how much of that money has been spent. Some of the regiments embarked later than we thought they would, and rather than being all spent, I should say that there was a surplus left on that Vote. The gallant General also says that he pointed out that we were quite wrong in our Estimate for the Chinese war, that £850,000 followed by £500,000 would be quite insufficient, that the war would inevitably come on, and that the Indian Government—and here he was right—would inevitably send home many more troops than we had expected, and he blames us for not having had the foresight to provide for this. Nobody knows better than the right hon. and gallant Gentleman how much safer it is not to trust to private or anything but official information. We have reason to recollect the circumstances in which we were placed in the last autumn. The state of India was anything but satisfactory; nothing but gloom pervaded European society in India; and Earl Canning then said, in answer to letters from myself, that he could not part with European troops, and he could not say how soon a state of circumstances would arrive which would justify him in parting with any great number of European troops. We listened to that statement—we framed an estimate upon it. Great changes, however, for the better took place in India. The Punjaub had been quieted; the pacification of Oude seemed complete, and in consequence six battalions were promised from India, which induced us to withdraw the Estimate and to produce a revised Estimate. I will not go into detail upon the subject, but pass on to the observations of the hon. Baronet the Member for Evesham (Sir Henry Willoughby). And there I must confess that to some great extent I agree with him. But when he says that the Estimate is unsatisfactory, I am surprised that it is not to the amount that he takes exception—which I confess is unsatisfactory—but rather to the manner and the time of proposing it. He says it is not made in the shape we like or at the moment we like. He is silent as to the amount, and I trust that he will derive some consolation from the extent of the Estimate which is laid before the House. In the Committee upstairs, of which the right hon. Baronet the Member for Carlisle (Sir James Graham) was chairman, we took a great deal of evidence with regard to the state of the account pending between this country and India, and it was shown to be extremely unsatisfactory. I will read just a passage from the Report, because I wish to show the principle upon which the Government have acted in applying for this Vote of Credit.

"The state of the account between the British Exchequer and Indian territory is most unsatisfactory. The account for the Persian expedition is not yet closed. The account of the first China war is hardly completed yet. The account of the second China war, which ended in 1856, is not yet balanced. There are four or five different accounts still open, with disputed balances to a large amount; and with respect to the new expedition to China, India, in the midst of the great financial difficulties, has been required to make advances in the current year for all expenses incurred in taking up transports in India, in paying the men, and in providing cattle, horses, and other necessaries, as well as equipments for the army. There does not appear to be any estimate of the amount of these advances, but, while Indian territory is overwhelmed with debt, it will be unseemly that Great Britian should make war on China out of Indian resources.

The repayment of these advances ought to be prompt, and within the present financial year."

I entirely concur in every sentence in that passage of the Report. This first Estimate of 443,896 for past transactions, which I will explain in a moment, is a sum for which I am at any rate not in any way responsible. It is an arrear owing to the East India Company. The accounts have not been audited. The amount has not been entirely agreed upon, but, as the East India Company are not so rich that they can overlook these little debts, and as they are anxious we should pay them, it is necessary to pay something to them on account of these past transactions. Would it be seemly this year to make war on Indian resources? I think not. I think it is wise and right that we should lay before the House of Commons, as far as we can form—I will not call it an estimate, but a guess of what possibly may be the amount required to repay the Indian Government, and to pay the army and navy engaged in these operations. The hon. Baronet says, "But you should give us this estimate in detail." I do not think it is possible to give that estimate in detail. I asked the East Indian Government to send me, not an account of the sums already expended for providing and equipping the expedition, but an estimate of the sums so expended, not however in detail, because they do not know the exact sums. They refused to send the information officially, upon the ground that they ought not to send officially anything pretending to be an account which, after all, was only an estimate of an account. I accepted that which they would give unofficially, because I thought it very important that the Government should lay before the House a rough and approximate estimate of what the cost may be. I think it better to dispense with accuracy rather than follow the system which has hitherto prevailed, of first spending the money, saying nothing to Parliament, and after all the transactions are ended coming to Parliament to make good a deficiency over which they have no possible check or control.

I will not weary the Committee by citing precedents, but I have carefully examined the precedents of the Votes for the China wars (that is, the first and second expeditions), of the Votes for the Caffre wars and the Crimean war, and in every case I find a lump sum presented to the House and voted as a Vote of Credit without details. The reason is obvious. You cannot foresee in a particular war what the expenditure will be. You have in your estimates the actual cost of the pay of the men and the cost of their keep. You may put an approximate estimate of what it will be when the men are on Indian allowances as well as English; you may put an approximate estimate of the cost of Indian Native troops, but you cannot make an estimate of the cost of the followers attached to these regiments. Therefore, if I were to depart from the precedent of putting the Estimate in a lump sum, I should depart from it for the purpose of laying before the House an estimate which would be illusory, and one which would deceive the House as to the sums which they were voting. What is the use of laying items before the House? Obviously that the House may exercise its discretion, and accept them or not—that they may put their finger on one item and say this is too much—you have too many troops, too many camp followers, too many coolies. Then it turns out in practice that they are much less — that the excess of expenditure is under some other head—and thus the interference becomes as illusory as the subject to which it is applied. I may really say that the very term "vote of credit" shows what is intended. It is not an estimate—not sums of money approved by the House of Commons—but a Vote given in confidence to the Government that they will spend it for purposes which are requisite, to the best of their ability. And I do not believe we could carry on war otherwise, unless we chose to accept knowingly, and with our eyes open, delusive Estimates, delusive criticisms, and delusive Votes. I have in this case so far departed from precedent that, instead of voting for the past, I am asking you to vote for the future. According to practice, I might have called upon the Committee to vote £400,000 or £500,000, after peace has been made and broken and there is a fresh war, but I think it much better to put the whole expenditure as estimated before the House of Commons. Let us face it at once and see what will be the cost in the course of the year, and should circumstances fortunately occur which would lead to an early termination of these unhappy hostilities, we shall have so much to the good. Probably the Committee will not be afraid, as the money cannot be applied to any other purpose, and it will be very fortunate if the money be not applied to this.

First, I ought to state what are the sums of which the items of £443,896 for past transactions are composed. In the last China war there was an arrangement between the Treasury and the East India Company that the Company should bear all the ordinary charges of the force sent in aid of the expedition, but that they should be reimbursed by the Imperial Government all extraordinary payments. The accounts were settled a few years ago, up to 1847-48. We have still the balance remaining unsettled, from 1848-49 to 1858-59, of £281,000, upon which questions will arise. We have £82,000 on account of Indian military forces stationed in China, and about £80,000 the estimated cost of Indian Native troops which form part of the garrison of Canton. The great evil of the system, to my mind, is, that in point of fact you have no power over the Executive as to the number of troops you employ. You can vote every man under the Mutiny Act, and not a man more can be employed as long as you do not vote more money for their pay; but if you employ Indian troops you have no check on the amount, except in the gross sum which you are afterwards called upon to pay. No doubt this has been a very wrong system, and part of this sum, no less than £82,000, is for the cost of troops at Canton in the time of the gallant Officer opposite, and £80,000 is for the continuance of the garrison of Hong Kong up to the time this war broke out. The present Estimate, therefore, applicable to the war, in which, I believe unhappily we are now engaged, is less than £3,800,000 by £443,896, which sum applies to past transactions.

The Committee would probably like to know the sums directly or indirectly voted for the China expedition. In enumerating them I will follow the form of the Returns moved for by my right hon. Friend the Member for Droitwich (Sir John Pakington), who asks what are the sums put upon the ordinary Army and Navy Estimates for 1860-61, which are applicable to the operations in China. Now, I believe that practically, except in the large consumption of stores, and the transport, the men are not necessarily an increased charge on the country for that expedition. We have, for instance, nine battalions of infantry in China; but, if there were no Chinese war, one or two battalions will be doing garrison duty abroad, and the other seven would be in England, where they would be useful enough. In the same way there would have been no considerable disbandment of seamen in our navy had there been no war. I will, however, give the information the hon. Baronet requires. The items in the Army Estimates for 1860-61 applicable to the China expedition were as follows:—Cost of forces of all ranks, £399,588; clothing and necessaries, £42,500, provisions, forage, fuel, light, &c., £22,740—total, £464,828. The Navy Estimates for 1860-61 included the following sums:—Hire of transports, £107,000; coals, £76,000; freight of stores, £17,000; making, with provisions, bedding, &c., £217,900; adding the pay of men in China (£463,000) it gave a total of £680,900. These two totals in items in the Army and Navy Estimates together made £1,145,728. Of the Vote of Credit taken last year to the amount of £850,000, the total apportioned for the army was £578,648, and for the navy £268,452. These amounts, together with the Vote of Credit for £500,000, give a grand total of about £2,500,000. We now come to the Vote before us. I have already explained that the sum of £443,896 in arrear due to Her Majesty's Government from the East India Company has no relation to the China war. They have so little confidence in the statement they have drawn up, that they have forwarded it to me, not officially, but privately, as an approximation to the real amount. The cost of horses, bullocks, and ponies comes to £88,600; ammunition, £16,000; advance of pay to the force on embarcation, £145,702; value of stores issued £30,000. Altogether, with the hire of the Indian Government steamships, with rations and allowances to troops on board ship, coals, &c., we have a total of £1,900,922. That is the amount of the East India claim due to us in the course of the year, supposing that the war lasts for a year, and that the ships are kept on for that time. The War Office Estimate includes the following items:—Difference between British and India rates of pay, allowances to wives and children, cost of Natives attached to the force, &c., for 10,985 Europeans, £526,355; cost of 7,623 Native troops, including pay, allowances, provisions, &c., £182,715; extra clothing and necessaries £50,000; extra provisions, forage, land transport, &c., £268,000; extra warlike and other stores, £150,000; extra hospital charges, including hospital ships, £284,208; sanitary establishments at the Cape, £23,792; estimated cost of Native Indian troops

previously in China, £67,666 — making a total of £1,552,736. Then there is the Admiralty Estimate to the amount of £359,017. From the total a deduction must be made of the sums which may not come into payment during the year 1860-61. The Estimate had been fixed roughly, as I have stated, at £3,800,000.

I will not now enter into the policy of the war, because I have already had an opportunity of expressing my own opinions on that matter when the question was raised at the earlier part of the Session. At one time there was every reason to hope from the advices which were received from China that hostilities would have come to an end, and that a great demonstration of force would alone have proved sufficient to procure us redress for the outrages which had been committed at the mouth of the Peiho. We have been disappointed in that hope. Those, however, who are best informed on the subject still maintain that the Tartar Chief who is at the head of the war party in China, and who distinguished himself by the arrangements he made for our repulse at the Peiho, stands too near the Throne to be agreeable to the Emperor of China. He derives great power from the party of which he is the organ, and till some defeat or disaster happens to him, there is little likelihood of a change in the policy of the Chinese Government. But should any reverse befall him, it would be gladly made use of by the Government to reverse a policy which has been originated by one of whom they are so jealous. These are mere speculations, it may be said, but they come from an authoritative source. Her Majesty's Government would certainly receive with the greatest delight and satisfaction any news that would encourage us in the hope that we are likely to enter into a better state of relations with the Chinese. In the meanwhile I think no one can deny that we are bound to provide for the possibility of continuing hostile operations. We have very large forces in China exposed to a deadly climate, and we are bound to provide them with every means to enable them to bring the contest to a speedy and successful issue. Under these circumstances, I do not believe the House will be staggered even by the large amount of this Estimate. Our Commanders in China are men in whom we have a right to repose the greatest confidence, for they are tried men. I have received from General Sir Hope Grant the expression of his confidence in and admiration for the activity, resources, and forethought which he sees displayed by Admiral Hope. Of General Sir Hope Grant's own judgment, prudence, and energy I have formed the highest opinion from the communications I have had with him. I think that the view he took of the question as to the pay of the troops showed great judgment, and on another instance he also displayed a wise discretion. When ordered to occupy Chusan as a depôt, he found that the lodgings for the troops were small, inconvenient, damp, and excessively unhealthy. He therefore decided not to endanger the health of his men by leaving them at Chusan, and, taking upon himself the responsibility of disobeying instructions, he at once carried them to a neighbouring island of sandy soil, well watered, and wholesome. Indeed, in all his actions it was impossible not to be struck with the judgment and foresight displayed by General Sir Hope Grant, as well as by Sir John Michell, his second in command; and we may safely rely upon it that whatever can be done by brave and practised soldiers, will be accomplished by our forces in China. Looking at the late period of the Session, it is important for the Government and for the country that this matter should be decided as soon as possible; and, without making any further observations, I beg to move that a sum of £3,800,000 be granted to Her Majesty for the China War.

Motion made, and Question proposed,

"That a sum, not exceeding £3,800,000, be granted to Her Majesty towards defraying the Expenses of Naval and Military Operations in China, beyond the ordinary Grants for Army and Naval Services for the year 1860-1, including a repayment of £443,896 to the Government of India for Advances on Account of former Expeditions in China."

SIR HENRY WILLOUGHBY said, he thought that the Committee had some reason to be surprised at the amount of the Vote now asked when they remembered that the right hon. Gentleman the Chancellor of the Exchequer, on the 10th of February in the present year, estimated the expenditure on account of the China war at £500,000. He ventured to say that at the beginning of the present Session the House had no conception that it was about to be involved in an expenditure of nearly £4,000,000. Such, however, was the fact, and the Chancellor of the Exchequer must have been, he was certain, among the first to regret that he had framed his Budget on the notion that an expenditure really of £4,000,000, would only be £500,000. Various branches of

taxation were handled by the right hon. Gentleman in a very decided way, to which, if there had been a clear surplus, there would have been little objection. But remissions of duties had been made in the face of an enormous expenditure, which must have been well anticipated. The right hon. Gentleman might perhaps, be able to explain that to the House, but the item of £443,896, belonging to the last China war, must have been well known. It was inexplicable to him how the right hon. Gentleman could assume a surplus of £500,000 when there was that outstanding Indian claim, that was sure to come in whether they had a China war or not. The statement of the Secretary of State for War was clear as far as it went, but it showed the danger that was impending over English finance. The House could not fail to perceive how Indian and English finance were getting mixed up together. He submitted that the proposed Vote of £3,800,000 ought to be divided into two separate portions, the sum of £433,000 for the outstanding Indian debt forming one Vote and the balance another. If the Vote of credit now demanded were added to the 850,000 already voted in March, the China Vote would be brought up to £4,600,000, excluding the old India Bill. He could not, however, admit that the Vote before the House was to be a Vote of credit, and it would be good policy to try and divide the £4,600,000 under certain heads of expenditure. The House might not be able to have an estimate of each branch of expenditure, but unless they had such an estimate what security was there that the money would be spent under these heads, or how was there to be any appropriation or any audit? The Earl of Ellenborough stated the other day in "another place" that he found no difficulty in making out an estimate for a former Chinese war. [Mr. S. HERBERT: The result was voted in a lump sum.] He would not enter upon the policy of the present China war except to say that he believed they could not enter upon a more ruinous war. The great power of two Empires of Europe was about to be brought to bear against the kingdom of China, and he feared that the result would be to involve that kingdom in anarchy and ruin rather than to extend our commerce. He trusted that the right hon. Gentleman would undertake on the Report to make a detailed estimate, with a large margin for contingencies.

MR. HANKEY said, he wished to know how far the estimate for outstanding Indian accounts was carried up to the present day. It was said that the war could not be carried on by means of the troops in India, except at the expense in the first instance of the Government of India; but the right hon. Gentleman proposed to alter this system. [Mr. SIDNEY HERBERT: I said it ought to be paid within the year.] As soon as the troops left this country every item was paid by the Government of India, but the charge for recruiting, which amounted to a large sum was paid in this country, and repaid by the East India Government. He wished to know whether the charge for recruiting had been taken into the account.

SIR STAFFORD NORTHCOTE said, he did not know how far it might be possible to adopt the suggestion of the hon. Member for Evesham (Sir Henry Willoughby), and divide the Vote of Credit for the actual expenses of the war into various items. The difficulty might be that, in appropriating a certain portion for stores, transports, and freights, they might allot too much for one head and too little for another. But the item of £443,896 in payment of an old debt might be and ought to be separated from the rest. The House knew how much was wanted for that account and could appropriate it, but unless that were done the money might all be spent in stores, transports, or freights. Whether a further separation were possible he did not know, but it was important to get those old debts settled.

MR. SIDNEY HERBERT said, that in answer to the question of the hon. Member for Peterborough (Mr. Hankey) he wished to state that the outstanding account between the East India Government and the War Department relative to recruiting was not included in the Estimate, because it was a running account which was charged on the ordinary Estimates.

GENERAL PEEL said, there was a fixed charge for every infantry soldier in excess of the Indian establishment, and that in consequence of the great number sent out in excess of that establishment there were certain amounts due from the Indian to the British revenue. Those amounts, however, became repayable from the latter to the former when the men were sent back, so that for every infantry soldier who had been despatched from India to China a sum of £17, for every calvary soldier a sum of £30, and for every artilleryman a sum of £50 would have to be refunded, and those

sums were not, he contended, included in the present Estimates. He should also wish to ascertain from his right hon. Friend how much of the £3,800,000, for which a Vote was to be taken, had been already expended. He might add that he thought his right hon. Friend was hardly justified in deducting from the expenses of the China war the amount paid to troops who were represented here by a force of embodied Militia, which could be disembodied if those troops were available at home.

MR. SIDNEY HERBERT said, he would try to explain, although he could not give any very satisfactory answer to the hon. Baronet's suggestion of framing the Estimate under various heads of expenditure, distinguishing the expenses on account of the British and Native forces, with a statement of what monies had already been drawn on account of the war in China. The latter could not possibly be ascertained until the accounts for the Indian army for 1859-60 were sent home. Until then the Government could not tell under what heads there was a deficiency or an excess. Not a sixpence, however, of the Vote asked for was applicable to any deficiency or excess in the last year. That would be covered out of the £850,000 voted at the beginning of the Session; but if there was any sufficient saving over the ordinary Estimate to cover it then the Vote of Credit would not be applied, or applied only to meet the deficiency; otherwise the money would be applicable to the expenses of the war in the present year. The Government at home did not know what had been actually spent. The East India Government had told them what may have been spent, and the Government wished only to take such a sum as would enable them in the course of the year to pay expenses on account, either previously to or after audit, instead of postponing the settlement for three or four years.

SIR HENRY WILLOUGHBY said, he should propose to diminish the Vote for £3,800,000 by £443,896, the amount due to the Indian Government, and to leave the surplus applicable for the purposes intended.

SIR FRANCIS BARING concurred in the expediency of acceding to the proposition of the hon. Baronet.

MR. SIDNEY HERBERT signified his assent.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Baronet the Member for Evesham has expressed his surprise at the large amount of money which the House is asked to grant on account of the war with China, and in that surprise I myself was, I must confess, disposed to share, when the enormous amount required was first brought under my notice. The present state of things has, however, been with the Government only a recent discovery, for although it was obvious ever since our ultimatum or proposals had been rejected by the Chinese, that war would in all likelihood ensue, and a Vote required, yet it was only within a short period that we were enabled to form anything like an accurate conjecture as to the probable expenditure which would be rendered necessary, and I need scarcely add that every fresh communication tends to show that the limits of the probable demand must be extended. But the hon. Baronet contends that it was wrong to state in the House of Commons in February last that there would be a surplus of half a million in round numbers on the balance of revenue and expenditure, when outstanding debts to about the same amount were due to the East India Company which the Government must have known would become payable. Now, on that point, the hon. Baronet is entirely in error, for the Government had not the smallest knowledge that the money would become payable, nor am I aware they could possess any such information. The fact is that this money was found to have become payable after a close inquiry into running accounts, consisting of a great variety of items and a lengthened correspondence and discussions with respect to them, which extended over a number of years. For my own part, I had no knowledge whatever when the Estimates of the year were framed, as to what sums were likely to become payable between the East India and the Home Government, nor did I think any officer of the Government could have furnished me with any prospective information on the subject. That is my answer with regard to the £500,000 in question. But the hon. Baronet has gone further, and contends that the Government ought not to have entertained any project for the general reconstruction or modification of the taxation of the country at a time when there was so large an expenditure as that for the China war in prospect. Now, the answer to that charge must, in a great measure, depend upon how far this expenditure could safely be said to be in pros-

General Peel

pect at the time, and how far the Government were in possession of information on the subject beyond that which was open to every Member of the House. Let me for a moment suppose that we had peculiar means of estimating the probable amount of the expenditure in question, and that we had in consequence known in February last that it would be necessary to make provision for £3,800,000 ; it is obvious that in order to do so we must have asked the House, even though no tax were repealed and no commercial treaty with France were concluded, to impose £2,000,000 or £3,000,000 in the shape of fresh taxes on the country, a proposal which, in my opinion, it would be most unreasonable on our part to make. The truth of the matter is —and this, however, is the moral to be drawn from discussions such as this in which we are engaged—that it is utterly and absolutely impossible to estimate the entire charge for a war arising under circumstances such as those in which that with China has originated. There were but two elements of the case upon which to found a decision in our possession in February, the one being that we knew the terms which we meant to propose to China; the other, that we were aware of the amount of force which the Cabinet had decided on sending to that country. The terms embraced a demand for explanation of the attack on our ships, and the ratification of the treaty which the Earl of Elgin had made ; but did not include any demand for compensation in money over and above that which the Chinese had already promised to pay. The amount of force which the Cabinet decided on sending out was 10,000 men, in case the whole force consisted of Europeans, but in the event of any small portion of it being composed of Native Indian troops, its numbers were to be proportionately increased, so as to render it equal in point of efficiency to an army of 10,000 Europeans. That was the knowledge which the Government possessed in February. I do not know whether the House was also in possession of the terms that had been proposed to China, but it did know the intentions of the Government as to the number of men to be sent. Now, just see what the intentions of the Government at home are worth as to proceedings of this nature at the other end of the world. The terms we intended to send to China were essentially altered, and a compensation was demanded for reasons of policy which appeared conclusive to our representative in China. I do not cast any blame upon that gentleman, but the fact illustrates the necessary feebleness and inefficiency of control which the Cabinet in London can exercise over transactions of this kind. Then, as to the amount of force. The amount of the forces under orders for China, which have left the ports of England and India for that country, is nearly twice the amount upon which the Cabinet had decided. Under these circumstances the hon. Baronet can easily judge how impossible it was for the Cabinet at home to form a clear judgment of the likelihood of a war, and of its scale of cost. Besides this the Committee must recollect that this mode of providing the cost of these wars is quite new to our annals.

We have unfortunately had a variety of these wars, but they have been paid for almost entirely through the medium of the finance of the East India Company, the demands made upon this House at the commencement of those wars being very insignificant, and, for the most part, the cost has been repaid when the wars were concluded. The first of these wars was in 1840, and the sum voted by this House in that year was £173,000. In 1841 it only grew to £400,000. In 1842 it increased to nearly £1,100,000, and in 1843 a further sum of £821,000 was voted, and even then a large balance remained, a great part of which was not disposed of until years after. Now, we are in a different state of circumstances. A large portion of the expenditure is still to be defrayed through the medium of the East India Government ; but in consequence of the change which has taken place in the Government of the East Indies, as well as the circumstances of the country, it has become our duty to ask the House to provide at once the means to meet, as far as we can estimate it, the whole expenditure that will be incurred either directly by ourselves or indirectly by the Indian Government.

The Committee must remember that in respect of a good deal of this expenditure it is in advance. The hon. Baronet has given notice of a Motion to ask what advances have already been made on account of the war in China. I do not apprehend that it will be possible to answer that Motion, because the great bulk of the expenditure is paid either through the medium of the East India Government, of whose account we are not in possession, or through the me-

dium of the Treasury-chest in China. The payments made from the Treasury-chest in China are made in this way:—The persons having charge of the chest seeing that a great demand upon it is likely to occur, will not wait for the occurrence of that demand, but take steps beforehand to place themselves in funds to meet it. They make a demand, not formally, for the special purposes of the Chinese war, but to meet whatever lawful and proper demand may be made upon the chest. These sums are, to a great extent, sent in advance; some portion is paid through bills, negotiated there, and sent home by the officers of the Treasury-chest; but it is their duty not to be dependent upon the negotiation of bills, as that might cause embarrassment, if not loss to the country. It is their duty to provide funds under all circumstances, and with this they must go on as long as the war is likely to continue, and therefore one of the incidents of a war of this nature is that a large portion of the draughts made upon this country must be paid in advance, and probably when the war in China shall terminate, especially if it terminates rapidly or suddenly, the Treasury-chest may have a large amount of funds which will be unnecessary, and which will be returned home. I mention these things to show how impossible it is even now to frame what is called an estimate, but at a time when Parliament is about to separate it is our duty to make the best conjectural statement we can, and to ask as large a sum as will make us independent until the close of the campaign—that is, practically until the close of the financial year. The hon. Baronet will see how different are the circumstances now from what they were on former occasions.

The hon. Baronet says, however, that in my financial statement I proposed £500,000 as a Vote of Credit for the war in China. He is inaccurate in that statement, and on a point that forms the essence of it. What I did say was this, I referred to the Votes we had already taken in the course of the Session before the 10th of February for the financial year, which had not then expired; I referred to the Votes included in the Estimates for the present year; and I said also, as to the extraordinary expenditure of the expedition, we ask for £500,000, in order to defray the cost of an expedition that was to bear, in the first instance, a peaceful remonstrance. That was clearly a declaration that I was not asking for a sum of money that would suffice to defray the cost of a war in China through the financial year. I do not hesitate to say it would have been wrong to make any such request. The hon. Baronet addresses the question to me, but he knows as well as I do that it is not the business of the Chancellor of the Exchequer to frame Military Estimates. They are framed by the Cabinet, and I am willing to take my share of responsibility for them. But in the month of February, having six months of the Parliamentary Session before us, having sent out certain terms, having directed an expedition, and having the power of applying to Parliament for the charges of the war, if a war should break out, Parliament being as good a judge as ourselves of the probability of such an event, it would have been not only unnecessary, but a decided breach of our duty, if we had applied to Parliament to defray the expenditure for a war that had not commenced, that might not commence, and of the chance of which Parliament could judge as well as we could. The demand we made on account of that expedition was very large, in some respects larger than is stated by my right hon. Friend, because of some items of expenditure that had been incurred by this country which did not directly appear as part of the expenditure for the Chinese expedition, and yet were entirely and in substance due to it. I will mention one instance. In the course of last autumn the Admiralty made application to the Treasury to sanction the formation of certain contracts for gunboats which were not included in the Estimates of last Session. The Treasury acceded, on the ground that a demand had been made on the fleet for gunboats with a view to service in China, and the cost of building them—I do not recollect the exact amount—although not appearing as set down to the expedition, was really a part of its charge. I hope that the Vote we ask will cover all charges during the financial year; but, after what has occurred, I do not think the Government can with prudence make itself responsible for what may be the expenditure for such a war. The scene is so distant, the circumstances vary so from time to time, that it must be left to others on the spot to take decisions which otherwise would be taken with the immediate authority of the Government. If, unhappily, it should be prolonged beyond the present year, the charge for the second year will in all likelihood be greater; at all events, it will be as great as that we now ask for the first year of that war. And

The Chancellor of the Exchequer

what is the lesson we ought to draw from that circumstance? It is very desirable that we should, if possible, draw some lesson from it; and I confess the lesson I draw is this—that it is impossible to check proceedings of this kind, growing out of transactions such as the deplorable events at the mouth of the Peiho, when once they begin. What you should really look to is the mode of conducting your ordinary communications with such distant Powers, and the responsibility under which they are conducted. It is an extremely dangerous system of policy that sends forth treaties to be exchanged at the sword's point and at the cannon's mouth. By that system of policy you necessarily place in the hands of the remote agents of your power an amount of discretion and responsibility which I think too great for men to bear, and certainly much greater than you would ever consent to place in the hands of your Cabinet at home. If I am to look for the immediate cause of this unhappy outbreak, I might say I find it in the instructions of the Earl of Malmesbury to Mr. Bruce—["Oh, oh!"]—hear me out—instructions which desired him to proceed to the Peiho for the purpose of exchanging the treaties attended by a sufficient naval force; but—and this is the sequel of my sentence—in my opinion, it would be most unjust to place the responsibility on the Earl of Malmesbury, because, in sending these instructions—although his was the immediate responsibility, being at the Foreign Office at the time—I do not think he acted on grounds peculiar to himself or the Administration of which he was a Member, but rather in conformity with what we may say had been more or less very unfortunately the recent tradition of this country with regard to the conduct of such transactions. I do not wish, therefore, to be misunderstood as if, in naming the Earl of Malmesbury, I was in the slightest degree charging upon him peculiar responsibility. I cannot venture to hold out any expectations, now that we have reason to believe the war has actually broken out, with regard to the limits or amount of the demands that may be made on the House, or the period at which those hostilities happily may be brought to a termination. I trust and pray that may be at an early period. I believe there is no alternative but to submit, however reluctantly, to this large demand, which we have submitted at the earliest period at which we could place it before you. I trust we shall listen to the lesson which is taught us by these transactions, by considering the manner in which we have been accustomed to transact business of this kind in distant quarters of the globe, and under circumstances of grave and serious loss, as at the outbreak in the Peiho; I trust the country will take that matter into serious consideration, and that for the future we may be less likely to incur the repetition of such a deplorable calamity.

SIR JOHN PAKINGTON: There is much in the present state of public affairs of a serious character, but nothing in my opinion is so gravely anxious as this most unhappy Chinese war; and it appears to me the House has a right to expect further explanations from the Government than we have yet received with regard to the enormous expenditure involved in it. The right hon. Gentleman the Secretary of State for War said in his speech he would not enter into the policy of this war; but I must say, I think, with regard to the policy of the war and the intentions of the Government in regard to that policy, we have a right to demand further explanations than we have yet received. What was the language of the noble Lord the Minister for Foreign Affairs when this subject was under consideration on the 16th of March? The language of the noble Lord was this:—

> "The terms of the negotiations have not yet been settled. Instructions have been drawn up, but there are some points on which we still wish for further explanations."

Further on the noble Lord said, "What we have to do there is merely to trade"—I wish the Government and country would bear that in mind—"but for the purpose of trading we must have security for the persons and property of our countrymen." The noble Lord at the head of the Government held similar language. He said:—

> "We have been called upon to state what our policy is, and what are the instructions we have given, but I respectfully beg leave to decline answering these questions; we cannot do so, lest we should defeat the purpose we have in view."

Here then, we have on the part of both noble Lords a refusal, which might have been judicious and proper at that moment, to enter into what were their intentions in regard to that unfortunate war. To-night we have been told by the right hon. Chancellor of the Exchequer that the sole object of this expedition to China was to demand the ratification of the treaty, and what he called an explanation—in a former

debate it was called an apology. Well then, here we find the Government not regarding sufficiently that important object of trade, as to which I quite agree with the noble Lord, but embarking in those ruinous wars in order to force on that distant and half-civilized empire the forms of European diplomacy. I confess we cannot regard our present position with respect to China with too much anxiety. It is not only that beyond all questions serious doubts have long been entertained, and are at this moment entertained with regard to the whole justice and propriety of our policy. It is not only that we are asked now to embark in what, to use the popular phrase of the day, is a "gigantic" expenditure; but, unhappily in addition to all this, at a moment when we ought to have our resources of all kinds concentrated at home, we find our pecuniary resources and our military resources divided and distracted by embarking in this unfortunate struggle. ["Hear, hear!"] I am glad to hear that cheer from the Treasury Bench. I am glad to see that they feel the magnitude of this evil, because they cannot recognize it without seeing the immense responsibility that rests on them if they are pressing demands on China one *iota* beyond what the strictest view of the justice of the case, and the commercial interests of this country demand. What is the expense involved? It is perfectly frightful. I believe at this moment we are committed by this unhappy struggle to an expenditure amounting to between £5,000,000 and £6,000,000. [The CHANCELLOR of the EXCHEQUER: Nearly £6,000,000.] There was £850,000 from the last financial year; the additions to the Army and Navy Estimates for the current year, and now this enormous Vote of nearly £4,000,000. The right hon. Gentleman the Secretary of State for War sought to reduce the amount of this expenditure by telling us that if a large proportion of this force had not been engaged in this struggle in China they would have been on the establishment at home, but he forgot the regiments of embodied militia in this country represented seven battalions that might have been dispensed with. The statement of the right hon Gentleman was perfectly fair, but this raises another question of considerable interest, and that is whether or not we ought not to have heard a little more of this enormons amount of expenditure when the finances of the year were explained. I have no right or inclination to accuse the right hon. Chancellor of the Exchequer with having dealt in the least unfairly by the House; but I must say, after hearing the explanations given this evening, the impression does remain on my mind that Government ought to have given more detailed information on this matter when the Budget was brought forward. I remember nothing in the statement of the right hon. Gentleman in connection with the expenditure in China but the Vote of Credit for £500,000 which he then proposed to take. And what has his argument been to-night? In answer to my hon. Friend (Sir H. Willoughby) he has just told us that it was impossible for the Government to foresee that they would be involved in an expenditure of nearly £4,000,000, and that therefore he would not have been justified on the 10th of February in proposing taxes to meet so uncertain an expenditure. But that is not the issue raised. The question is whether, in the state of our relations with China at that moment, the Government were justified in proposing to remit taxation; whether they were justified in tampering with the finances of this country as they did on the 10th of February, when they must have known that this immense expenditure was at least a probability. The right hon. Gentleman tells us that all they then knew of was what he called a peaceful remonstrance, and he says the magnitude of these expenses is a recent discovery. But let me ask him whether the cost of the peaceful remonstrance was not at that time incurred. What was the form of the peaceful remonstrance? It was the despatch of a very powerful force, in order to give weight and dignity to the representations which we intended to make to the Chinese Government. I stated long before that I attached no blame to the Government in this respect. On the contrary, I think they were right in making this peaceful remonstrance in a formidable shape; that they were right in considering the prestige and the power of England, and in sending to China a force competent to support their demands. But they must have known that even in the event of their proposals being accepted, a peaceful remonstrance of this kind would be a most costly proceeding, and that its expenses must be defrayed from the revenue of the current year. I must say, therefore, that the explanation given by the right hon. Gentleman upon this point has not been satisfactory. The Government ought to have foreseen—I

really do not know how they could have avoided foreseeing—that there was no reasonable chance of £500,000 covering the cost incurred, and I repeat that they were not justified in tampering with the resources of the country when they had the probability of this war hanging over them. We have also, I think, a right to some further explanation. The Committee have been told with great candour that if this war goes on they must not suppose £6,000,000 will last very long, and that in all probability the second year will be even more costly than the first. Well now, what are you going to fight for? What practical advantages to this country are you seeking to obtain? Are you fighting for an apology? Are you fighting for the ratification of a treaty which we know is worth little when you have got it? These are questions of the gravest character. We are embarking in an expenditure which is fearful in amount. The Government ask us to commit ourselves to an outlay of not less than £6,000,000 for the current year, with the prospect that unless matters are managed with the grestest wisdom, delicacy, and success we may be involved in still larger expenses in future years. I say, then, in the name of the British public that we are entitled to a fuller explanation than we have yet received as to the definite objects of the Chinese expedition, the intentions of the Government, the mode in which they propose to carry out those intentions, the instructions they have given, and the security which the public will have that these enormous sums of money will produce satisfactory results.

Motion, by leave, *withdrawn.*

Motion made, and Question proposed,

"That a sum, not exceeding £3,356,104, be granted to Her Majesty, towards defraying the Expenses of Naval and Military Operations in China, beyond the ordinary grants for Army and Navy Services for the year 1860-1."

MR. BAILLIE COCHRANE moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."

LORD JOHN RUSSELL: Whatever may be done with regard to the Motion, I cannot allow the statement of the right hon. Gentleman who has just sat down to pass entirely unnoticed. I am quite aware of the grave responsibility which hangs over the Government, but we have sharers in that responsibility. I am not about to blame the right hon. Gentleman, or the Government to which he belonged, but the Committee must take into account the orders given and the course pursued by the right hon. Gentleman and his colleagues when in office. The news of the Treaty of Tien-tsin was received by the Earl of Derby's Government with very great joy. We heard everywhere, where the Earl of Derby appeared, great commendation of the Earl of Elgin for signing that treaty. The late Government therefore made the signing of the treaty no matter of blame. But what did they proceed to do? According to the views which some hon. Gentlemen entertain—views which I do not adopt, and with which I do not agree—they might have instructed Mr. Bruce to come to any agreement with the Chinese, who are much better acquainted with diplomacy than the right hon. Gentleman seems to suppose. The Chinese were quite ready to negotiate the treaty over again, and to ask that the Articles which were disagreeable to them should be revised and the objectionable parts omitted. Mr. Bruce might then have gone to Pekin as Mr. Ward went, and he might have been sent back to procure a ratification of the treaty elsewhere. All this might have been done, but that was not the course which the Earl of Malmesbury and the right hon. Gentleman followed. They desired Mr. Bruce to go in force to the mouth of the Peiho. Two months before we came into office there was a meeting at Hong Kong, at which Mr. Bruce attended with Sir Charles Van Straubenzee and Rear Admiral Hope, to consider what were the instructions of the Government and what it behoved them to do; and they came to the unanimous conclusion that it was their duty to go with an imposing force to the mouth of the Peiho. This is the statement made—"Sir Charles Van Straubenzee and Admiral Hope concurred in this view. The latter said that his instructions contemplated the Minister being escorted with an imposing force." What was the meaning of that? From whence did Admiral Hope receive these instructions? Why, from the Admiralty, at which the right hon. Gentleman presided; and, therefore, when the right hon. Gentleman comes down now with an air of surprise, wondering how it is that the present Ministry have involved the country in a war, calling us to an account for so doing, and delivering solemn warnings, I must say that it is hardly in keeping with the position he has

filled and the course he has followed upon this question. Our commanders thought it right to do what they had been commanded to do, and went to the mouth of the Peiho with an imposing force. They had then no further instructions. The Earl of Malmesbury was quite right when he said he had given no instructions to Mr. Bruce and Admiral Hope to enter the Peiho, clear the river, and proceed to Tien-tsin by force. But these gentlemen, being without instructions, found themselves, as a British Plenipotentiary and Admiral, in a considerable difficulty. The Chinese are in the habit of carrying shields upon which frightful heads are represented, and they suppose that on beholding those terrible countenances the enemy will run away, but if the enemy does not run away they are very apt to run away themselves. Now, if our commanders, arriving off the Peiho with an imposing force, had turned round on finding that it did not impose on the Chinese, and had set sail in the other direction for Hong Kong, this would have been an imitation of the Chinese in what is not the most honourable or distinguished part of the Chinese policy. I say, then, that the right hon. Gentleman is himself in a great degree responsible for what was done on this occasion by Mr. Bruce and Admiral Hope; men, we must remember, with English hearts and feelings, with English pride, and desirous to uphold the national honour. Then, what was it we desired? As my right hon. Friend has said, we desired first an explanation; but, when we found that the Emperor sanctioned these proceedings, although everybody pretended that he knew nothing of what was going on, and that they were fighting on their own account, we then demanded an apology for these proceedings. The right hon. Gentleman says I stated that our only business in China was trade; but he added, most truly, that it must be trade, with security to the persons and the property of British subjects. Now, when a British force had attempted to go up the river, with a view to obtain the ratification of the Treaty of Tien-tsin; and when they had been treacherously attacked—their loss in killed and wounded being 400 or 500 men—the Cabinet felt that if they had then sent humbly to ask permission to have the treaty ratified, without a word more being said on our part, they would have been exposing the lives and property of every British trader in China to certain risk, and, probably, in most cases, to certain destruction. Is there anything wrong in that supposition? The right hon. Gentleman asks a further question—what is our present policy in China? Surely, he must have read the despatches. We asked, in the first place, that the whole Treaty of Tien-tsin should be accepted with an apology, and that then no indemnity or compensation would be sought for. It appeared the French Government had sent orders that their representative should claim compensation. Mr. Bruce informed us, by a despatch of the 6th of February, that he had considered the danger there would be in making a separate demand from that of the French; and that therefore he had included in his demands a claim for compensation likewise. It does not seem that this claim to compensation made any difference to the Chinese answer, which amounted to a total refusal of our terms. Will any man say, then, that these terms are not moderate and reasonable? The question, then, came to be whether the force that we have sent out must not proceed, and must not insist on compliance with our demands. The question to be considered to-night is, whether you will sanction the expenses we have incurred, in pursuance of a policy which I hold to be right, and which I am ready to defend, but for which the right hon. Gentleman opposite and his colleagues are as much responsible as Her Majesty's Government.

Sir JAMES ELPHINSTONE said, there could be no doubt whatever that we were now at war with China, and that that war was the result of twenty years of the most flagrant policy on our part. But the more immediate question before the Committee was whether they would grant a sum of £3,800,000 to Her Majesty's Government, and upon what pretence they should grant it. That money he believed had been spent, and they would never see a farthing of it. By the ordinary mode of proceeding the delivery of the troops would have been taken from Chatham, but now it was taken at Singapore, whither the men had gone from Bengal, and at Singapore they would come upon the finances of India. Now we could see the result of taking India under our protection. The two accounts would run one into the other to such a degree that a clever Chancellor of the Exchequer would easily be able so to mystify the House that they would not be aware where the one began or the other ended. That conviction had weighed on his mind all this Session, and guided his votes. Nothing

could have been more reckless or improvident than the right hon. Gentleman's Budget. They had the French Treaty brought forward to throw dust in their eyes. They also had a remission of taxes, and that in the face of a deficiency which was certain to arise from this cause. The right hon. Gentleman the Chancellor of the Exchequer had told them of the considerations which influenced the Government in this matter, one of which considerations was that the Chinese had gained a great and palpable victory. Would anybody say it was an easy thing to deal with Asiatics when they had gained a victory? That being so, the Government ought not to have wantonly thrown away the resources at their command. They were entering on a course of warfare with the Chinese of which no man could see the end. It was the height of imprudence to have had anything to do with the Peiho or Pekin. It was the greatest fallacy to say our going to the Peiho was for the protection of British lives and property in China. The Gulf of Pechelee was a sealed book to our commerce. Where British subjects and British property really were, there alone they could be and ought to be protected. If we took up a good strategical position at the points where our trade was actually carried on, or one that commanded the internal navigation of China, no doubt we could induce the Chinese Government to allow that trade to be satisfactorily pursued, which was our only justification for going to China at all.

SIR CHARLES NAPIER said, he would tell the House why they were fighting in China. They were fighting because they had sent a diplomatist to China, and given him a great deal too much power. If the Admiral and General had been left to themselves, and not goaded on by Mr. Bruce, we should never have had the Peiho business, nor had to pay the money for this war. The Earl of Elgin when in China tried to exercise the same power over his gallant Friend near him (Admiral Seymour) as Mr. Bruce did over Admiral Hope; but his gallant Friend, who knew best how operations in that country should be carried on, resisted the pressure put upon him, and the consequence was that he succeeded in everything he attempted at the Peiho. If Admiral Hope and General Straubenzee had been left to themselves, no doubt the results would have been the same. A diplomatist sent out with such large powers was sure to make a mess of it.

VISCOUNT PALMERSTON: I hope the House will not agree to this Motion. By dividing the Vote my right hon. Friend has taken away all reason for reporting progress, because the second Vote will enable those hon. Gentlemen who still wish to speak on the general subject to deliver their sentiments on the second Vote. Hon. Gentlemen go on as if they imagined the Session would be eternal—as if the year was to be devoted entirely to the proceedings of this House. We go on from day to day, with a solemn air, putting off business when really there is not a day to spare. Hon. Gentlemen ought to recollect that there is a great deal of business before us, and that if we go on putting off these Votes from day to day there will be no end of the Session. I shall, therefore, certainly oppose the Motion, and I will take the sense of the House on the subject.

MR. BAILLIE COCHRANE said, the reason he had moved to report progress was that he and his Friends on that side had been taken by surprise at the magnitude of the Vote, which was what none of them had ever imagined before it was laid on the table. He also complained that no Foreign-Office despatches on this subject had been produced of later date than the 10th of November.

MR. DISRAELI: I think if the noble Lord had made his speech on the value of time at the beginning of the Session it would have had some effect on the House, and might have exercised a beneficial influence on our proceedings. Unfortunately the Government were not then impressed with the truth which the noble Lord has now embraced. But we cannot conceal from ourselves that we have now considerably passed Midsummer-day, and I believe there is every wish on the part of the House to assist the Government in carrying on the business of the country, provided that it can be done with a fair exercise of our Parliamentary rights and our public duties, which, I trust, however advanced may be the period of the Session, we shall not be induced to forget. It certainly does appear that by dividing the Vote into two an opportunity will be afforded to hon. Gentlemen to make their not unnatural comments on the unsatisfactory state of our affairs in China; and, therefore, I venture to ask my hon. Friend not to press his Motion. But the noble Lord ought to recollect that this important discussion began late in the evening, and

therefore the Motion of my hon. Friend is not unreasonable. It is only because I feel that another opportunity will be afforded to my hon. Friend, and those who think with him, to express their opinions that I venture to take the responsibility now of asking him not to press his Motion.

Motion, by leave, *withdrawn;* Original Question put, and *agreed to.*

House resumed. Resolutions to be reported *To-morrow.* Committee to sit again *To-morrow.*

PEACE PRESERVATION (IRELAND) ACT, 1856, AMENDMENT BILL.

LEAVE.—FIRST READING.

MR. CARDWELL moved for leave to introduce a Bill to continue and amend the Peace Preservation (Ireland) Act.

Motion made, and Question proposed, "That leave be given to bring in a Bill to continue and amend the Peace Preservation (Ireland) Act (1856.)"

MR. MAGUIRE moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

LORD FERMOY objected to the Bill, as a libel on the condition of Ireland. That country was just as peaceable, and law was as well preserved, as in England. There was no reason for a coercion Bill, and he should vote against the introduction of the Bill.

VISCOUNT PALMERSTON inquired of the hon. Member for Dungarvan whether he would withdraw the Amendment and test the question on the Motion for the introduction of the Bill.

Motion, by leave, *withdrawn.*

Question again proposed, "That leave be given to bring in a Bill to continue and amend the Peace Preservation (Ireland) Act (1856)."

MR. HENNESSY warned the House against passing another coercion Bill for Ireland, and moved the adjournment of the Debate.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 11; Noes 60: Majority 49.

Question again proposed, "That leave be given to bring in a Bill to continue and amend the Peace Preservation (Ireland) Act (1856)."

MR. BRADY said, he was sorry to oppose a large number of Members of the House who had decided that the Bill should be introduced, but he did so from conscientious motives, and believing the Bill altogether unnecessary, and a degradation to Ireland, he should move that the House should adjourn.

MR. CARDWELL said, that nothing could be more reasonable than to express his opinion against the Bill, but why not do so at once, by voting against its introduction.

MR. P. O'BRIEN said, he had opposed the Bill when introduced by the Government of the Earl of Derby and he should oppose it now.

MR. MAGUIRE said, that the Bill was a stain and a disgrace, and he considered himself justified in taking advantage of every form of obstruction which the rules of the House afforded.

VISCOUNT PALMERSTON complained that hon. Members who were against the Bill would not vote against it, but shirked the question.

MR. BLAKE pointed out that it was all very well for the noble Lord to accuse them of shirking the matter, when he knew he had the majority with him. Irish Members were entitled to use every mode of combating this odious Bill.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 9; Noes 61: Majority 52.

Question again proposed, "That leave be given to bring in a Bill to continue and amend the Peace Preservation (Ireland) Act (1856)."

MR. SULLIVAN moved the adjournment of the Debate.

VISCOUNT PALMERSTON said, he could quite understand the sincere objection to the Bill felt by the hon. Members, but did they hope to tire out the majority? He hardly thought that they would, on reflection, consider that persistence in such a course was consistent with the due discharge of their duty.

MR. VINCENT SCULLY taunted the Government with not having said a word of the character of the Bill, but wanted to get it through a stage without any explanation.

MR. CARDWELL stated that though it was true that the cases of putting the act in force were not frequent, a barbarous murder had recently been committed on the borders of Galway and Mayo, and he was sure that the peaceable inhabitants of that district would be very much alarmed if they had not the protection of the House.

MR. MAGUIRE opposed the introduction of the measure on the grounds alleged, and said that a persistence in the course they had taken was the only way to meet a tyrannical majority.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 11; Noes 59: Majority 48.

Question again proposed, "That leave be given to bring in a Bill to continue and amend the Peace Preservation (Ireland) Act (1856)."

MR. MAGUIRE thought it was time for them all to go to-bed, as they had to be there again at twelve, and it was now half-past three, so he would move that the House do adjourn. At all events they ought to have mercy on the Speaker.

VISCOUNT PALMERSTON said, that if possible, he would rather move that the minority should have leave to go to bed.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*: Ayes 7; Noes 59: Majority 52.

MR. BLAKE moved the adjournment of the Debate.

VISCOUNT PALMERSTON said, that as the Gentlemen opposite were reduced to seven, he should suggest whether it would not be well that they should show themselves the seven wise men of England, and permit a division on the main Question.

MR. HENNESSY said, out of consideration for the Speaker he should suggest that they should divide on the introduction of the Bill.

MR. BLAKE withdrew the Motion for Adjournment.

Question put, "That leave be given to bring in a Bill to continue and amend the Peace Preservation (Ireland) Act (1856)."

The House *divided*:—Ayes 53; Noes 15: Majority 38.

Bill *ordered* to be brought in by Mr. CARDWELL and Mr. ATTORNEY GENERAL for Ireland.

Bill *presented*, and read 1°; to be read 2° on *Monday* next, and to be printed [No. 260.]

House adjourned at Four o'clock in the morning.

HOUSE OF LORDS,

Friday, July 13, 1860.

MINUTES.] PUBLIC BILLS.—1ª Registration of Births, &c., (Scotland); Tramways (Ireland); Annuity Tax Abolition (Edinburgh and Montrose), &c.

2ª Labourers Cottages (Scotland.)

3ª Ionian Islands (Marriages); Railway Cheap Trains, &c.; Phœnix Park; Tenison's Charity; Local Government Supplemental.

ITALY.—THE ROMAN STATES.

THE MARQUESS OF NORMANBY said, he had given notice that he would move for certain papers additional to the despatches which had been produced from Mr. Lyons with regard to the condition of the Roman States. He was happy to take that opportunity to state that during the whole of the three years during which he had been in official communication with Mr. Lyons, there was the most complete concurrence between them on all subjects connected with the affairs of Italy, and he regretted that his promotion elsewhere had prevented Italy from having in the present crisis the benefit of his ability and experience. On a former occasion he had taken an opportunity to express his high sense of the merits of Mr. Odo Russell, and he was sure that gentleman would be the first to admit the great advantage he would now derive from having the benefit of Mr. Lyons' experience. These despatches when produced would show the efforts that had been made by Mr. Lyons and himself to induce the Papal Government to institute reforms: but their efforts were often frustrated by the conduct of others. On one occasion, in particular, there occurred an incident that ought to be known. Mr. Lyons had received some conciliatory instructions from Lord Clarendon, and he was making use of them to induce the Roman Government to institute some reform in their mode of government, when there arrived the account of a public declaration made by the highest Ministerial authority in the other House of Parliament, to the effect that the Roman States had never been so well governed as under the republic of Mazzini. Their Lordships could not conceive the painful effect that this declaration produced on the Papal Government. He was himself at that moment engaged with a person of high influence at the Court of Rome, endeavouring to persuade him to introduce that reform which he hoped the Roman people were now about to enjoy—the right of a deliberative council; but that Gentleman said, "How is it possible for us to institute reforms when we are told from your Parliament that the Government we ought to imitate is a Govern-

ment that in our eyes was the impersonation of anarchy, a Government in which neither life nor property was secure?" Under these circumstances he thought it necessary to address a further despatch to the Government, stating the painful impression which this declaration had made, and communicating what he had ascertained as to the real facts of the case, to show the inaccuracy of the statements that had been made in the other House of Parliament. This was one of the despatches which he hoped the Government would not object to produce. His Motion would be for, Copies or Extracts from the Despatches of Her Majesty's Minister in Tuscany in 1855, 1856, and 1857, referring to the Condition and Administration of the Roman States.

SCOTTISH DRAINAGE AND IMPROVEMENT COMPANY BILL.

THIRD READING.—BILL PASSED.

LORD REDESDALE *moved*, that this Bill (which is a private Bill), be read 3ª.

LORD ST. LEONARDS remarking on the exclusive advantages which these companies obtained by private Acts of Parliament, suggested that a general Act ought to be passed, and expressed a hope that with that object the Government would early next Session give the subject their serious consideration.

LORD STANLEY OF ALDERLEY thought it very desirable that when lending powers of this kind were given to a company there should be some independent tribunal established to see that the money advanced was expended on a *bonâ fide* improvement. The question ought to form the subject of general legislation. It was very desirable, too, that some system should be adopted with regard to these private Bills which would bring them more particularly under the notice of the House, requiring them, for instance, to go through a Committee of the whole House.

LORD REDESDALE did not think that any good would be derived from treating these Bills in a different manner from other private Bills. It would be much better that the subject should be dealt with by a general law.

EARL GRANVILLE said, the subject should be taken into consideration by the Government, but, of course, he could not give a pledge that they would take any action upon it.

THE EARL OF DERBY thought it most objectionable that any lending or borrowing powers beyond those of the ordinary law should form part of a private Bill. If legislation were necessary, it should be in the shape of a general measure. He had strong objections to the Bill, though he could not take upon himself the responsibility of moving its rejection; but if there were a distinct understanding that the Government and the House would for the future set their faces against the introduction of such Bills some good would have been done by the present discussion.

THE DUKE OF MARLBOROUGH shared the opinion of the noble Earl that this matter should be dealt with in a general measure.

LORD ST. LEONARDS proposed that the consideration of the present and another similar Bill should be postponed for a fortnight.

THE DUKE OF BUCCLEUCH explained that the Scottish Drainage and Improvement Company had been in existence for some time, and that it now sought merely to be placed in the same position as another company of the same kind in Scotland. He deprecated the maintenance of a monopoly, and opposed the Motion for postponement.

LORD ST. LEONARDS *moved*, That the further Debate be adjourned to *Friday* next.

On Question, That the said Debate be adjourned to Friday next? their Lordships *divided*:—Contents 36; Not-Contents 39: Majority 3.

Resolved in the *negative*: Then the original Motion was *agreed to*: Bill read 3ª accordingly: an Amendment made: Bill *passed* and sent to the Commons.

GALWAY HARBOUR BILL.

THIRD READING.

Bill read 3ª, with the Amendments.

On Motion that the Bill do pass,

THE MARQUIS OF CLANRICARDE said, that the noble Lord the Chairman of Committees had, in the exercise of his functions, struck out of the Bill two clauses which were of considerable importance. This made it necessary for him (the Marquess of Clanricarde) to take what was a rather inconvenient course. He might observe that the step taken by the Government of the noble Earl opposite (the Earl of Derby) in granting a subsidy to a line of packets between Galway and America had already been attended with very important results. Two years ago there

was not a single steam packet running between Ireland and America. At the present moment Sir C. Cunard's Transatlantic mail steamers called at one of the southern ports of Ireland; the Canadian Company's called at one of the northern; and there was this Galway line: so that Ireland was now practically recognized as the portion of the United Kingdom from which the packets employed in speedy communication between Europe and America should depart. The Bill before their Lordships was to improve the harbour of Galway; it proposed that a sum of £180,000 should be raised; part of this sum was to be applied to the payment of existing charges, and the remainder to the making of a pier and breakwater in Galway Harbour, and for other works in connection therewith. It was intended in the first place that the tolls on the harbour should be charged with the payment of this money; next that it should be raised off the property in the immediate neighbourhood; and, as a last resource, that a limited rate should be imposed upon the county. Now as the harbour was a benefit to the county as well as the town, such a mode of securing the money was not improper, though he admitted that that course should be adopted with great caution; moreover, the course was not without precedent. Taunts had been often thrown out that whenever an effort was made for the improvement of Ireland it was always at the expense of English capital; but this was now refuted in the case of Galway, which only sought powers to tax itself for a purpose that he believed would prove beneficial to the commerce of the United Kingdom. Not a word of any opposition to this Bill had they heard until last week, and this fact was the more extraordinary, inasmuch as the objects of the measure had been generally approved of. He was, therefore, extremely surprised to find that the Select Committee had struck out of the measure a clause which imposed upon the county Galway a guarantee for a large sum of money for the improvement of the harbour. He begged, therefore, to move that the clauses which had been struck out should be reinstated.

Amendment moved, in Preamble after ("Galway") to insert ("and county of Galway respectively").

THE EARL OF LUCAN hoped the House would reject the Amendment of the noble Marquess. The Chairman of the Select Committee had acted very wisely in striking out the clause in the Bill which devolved on the county of Galway the guaranteeing of a large sum of money for the improvement of the harbour, and had shown a wise discretion in declaring that the charge should not extend beyond the town. Under the Bill it was proposed to raise £180,000, of which £25,000 were to be applied in the payment of debts, and £100,000 were to be expended on a pier, breakwater, and graving docks—he wondered it was not for building ships. He believed that such a proposition was altogether without precedent. No doubt small sums had been expended on the repairs of fishing harbours under the Grand Jury Act, but that case did not afford a parallel to the present, in which a great national harbour was concerned. He believed it was the general wish of the landed proprietors of the county that the proposition of the noble Marquess should not be adopted. If the Amendment were agreed to, the result would be to impose a permanent charge of £1,700 a year upon the county funds.

LORD MONTEAGLE concurred with the noble Earl that this was the first time any proposition had been submitted to Parliament to impose a guarantee upon a county for works undertaken by local companies only, without any recommendation from the Board of Works in Ireland. He should oppose the Amendment. At the present moment the very existence of the packet station was at stake. Already £120,000 had disappeared in connection with Galway harbour, and the House was now called on to decide without a security as to the utility of the plans, or as to whether the harbour would be available for the purpose. He thought it would be better to suspend the further progress of the Bill until they had the plans and reports of competent engineers, and not allow £180,000, constituting a permanent fund, to be saddled on the country. If we were to have the American trade it was highly important there should be a proper packet station at Galway.

LORD REDESDALE said, he had always felt it to be his duty not to allow a new principle to be introduced in private in legislation without it was a very sound one, or without its being the sanction of the House. The principle proposed in the present Bill was entirely a new one that of taxing a county for the improvement of a local harbour, and if adopted might be drawn into a precedent in numberless cases, to the injury of pri-

vate enterprise; and he thought the principle of guarantees in such cases was altogether objectionable. He had seen too much of the manner in which grand juries in Ireland would vote taxation in the shape of these guarantees to be very well satisfied with the prospect of an extension of it. In this case there was no security that the money proposed to be raised would be sufficient to complete the work, so that the county might be saddled to an indefinite extent.

EARL GRANVILLE was inclined to think that, when a district came forward ready to take the expense of an improvement on itself, instead of asking for public money, it was a principle he thought that ought to be encouraged rather than discouraged.

On Question, Whether the said words shall be there inserted? their Lordships *divided*:—Contents 18; Not-Contents 26: Majority 8. Amendment *disagreed to*; Bill *passed*, and sent to the Commons.

House adjourned at a Half-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 13, 1860.

MINUTES.] PUBLIC BILLS.—1° Volunteer Rifle Corps; Landed Property Improvement (Ireland); Local Government Supplemental (No. 2); Theatres and Public Houses; Bank of Ireland (No. 2).

3° Census (England); Census (Ireland); Queen's Prison; Court of Queen's Bench Act Amendment; Friendly Societies Act Amendment; Felony and Misdemeanour.

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL—CONSIDERATION.

Order for Consideration read.

Bill *Considered* as amended.

Amendments made.

MR. WHITESIDE proposed a clause to the effect, that persons having power to grant a lease should also be enabled to enter into a binding preliminary contract. His object was to do away with the preliminary inquiry proposed in such cases, and which seemed to him to have been based on a distrust of the gentry of Ireland. He had no distrust of the landowners of Ireland, and therefore he wished to give the power to enter into such arrangements as were included in his clause.

Clause *brought up*, and read 1°.

MR. DEASY opposed the clause. The real question involved in it was whether a limited owner was to be at liberty to make of his own accord a building lease, involving any amount of land and any amount of rent, affecting materially the interests of the reversioner, without his consent; or whether he was to be placed under the limitations proposed in other parts of the Bill. The House had already resolved that previous inquiry before the Chairman of quarter sessions was in all cases necessary. This was done from no distrust of the landed gentry of Ireland, but from a conviction that such inquiry would be in the highest degree beneficial to all parties; and he hoped the House would not depart from the principles of its previous decision.

MR. HENLEY stated that he could not give his consent to the clause proposed by the right hon. and learned Gentleman (Mr. Whiteside), which would enable a person having a life interest only to dispose of property belonging to the reversioner for a period of, perhaps, eighty or ninety years.

LORD NAAS said, he thought that the power in question might safely be granted to the limited owner under the restrictions which his right hon. and learned Friend would impose by other provisions which he meant to introduce.

MR. CARDWELL said, the object of the Government was to give as much facility as possible, but they must do that within reasonable limits, and within such limits as would allow them to obtain the general concurrence of the Legislature. They were now asked to enable a limited owner to alienate the whole of his estate, if he pleased, upon building leases in perpetuity, without a preliminary sanction of a court of law being required. That was a proposal which, he ventured to say, had never yet received the sanction of Parliament. He certainly could not think of agreeing to a proposal of the kind; and, however desirous he might be to sanction any proposal coming from a quarter which he should have expected to be very tender of vested interests—he nevertheless felt driven to the necessity of opposing the proposition of the right hon. Gentleman.

Motion made, and Question put, "That the Clause be now read a second time."

The House *divided*:—Ayes 19; Noes 86: Majority 67.

MR. WHITESIDE proposed the introduction of a clause, granting an appeal from the decision of the Chairman upon any application for a charging order, in the same manner as an appeal by a plaintiff in a civil bill proceeding from a dismiss by such Chairman.

MR. CARDWELL objected to the clause as likely to complicate proceedings and increase the expense, and as in his opinion wholly unnecessary.

MR. BUTT supported the clause, and stated that the process of appeal was both simple and inexpensive.

MR. CARDWELL withdrew his objection, and the cluase was added to the Bill.

MR. BUTT proposed the introdnction of a clause to the effect that if, before the expiration of twenty years from the date of the completion of an improvement, the landlord should evict the tenant for any cause except non-payment of rent or breach of covenant, the tenant might proceed against the landlord to recover compensation for his *bonâ fide* expenditure and its unexhausted value.

Clause *brought up*, and read 1°.

MR. LANIGAN supported the clause.

MR. WHITESIDE opposed the clause, on the ground that it proposed to re-open a question which had been already settled, and on the faith of which many millions of property had been purchased under the title given by the Landed Estates Court.

MR. MONSELL supported the clause.

MR. DEASY said, he had always advocated a clause similar to that proposed, and his opinions had undergone no change whatever ; but he yielded to the change of circumstances and the current of events in opposing the clause. He did not believe it would be possible to carry any retrospective measure. The Government had introduced the present Bill on the general understanding that no such principle would be recognized in it, and to agree to the clause of the hon. and learned Member for Youghal would be a breach of that understanding. He hoped his hon. and learned Friend would not press his clause to a division.

MR. LONGFIELD said, he would go as far as any man in the prospective alteration of the law, but he could not agree to the proposition for retrospective compensation.

MR. VINCENT SCULLY intimated that he should vote with the hon. and learned Member for Youghal, but would propose that the clause should not apply to any improvements made on the land conveyed to a purchaser for valuable consideration, or to any other case where injustice might arise from the creation of a new charge on the land.

THE O'DONOGHUE supported the clause, and stated that there was no change of opinion upon this question among the people of Ireland.

LORD FERMOY said, the Bill was a delusion, and would not settle the question of tenant-right in Ireland. It was unworthy of Members of the Government to declare their adhesion to the principle involved in the clause now before them, and then to go into the lobby and vote against it. He hoped his hon. Friend would press his clause to a division.

COLONEL DICKSON said, he thought it was a most unworthy position for a Government to be in to approve certain provisions, and yet not to vote for them because they believe they could not be carried. He was prepared to go as far as any one in favour of prospective compensation for improvements. but would be no party to retrospective compensation, which, he believed, would only lead to confusion.

MR. BRADY said, he wished to remind the noble Lord (Lord Fermoy) that he and his friends were parties to the overthrow of the Derby Government at a time when that Government was pledged to carry a good Tenant Right Bill. It was all very well for those hon. Members who then threw out the Derby Government to argue now for tenant-right, but they ought to have considered the consequences of their act on that occasion.

COLONEL GREVILLE regretted that so much time should be lost in the discussion of a question which could lead to no result. He would, however, support the clause, because it was just, and because he had always acted upon the principle embodied in it on his own property ; but he felt it was impracticable.

Motion made, and Question put, " That the Clause be now read a second time."

The House *divided*:—Ayes 26 ; Noes 102 : Majority 76.

Further proceeding on consideration of Bill, as amended, *Adjourned* till *this day*.

SENIOR NAVAL LIEUTENANTS.

MR. DUNN said, he wished to ask the Secretary to the Admiralty, if the Lords Commissioners have any intention of ameliorating the present position of the Senior Lieutenants of the Navy, either by promo-

tion or increase of pay; and whether their Lordships have considered the effect of the present system of promoting flag-Lieutenants to the rank of Commander on the termination of an admiral's command?

LORD CLARENCE PAGET said, the Lords of the Admiralty did not intend to increase the full pay of senior lieutenants. It was, however, their intention to grant an increase of half-pay, according to length of service and in conformity with the scheme which he had already laid before the House. If that scheme were carried out, the position and prospects of those gallant old officers with regard to promotion would undoubtedly be improved. In answer to the second question, he thought he had better read the order which had already been decided on by the Admiralty, with reference to the appointment of flag-Lieutenants. It was as follows:—

"The Lords Commissioners of the Admiralty have thought fit to direct that in future whenever a flag-officer may be permitted to nominate an officer for promotion, it is to be understood that a lieutenant, when so nominated, must have completed at least five years' service in that rank at the date at which the flag-officer may be ordered to strike his flag, of which five years not less than three years shall have been served in a sea-going ship."

CASE OF DR. GUYDIR.

COLONEL GREVILLE asked the Judge-Advocate, Whether it is true that Dr. Guydir, assistant-surgeon, Royal Longford Rifles, who was tried by a general court-martial on the 1st and 2nd of June last, was placed in arrest on the 10th day of May last, and still remains under arrest and debarred from practising his profession, in consequence of the finding of the Court not having yet been promulgated by the authorities?

MR. HEADLAM said, it was perfectly true that Dr. Guydir had, in accordance with the rules of the service, been placed under arrest on the 10th of May, and that some delay had taken place before he had been tried before a court-martial. The trial had, however, come on early in June, and he had subsequently had two audiences of Her Majesty to ascertain her pleasure with respect to the finding of the Court. The matter had eventually been brought under the consideration of the Commander-in-Chief, and he was happy to say that the result was that Dr. Guydir would be released immediately by order of the Lord-Lieutenant of the county.

Mr. Dunn

INCH KEITH.

MR. BLACK rose to ask the Secretary of State for War, if, according to the communication made to the Edinburgh Chamber of Commerce in July last, it is still the intention of Government to place a battery on Inch Keith for the protection of the trade in the Firth of Forth?

MR. SIDNEY HERBERT answered in the affirmative.

On Question that the House at its rising Adjourn till Monday,

SWITZERLAND AND FRANCE.—THE CONGRESS.—QUESTION.

MR. KINGLAKE: I rise, Sir, to ask the Secretary of State for Foreign Affairs, Whether all the Eight Powers, as well as Switzerland and Sardinia, have consented to take part in the proposed Conference on the subject of the 92nd Article of the Definitive Act of Vienna, and whether there is any preliminary understanding between the Powers as to the basis on which the Conference will take place? A very few words will suffice to explain the point I am anxious to bring under the notice of the House. Every one knows that in the contemplation of the eventuality of war in which either France or Austria should be engaged it was provided by the 92nd Article of the Treaty of Vienna that Switzerland in any such case should remain neuter, and that the two provinces of which we have heard so much—Chablais and Faucigny—should share that neutrality. For that purpose they were placed under the protection of Sardinia. The difficulty which has now been occasioned arises thus:—The King of Sardinia has professed to cede to the Emperor of the French the provinces of Chablais and Faucigny, in other words, he has professed to cede to the French Emperor the provinces which formed the neutralized boundary of Switzerland. It happens also that Switzerland was vitally injured by this arrangement, because whereas Switzerland formerly had an admirable frontier for the Canton of Geneva as the result of the Treaty of Turin, she finds herself surrounded on all sides but one by a great military empire, and ceases to be defensible. True, such defence as is given by a European guarantee still remains, but experience has shown that protection by diplomatic arrangement is of little avail

unless it be combined with a strong military frontier and a warlike people. I have great pleasure in admitting that the second article of the Treaty of Turin acknowledges in distinct terms and in the fairest way the extent to which the contemplated arrangement was questionable on the part of the Powers of Europe, and also by Switzerland; accordingly the two articles of the treaty provide that France should come to an understanding with Europe generally and Switzerland. Now, Switzerland being the State aggrieved by the arrangement made between these two Powers, desired to appeal to Europe; and it did so happen that the treaty arrangements made in 1814 and 1815 at Aix-la-Chapelle constituted an apt tribunal to which an appeal in such a case might be addressed—for that treaty provided that in the event of either party feeling aggrieved a Conference of the Powers was to take place. It is extremely important to bear this in mind because it is this which constitutes the distinction between a Conference in the ordinary sense of the term, and that peculiar Conference to which Switzerland is appealing. It would be extremely anomalous and inconvenient that an ordinary Conference should take place without some antecedent basis as to which there is a probability that the Powers would agree. But this is not a Conference of voluntary Powers, but constitutes what I may truly call a Court of Tribunal, and summoned by Switzerland as one of the Powers which states herself aggrieved, and therefore she is entitled to be present. It seems to me of importance that this Conference should take place, because it is there, and there only, that negotiations can be effectually carried on. It is of the greatest importance that the Swiss Confederation, which from the beginning has shown high spirit, great sagacity, and a firm and unflinching reliance on the great Powers of Europe—it is of great importance that Switzerland, called to negotiate on a matter of vital importance to her, should be able to negotiate without seeming to abandon that reliance she has always shown on the support of the Powers of Europe. Moreover, it is admitted by all, and by none more fairly than by France, that the existing state of things must undergo some alteration in order to be placed in conformity with the public law of Europe; and it would be a scandal to Europe if it could be supposed that there was no tribunal competent to decide the question. The most obvious objection to the conference no doubt is the danger that it might seem to give something like a recognition to the transaction appealed against; but I humbly apprehend that the basis on which the Conference will take place will not be the Treaty of Turin; it will be the 92nd Article of the definitive Treaty of 1815, combined with the fact that these provinces have been occupied by the Emperor of the French, and it will not proceed on the assumption that the treaty signed on the 24th of March was definitive. Now, it appears to me that this Conference, if it should succeed, will confer a very great blessing upon Europe; and if it should fail it will in that event also bring about a state of things far more desirable than that which now exists, because it will show, in the most emphatic manner, what will then be the recognized impossibility of placing the Treaty of Turin in conformity with the public law of Europe. I beg now to ask the question.

SIR ROBERT PEEL: I have only one or two words to say to the noble Lord before he answers the question of my hon. and learned Friend. I do not wish to enter on the general subject, because I hope before the end of the Session it will be fully gone into. But, as the question of a Conference has now been decided, I only hope the noble Lord and the Powers of Europe, who have given their assent to it, will see that the rights of Switzerland, as a party vitally interested in this question, are fully recognized. Now, France has denied the rights of Switzerland in this matter. Over and over again France has asserted that Switzerland has nothing whatever to do with any arrangement that may be made between France on the one side and Sardinia on the other. But the Powers of Europe—Russia, Prussia, Austria, and England—have decided the contrary; and I must say the despatch of the noble Lord (Lord John Russell), of the 24th of April, which is among the papers laid on the table yesterday, is a most energetic recapitulation of the whole question—it is a most admirable and excellent despatch. I only hope the noble Lord will act up to the sentiments it contains. There is another observation I wish to make; it is this—France has denied that Switzerland has anything to do with this question. France has endeavoured to negotiate directly with Switzerland, but Switzerland very wisely refused to do anything with France apart from the other

Powers. Now, France lays very great stress on this—she wishes it to be understood that the invitation or summons to attend the Conference comes from France, and not Switzerland. This is a most important fact—such is not the fact; the fact is perfectly the reverse. The invitation to this special Conference comes from Switzerland, not from France, and has been so recognized by the Powers of Europe. I hope France will not be allowed to take credit to herself for the assembling of this Conference. I have only to add that as France has declined to cede any portion of the neutralized province of Chablais and Faucigny, because she says that universal suffrage has given her those provinces, I can state that the whole operation of that universal suffrage was most false and fallacious. I am authorized to say this — that there are about 30,000 adults capable of exercising the elective franchise in those two provinces; I think that 29,000 voted in favour of France; but only a few weeks before, 12,000, the most important and responsible inhabitants of the very same provinces publicly and without any pressure declared themselves entirely in favour of union with Switzerland. Now, to tell us that you would not admit any diminution of that territory, because universal suffrage has given it to you, is, I say, a most false and fallacious doctrine, and I hope the Powers of Europe will not submit to the degradation of accepting such a position from France.

Mr. BERNAL OSBORNE: I have only one or two remarks to make on this occasion. I must say, after reading the despatch of the noble Lord (Lord John Russell) produced yesterday, and to which reference has already been made, I have every confidence in his administration of the foreign affairs of the country. I think we may leave the foreign affairs of England with the utmost confidence in the hands of the noble Lord. [Mr. Vincent Scully: Oh, oh!] That is my opinion. It may not be the opinion of the hon. Member for Cork; but I would rather be wrong with the noble Lord, than right with that hon. Gentleman. There was a very grave statement made last night—a statement unusually grave, because my hon. and learned Friend (Mr. Kinglake) who made it, never speaks on light grounds, and his information has generally been found correct; any statement, therefore, which he makes is entitled to the fullest consideration of the House. My hon. and learned Friend stated that at the last interview which took place between the two Emperors at the conference of Villafranca, the Emperor Napoleon III. made a proposition to the Emperor of Austria to the effect that, on condition that the latter would join the former in an attack on the Rhenish Provinces, Lombardy should be secured to Austria.

Mr. KINGLAKE: The condition was that Austria should acquiesce in that attack.

Mr. BERNAL OSBORNE: Well, acquiesce in it. I say that any such statement coming from my hon. and learned Friend the Member for Bridgwater is worthy of the most serious attention of this House, because he evideutly has means of obtaining information that are not available to other hon. Members. The question I therefore wish to put to the noble Lord is, whether he is aware that such a proposition was ever made? I am unable to judge of how my hon. and learned Friend acquired his knowledge, but he certainly was cognizant of the project for annexing Savoy to France long before it was known to any Member of Her Majesty's Government; and that is one reason why I put this question. I can only suppose that my hon. and learned Friend must have received his information from the Emperor of Austria himself, because I believe no one else but the two Emperors was present at the interview. I should imagine that if any person in this country could give a satisfactory answer to the House on this point it would be the noble Lord the Foreign Secretary. I therefore take the liberty of putting this question to him, at the same time repeating what I said at the outset—namely, that I have full confidence in the noble Lord's judgment in conducting our foreign affairs.

Lord JOHN RUSSELL: With respect, first, to the questions put to me by my hon. and learned Friend the Member for Bridgwater (Mr. Kinglake) I will state the facts as far as they are within my own knowledge. My hon. and learned Friend seems to suppose that certain Powers have consented to take part in the proposed Conference. Now, the way in which the matter stands is this. The House will have seen from the papers which have been presented that the French Goverment have proposed three different modes for reconciling the 92nd Article of the Treaty of Vienna with the 2nd Article of the Treaty of Turin, and that a Conference is only

one of those modes. The French Government, therefore, have not summoned the Conference, and asked the other Powers to attend it, but they proposed it as one of these modes. Her Majesty's Government had no difficulty in immediately saying that they accepted the Conference as the best mode of considering this subject; but it does not appear, as far as we know, that any definitive answer has been given by the other Powers of Europe. We have been told—although, of course, the answer would not come to us, but to the French Government — that Austria and Prussia have both shown some hesitation on the matter; and that, although an unofficial answer went from Russia that she was willing to accept a Conference, yet her answer was not formal or definitive on the subject. Therefore at present no summonses have gone out from France for the purpose of convening the Conference; and it is not yet certain that the other Powers have assented to that mode. I believe, however, they all say that if a Conference is summoned they will send representatives to it.

With regard to the second question put to me, as to whether any preliminary arrangement has been come to with the Powers respecting the basis of a settlement, the French Government have from the beginning stated that the only practical basis is, that the Powers should endeavour to reconcile the 92nd Article of the Treaty of Vienna with the 2nd Article of the Treaty of Turin, and they assume that that will be thought a proper basis, because it allows every latitude to the other Powers to state their views upon the subject. I imagine no other basis than that can be proposed. As to the observation which has been made more than once in this House, that the French Government proposes to tie down the other Powers beforehand against any arrangement by which any part of Savoy may be separated from France, no attempt has been made to fetter the other Powers on that subject. The French Government, however, say that if such a proposal should be made, they will state their objections to its adoption.

With respect to the revelation made by my hon. and learned Friend last night as to what transpired between the Emperor of the French and the Emperor of Austria at Villafranca, what happened on that occasion can only have taken place between those two Sovereigns. I believe that no other person was present at their interview. We have had various accounts, more or less official, of the general substance of what passed at that interview; but we have not received any intimation that the proposal or suggestion to which my hon. Friend the Member for Liskeard (Mr. Bernal Osborne) alludes, was made. I have, indeed, heard the story in a vague way, but I do not know that there is any authority whatever for it.

VOLUNTEERS IN IRELAND.

OBSERVATIONS.

MR. BRADY said, he rose to call the attention of the House to the answer given by the First Lord of the Treasury to a question put on Friday last, the 6th instant, relative to the enrolment of Volunteers in Ireland. The people of that country were now quite as loyal and as well-disposed towards the English Government as any other portion of the United Kingdom. If, unfortunately, any hostile descent should be made on our shores, the blow would, doubtless, be struck at England, and then Ireland would necessarily be denuded of troops, whose presence would be required at the part of our Empire which was most seriously menaced. In such a case Ireland would be left in a state of the greatest insecurity, because it would be impossible for her 20,000 men of the constabulary to afford her adequate protection. If a hostile force effected a landing in Ireland the people would be demoralized and the country thrown back a century in material prosperity and civilization. It was, therefore, the bounden duty of the Government to enable the Irish people to arm themselves, so that they might defend their homes in the hour of peril. The Queen's prize at Wimbledon was carried off by a Scotchman, but there was not a single Irishman among the competitors. He understood that the noble Lord at the head of the Government was himself a private in the brigade of Irish Volunteers raised in London, but the existence of that corps, instead of being a compliment, would be a stigma, unless the people of Ireland were allowed to raise similar corps in their own country. By the present system of legislation the people of Ireland were compelled to think that they would not be allowed to be loyal. The House sat till nearly four o'clock in order that a Coercion Bill might be introduced, but the Irish were not allowed to bear arms in order that they

might defend their own property, the rights of the Crown, and the institutions of the country.

THE PAPER DUTY.—OBSERVATIONS.

MR. WHALLEY said, he wished to call the attention of the House to the Excise Duty on Paper, and in reference thereto, to ask Mr. Chancellor of the Exchequer, Whether it is his intention to enforce the payment of that Duty? He had no desire to reopen questions that had been already fully discussed, or to add to the excitement which existed, or which might be expected to arise; but, on the contrary, he wished to point out a simple and obvious mode of allaying such excitement, and what ought to be still more the object of this House and the Government—to afford satisfaction to that conscientious alarm and anxiety which had been so fully expressed in petitions, and which he and others so earnestly felt. That course was to abstain from enforcing the payment of the paper duty until the question could be again brought forward in connection with the financial arrangements of next year. There appeared to him to be unanswerable arguments in favour of that course. In the first place, the honour of the Crown, represented in that House by the Minister, was pledged to repeal the paper duty, and this wholly apart from any question about the power of the House of Lords to reject the Bill sent up to them for that purpose; and not only so, but the Crown, with whom alone that House had to deal in the matter, had received the consideration for such repeal in the penny increase to the income tax. That was the distinct proposal made by the Government when the Budget was introduced, and it was further ratified in the most express terms on the discussion of the Motion of the hon. Member for Somersetshire. The words of the right hon. Gentleman, the Chancellor of the Exchequer, representing the Government and the Crown, believed and acted upon by him (Mr. Whalley), in his vote on that occasion, were as follows:—Speaking of the income tax, the right hon. Gentleman said—

"It has many vices, but it has one great virtue, which is this—that in the main, without any injustice in its general scope, without any of those idle dreams of plunder and confiscation which we have heard of to-night, it does make the property of the country subservient to the uses of the State, within limits which are safe, and for purposes which are beneficial. The position of the Government then, with respect to the paper duties, is this,—we think it part of our public duty, part of the pledge we gave to the country which has given such a general and warm support to our financial measures, that we should redeem the pledge which we gave a month ago—namely, that under the existing circumstances of the present year, we should ask for such a repeal of indirect taxation as should not exceed two millions of money. We desire the House to exercise an impartial judgment on the question, 'What is the best mode of applying that sum?' But for all the reasons I have stated, we submit that the wisest and most prudent choice we can make is to determine to repeal the paper duty, and to give freedom to a great branch of industry."

Now, what could be more clear and explicit, and how would it be possible ever again to rely upon anything that emanated from the responsible advisers of the Crown, if this pledge, so distinctly reiterated, were to be now set at nought, and the paper duty exacted in addition to the penny income tax, which was given in consequence of that pledge? He was not surprised to hear that the Earl of Derby, when he resolved upon a course which thus involved a sacrifice of a pledge given in the name of the Crown, knew nothing of such pledge having been given; but he knew it then, and it could not be doubted that if time were allowed to retrace his course, his Lordship would, on that ground alone, if on no other, relieve, not that House, not the people of the country, but the Crown itself, from the extraordinary and altogether unprecedented position in which by his act it was placed. What he (Mr. Whalley) asked was that the Government should, to the extent of their discretion—and he would even appeal to their patriotism—keep faith with the House by not collecting, for the present year, at all events, this tax. There was, however, no difficulty or risk in adopting such a course. Nothing was more common than to allow Excise duties to remain uncollected, taking some security for the future payment if demanded. That was the invariable course when disputes or litigation arose; and they might rely upon it such litigation would arise, in a manner that would not admit of being trifled with—the momentous question of the right of the House of Lords to retain a tax which the Crown and the House of Commons had repudiated. It was to prevent such discussions, agitation, and excitement by an ordinary exercise of discretion on the part of the Government that he now appealed to them. There could be no greater mistake than to suppose that the reluctance of the people to enter into political agitation on the matter arose from in-

difference. The right hon. Member for Bucks had told them, and that truly, that the House had surrendered its privileges as to that £50,000,000 or £60,000,000 still raised from the trade and labour, as distinguished from the property of the country, and that not a shilling would be remitted without the consent of the House of Lords. Such was, beyond all doubt, the fact, and when the full consequences of that state of matters became understood, the remedies might as much exceed the present bounds of the constitution, as did the past and unrecognized surrender to this enormous extent, of the revenue of the country to the control of the House of Lords. His object was to avoid such questions—to deal simply with the fact which every one would understand, and which no one could question, that the honour of the Crown, the good faith of the Government, and the character of the House of Commons, all imperatively demanded that no more Excise duty on paper should be collected. And, as if to aid them in getting out of the difficulty, it appeared that, in fact, it was a duty that could not be collected under the law as it stood at present. That he regarded as a most fortunate circumstance, and one that he hoped the Government would take advantage of to avert the spread of irritation and excitement on this question. On the same occasion to which he had before referred, the right hon. Chancellor of the Exchequer told the House that it could not be collected under the existing law. He said—

> "There must be a new set of laws for enforcing this Excise, with a new set of restrictions on trade, and a new set of penalties to enforce them. All this must be done to enforce a duty which has been condemned two years ago by the unanimous vote of the House of Commons, and I want to know of my hon. Friend whether, as a practical and sensible man, he thinks it very likely any Government can be found to propose to carry such laws through the House of Commons?"

He (Mr. Whalley) had brought the matter forward with a view to find a way out of the difficulty, and to ascertain whether the Government might think fit to make on that occasion any declaration of their intentions. He entertained full confidence that the right hon. Chancellor of the Exchequer would sustain, by the course that he would take in the matter, the high, and, he might say, unparalleled reputation he had acquired, and justify the confidence which the country reposed in him.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member for Peterborough, in calling attention to the Excise duty on paper, has asked whether it is the intention of the Government to enforce the payment of the duty. The question was grounded on the difficulties which the hon. Member thinks attend the execution of the law arising from the legal definition of "paper." All I can say is, that this is a very important matter for the consideration of the Legislature with respect to the duty on paper; but I do not imagine that, on account of any apprehended difficulties in the execution of the law, the Government, whatever may be their opinion on the policy of retaining the paper duty, would be justified in pursuing any other course in collecting it than that adopted in collecting other Excise duties.

OUTRAGE IN TYRONE.

QUESTION.

MR. MAGUIRE said, he rose to ask the Chief Secretary for Ireland, if he has been informed that the Stained Glass Window of the Roman Catholic Church of Cookstown, county Tyrone, was maliciously broken on the morning of Sunday, the 1st day of July, and what practical steps have been taken by the Irish Government to maintain the peace and preserve the persons and property of Catholics from outrage in that and other Counties in Ulster? He had stated on a former occasion that on the 15th of June a procession of 1,500 Orangemen marched into Cookstown, accompanied by a band of music, which played party and insulting tunes before the doors of the Roman Catholic inhabitants; that the leaders of the procession threatened that they would return to Cookstown; and that if they did so the Catholics, as a matter of course, would resist them, and the consequence would be bloodshed. The reply of the Chief Secretary was, that he had received no report, but afterwards the right hon. Gentleman showed him an official document, in which the affair was lightly treated. Since then, however, he had been informed that it was a formidable demonstration, and had excited bad feeling and apprehension in the minds of the Catholics of Cookstown. Moreover, some time in the night, between the 30th of June and the 1st of July, a splendid glass window in the new Roman Catholic Chapel in Cookstown, to which Protestants and

Presbyterians had liberally subscribed, and which was erected in memory of a Roman Catholic clergyman, respected and honoured by all classes in the town, was smashed to pieces, and it was well known that the dastardly outrage was perpetrated either by those who shared in the demonstration of the 15th of June, or by persons who sympathized with them. He had received a letter from a Roman Catholic clergyman, in which it was stated that, so far from peace being restored in Cookstown, the whole country was in a terrible state of excitement and alarm; that 1,500 Orangemen marched into Stewartstown on the 2nd of July, and threatened destruction to the churches and chapels of the Catholics; that in a neighbouring town a band of Orangemen broke into a Catholic chapel, and smashed the tabernacle and a statue of the blessed Virgin; that Armagh was almost in a state of siege; and that if the Government did not act vigorously before the 12th, there would certainly be bloodshed on a large scale. The parish priest of Cookstown had clearly shown in a letter published in the Irish papers that the Catholics had given no provocation whatever, and the writer concluded by stating that his only hope was in public opinion compelling the Legislature to place Orangeism and Ribbonism on the same footing. A public meeting of the Catholic inhabitants of Cookstown had been held, and had passed resolutions to the effect that they believed it to be the plain duty of every Catholic to cultivate peaceable relations with all men, no matter what religion they might profess or what political views they might adopt; that the outrageous display of the Orangemen had excited the utmost indignation and alarm; and that it behoved the Government immediately to take steps to protect their persons, property, and churches. These outrages were not the consequence of the recurrence of any of those festivals which excited bad feelings in Ireland, but the persons who led the procession in Cookstown declared that there would be bloodshed by the 12th of July in that place. Were, then, confederacies like these to be tolerated in a civilized country? He was as strongly against Ribbonism as any man could be, but Ribbonism sprang from a spirit of antagonism, and the gauntlet was thrown down by Orangeism. He had been in the north of Ireland, and witnessed the deadly animosity which raged between the different religions, and he believed that if Orangeism and Ribbonism were utterly extirpated, Ireland would not only be the most pacific, but the most prosperous portion of the United Kingdom. His object in asking this question was peace, not hostility, and he therefore begged the earnest attention of Government to the matter.

MR. CORRY said, that no one could deplore more than himself that such an outrage as that referred to should have taken place in a part of the country which he represented, but he must protest against the right of the hon. Member (Mr. Maguire) to argue from the fact that a single outrage had been committed (but which was more probably a disturbance originated by some drunken persons) that the lives and safety of all the Roman Catholics in that part of Ireland had been or were now endangered. But for the purpose of showing the House what the nature of the alleged outrage was he would read a letter he had received from Mr. Lindsay, the Chairman of the Petty Sessions, before whom the case itself was tried. That letter was in the following terms:—

"My attention has been drawn to a Report which has been going the rounds of the public papers relative to a statement attributed to Mr. Maguire, M.P. for Dungarvan, in which he is reported to have stated in his place in the House of Commons."

[*Cries of* "Order."] Well, he would say, a statement was made,—

"That a large number of persons stating themselves, and known as Orangemen, and amounting to at least 1,000 in number, marched in procession into the town of Cookstown, county of Tyrone, on the evening of the 15th instant, accompanied by drums and fifes, and playing party tunes, and that they continued for a period of three hours, from eight until eleven o'clock, parading the streets of the town, playing such party tunes, and frequently stopping before the houses of the Roman Catholic inhabitants to beat their drums, and indulge in various insulting manifestations, calculated to lead to a breach of the peace."

Now, his correspondent observed,—

"As Chairman of the Cookstown Petty Sessions, held on the following Friday, the 19th instant, when seventeen of the persons alluded to appeared on summons before the Court for having beaten drums and played on fifes in Cookstown on the evening in question, I beg leave to state that the information which Mr. Maguire has received touching this matter is altogether incorrect. It appeared in evidence that there was no marching in procession, no party tunes were played, no insulting manifestations exhibited before the houses of the Roman Catholic inhabitants, nor any abusive or provoking language made use of towards any one, and I need therefore scarcely add, that there was no breach of the peace whatever. Had there been such a procession and display as Mr. Maguire is reported to

have stated in the House of Commons, I should have felt it my duty to have directed informations to have been taken and returned to the ensuing assizes; but it was not even attempted to be proved that there was anything political in the assembly, or of what party they consisted, nor was the word 'Orange,' or 'Orangemen' ever made use of by any one of the witnesses during the trial. I am since informed that there were a number of women and children, as well as men in the crowd, many of whom were persons returning from a spinning manufactory in the neighbourhood of Cookstown. As I am not, and never was, an Orangeman, I cannot justly be accused of partiality in this statement, which I feel it my duty (as Chairman of these Petty Sessions, as well as in compliance with the wishes of other magistrates) to make to you, as one of our representatives of this county of Tyrone, that you may be fully aware of the facts which Mr. Maguire seems to have been totally ignorant of."

It appeared, then, from that communication, that the procession was a noisy collection of men and women and children, but no breach of the peace had been committed; it was not even shown that it was formed of any particular class of religionists, or that that was at all any prominent feature in the affair. Even the classic atmosphere of Rome had not been sufficient to restrain the ebullitions of lively feeling natural to Irishmen, as his Holiness the Pope had no doubt by this time discovered, with respect to the force that had tendered their services to him. Why, then, should it be expected that Cookstown was to be more free from a similar exhibition?

MARRIAGE IN THE PREVENTIVE SERVICE (SCOTLAND).—QUESTION.

MR. BLACK said, that having on a previous occasion put a question to the Secretary to the Treasury, in consequence of a person of excellent character being dismissed from the Preventive Service, in the department of the Excise in Scotland, because he was married, and not having received a satisfactory answer, he wished again to put a question to the Secretary to the Treasury in reference to the treatment of the men of the Preventive Service in the Department of the Excise in Scotland, in preventing them from getting married; whether those regulations were placed in the hands of the men when they joined the service; and whether it was the opinion of the Lords of the Treasury that such regulations ought to be maintained?

THE GALWAY PACKET CONTRACT. QUESTION.

SIR STAFFORD NORTHCOTE, in rising to put a Question as to the present state of the Negotiation which has lately been carried on for the transfer of the Galway Packet Contract to the Montreal and Ocean Steam Navigation Company, said he had no wish to bring on a general discussion on this subject, but merely wished to set right certain misrepresentations which had appeared in the public papers, and which were, perhaps, confirmed to some extent by the remarks of the Chancellor of the Exchequer on the previous night. He would appeal to the Government not to act hastily in this matter, and not to excite any prejudice against the proposed transfer before the question was brought before the House. Hitherto the decision of the Government had been adverse to the transfer of the contract. Now, from the statements in the newspapers, as well as from those made by the right hon. Gentleman the Chancellor of the Exchequer, the public might imagine that the transaction was one which had been suddenly entered into; that it was, in fact, a proposal made by the Galway Company, finding themselves in difficulties, to get rid of their contract to another Company; that the subject had been brought before the Government without previous notice, and that, not being afforded sufficient time to consider it, the Government felt obliged to refuse their sanction to the arrangement. That was by no means the real state of the case. In the first place, it was not a question between one company and another, but between the Galway Packet Company and the Provincial Government of Canada. In the next place, it did not originate with the Galway Company, but it arose out of a suggestion made by a rather high extra-official authority, Mr. Cobden, Chairman of the Packet Contract Committee, last Session. Then, again, it had not been brought forward at the last moment, but had been, more or less, under discussion ever since August or September last. Nor had it been pressed suddenly upon the notice of the Government for any purposes of the Company. It was a negotiation carried on between the Company and the representatives of the Canadian Government deliberately, and, as was understood, with the cognizance and sanction of the Home Government; the reason why an early decision was desired from the Home Government being that the representatives of the Canadian Government were anxious to go back by the mail of Wednesday last. The Company themselves were not in any hurry

for an answer; they were prepared to wait until the 1st of August. The representatives of the Canadian Government were Mr. Galt, Finance Minister, and Mr. Smythe, Postmaster General; and it would be obvious that two such functionaries could not conveniently be absent from the colony for any length of time, especially at the period of the Prince of Wales's visit, and during the September elections. It was with a view to consult the convenience of these gentlemen and of the province that the Government were pressed for a speedy answer. The facts as regarded the Canadian Ministry were these:—After the Galway Contract had been sanctioned by the late Government, it was brought to the notice of the Packet Contract Committee that great injury had thereby been inflicted on Canada, because the Canadians, finding it necessary for their own purposes to maintain and subsidize a line of steamers between the two countries, now found a new competitor in the field, so that their steamers were running under great disadvantage. They were then subsidizing their steamers with £50,000 a year, recently increased to upwards of £100,000, and they were naturally annoyed therefore at the rivalry of a company subsidized by the mother country. At the close of last Session, this state of facts having been brought to the notice of the Packet Committee, Mr. Cobden suggested to the Representative of Canada, the Minister of Public Works, who was examined before the Committee, that some arrangement might possibly be made between the Galway Packet Company and the Canadian Government. Communications were accordingly entered into, in the course of September and October last, with the Chancellor of the Exchequer and the Colonial Secretary, in order to ascertain whether, in the event of such an arrangement being concluded, it would receive the sanction of the Government. The reply was that the subject was before a Select Committee, and that it was impossible for the Government to take it up until the Report of that Committee had been made. The negotiation accordingly fell through. The Select Committee took a good deal of evidence on the subject and made their Report. They did not go the length of recommending a transfer of the contract, but they mentioned it in rather favourable terms. He understood that immediately after the Report was published, possibly before negotiations were resumed, Mr. Galt and Mr. Smythe came over with a view to purchase the contract from the company; and it was arranged at last that the Canadian Government should pay the company a subsidy of £35,000 a year, the company assigning to them the contracts for the conveyance of the mails between Galway and Boston and New York. Of course this was made subject to the approval of the Government, and the intention was that the mails should be carried to a Canadian instead of an American port. These terms being agreed upon, as the company and the Colonial Government understood, with the cognizance and the approval of the Treasury and the Post Office, the agreement was formally reduced into writing, and signed by the representatives of the company, and by Mr. Galt and Mr. Smythe on the part of the colony. All these facts were notified to the Treasury, and, though they might not have been brought personally under the notice of the Chancellor of the Exchequer, they were so far within the cognizance of the Treasury that an official letter was written to the Post Office mentioning this proposal, and the Post Office accordingly communicated to the company that, instead of the mails being sent on the next occasion by the *Connaught*, a Galway boat, they would be transferred to the *North Briton*, belonging to the company subsidized by the Canadian Government. That notice was also published by the Post Office in the form of an official advertisement, and was therefore recognized by them in the most complete way on the authority of the Treasury letter. The parties were thus led to believe, not without reason, that the proposed transfer was sanctioned by the Government so far as it could be sanctioned. They were aware that the Government could authorize nothing but the transfer of the subsidy, the subsidy itself being contingent on the vote of this House, and all they wished was to understand whether the Government had any objection to the transfer. Of course the arrangement would be very advantageous to the Canadian Government. They now paid a subsidy of £104,000 a year, and if they paid the Galway Company £35,000 a year, deducting from those sums £78,000, the amount given by the Home Government, their expenditure would be materially reduced. He would not go into the merits of the case as regarded the bargain with the Galway Company, but it was not so unreasonable as the public press seemed to consider.

Sir Stafford Northcote

The Galway Company had incurred large expenses in the establishment of this line; and, having established it and taken steps to give Ireland a permanent packet port, they wished to diminish the losses they had sustained by handing over the mails to the Canadian Government, which would secure the interests of the colony, as well as the interests of Ireland. Considerable consternation had therefore been excited by the statement of the right hon. Gentleman the Chancellor of the Exchequer that the Government at the last moment had altogether refused their sanction to this agreement. He did not ask on the present occasion for any pledge. He only hoped that the Government would not take any final step in the matter before the House had had an opportunity of considering it; and, following up the hint of the Chancellor of the Exchequer on the previous night, he would ask whether his right hon. Friend was aware that Mr. Galt and Mr. Smythe had deferred their departure till the following Wednesday, whether there had been any communication with them, and whether the question was still considered an open one?

MR. BAXTER said, he wished to express an earnest hope that, whatever decision the Government might come to on the Galway contract, they would not sanction the assignment of the contract to the Montreal Ocean Steam Navigation Company. The House was aware that the late Government gave a subsidy of £78,000 a year for seven years to the Galway Company, and that the purchase money paid for this contract by the Montreal Company was to be £35,000 a year for seven years. That was an admission that the service might have been performed for a less sum by £35,000 than the subsidy agreed to be paid. Mr. Lever, as the House would see by the evidence, came before the Committee and told them that the service between Galway and the United States could not be performed either by the screw steamers of the Liverpool and Philadelphia Company, or by those belonging to the Montreal Ocean Steam Navigation Company. It was also stated that four vessels of large tonnage and increased power were being built by the Galway Company, and would be placed on the station in the course of the year, in order to perform the service in a more regular and rapid manner than it had hitherto been done. It now turned out that these ships were not to be placed on the station, and that the service was to be performed by those very screw steamers of the Montreal Company which Mr. Lever declared to be inefficient to carry it out. The Chancellor of the Exchequer was probably not aware that the Montreal Ocean Steam Ship Company had recently lost three of their best ships, and that they were building new vessels to supply that loss. It would be a most extraordinary course for the Government or that House to take, if they sanctioned the assignment of a contract from one company to another, without insisting on the main conditions of that contract being performed. Whatever course the Government might feel disposed to take with regard to the vote, he did trust they would not sanction an assignment which had excited a feeling of astonishment, if not of indignation, amongst all those concerned in the steam navigation of this country.

SIR FRANCIS BARING said, he did not intend to inter into the merits of this case, and he regretted that the hon. Baronet (Sir Stafford Northcote) had brought on a premature discussion instead of postponing it until the Vote was laid upon the table. But, although the hon. Baronet declared he would not say a word on the merits of the contract, he never heard a speech more dexterously put together to defend the course taken by the late Government. He (Sir Francis Baring) only hoped that the right hon. the Chancellor of the Exchequer would not come to any decision until the House had had an opportunity of discussing the subject. The Select Committee had indirectly recommended that the Vote should be laid on the table for the decision of the House. He admitted that the question was not an easy one to decide, but the contract ought to be discussed on its own merits. Above all, no new contract ought be made that would produce an additional complication. He wished also to state that Mr. Cobden's communications were made previous to the Committee coming to a decision, and before the main part of the evidence was taken. One of the recommendations of the Committee was that no contract should be disposed of until the House had had a certain time given for considering its terms. If hon. Members would read a letter in the newspapers of the previous day they would find that certain agreements had been come to between the old contracting party and the new that might entirely change the contract. By the original contract be-

tween the Government and the Galway Company it was agreed that if the contemplated improvements in Galway Harbour were not made, or turned out ill, it was in the power of the parties either to insist on the improvements being carried out, or to remove the packets to some other Irish port; but a private stipulation was now made between the two contracting parties that to Galway in any case the ships should go. He believed that a Bill was now before Parliament enabling certain local parties to make improvements in Galway Harbour. These parties, it might be assumed, would carry out the improvements if in the event of their failure to do so the packets might be removed, but as soon as this stipulation came into force these parties might say, "You are bound to run your ships to Galway under any circumstances, and we would rather that some one else should pay for any improvements in the harbour." He wished to press the Government so far to respect the recommendation of the Select Committee as to wait until they had given the House an opportunity of discussing the circumstances of this contract.

MR. LAING said, he was glad to have an opportunity of explaining the precise state of the negotiations with the representatives of the Canadian Government relative to the transfer in question, which he thought had not as yet been quite understood. It was quite true, as the hon. Baronet (Sir Stafford Northcote) had stated, that the general idea of the fusion of the Galway with the Canadian line was by no means new. It was quite true that it originated in a suggestion of Mr. Cobden, and was canvassed last Session in the Committee. Many hon. Members felt that a hardship had been done to Canada by the arrangement originally come to, and that it was very desirable the hardship should be remedied. The matter was repeatedly under discussion, and a division took place in the Committee on the subject. His own opinion as an individual Member was that there would be a propriety and advantage in such an arrangement if it could be settled on fair terms. It was, however, incorrect to suppose that the precise arrangement by which the fusion was intended to be carried out had been long under the consideration of the Government. In fact, the arrangement in question came upon the Government by surprise on the previous Wednesday. The original arrangement having fallen to the ground, there was no question of its revival for several months. Two Canadian ministers, Mr. Galt and Mr. Smythe, however, having arrived in this country, the negotiations were renewed. The matter had to go through several stages before it was ripe for the decision of the Government. It was first necessary for the parties to come to terms, and then a convention was necessary with Canada to regulate the terms of the service. Without a convention of that kind the purchase of the Galway contract by the Canadian Company was useless, because the British Government had to give its sanction to the substitution of the ports of Quebec and Portland for the ports of New York and Boston, originally named in the contract. The whole question of the arrangements to be entered into between the Canadian Company and the British Government having been in the first instance only casually broached in conversation, it was deemed necessary that the proposal which was made on behalf of the former should, in order to give effect to any assignment of the Galway contract, be reduced to writing. Under these circumstances he had had a conference with Mr. Galt and Mr. Smythe, the two gentlemen who represented Canada in this country, and had stated to them that, while individually favourable to the principle of the contemplated transfer, if it could be carried into effect, he had no sort of authority to bind the Government in the matter, and that he could not undertake to procure their decision until the terms of the transfer had in writing been duly submitted to their consideration. He had added that he would render all the assistance in his power in getting rid of mere matters of detail, and in the endeavour to frame a definite proposition on the subject. Such was the state of things on Tuesday, and on Wednesday the terms of the transfer were to have been reduced to writing; but, to his great surprise, he had on that day received a letter, stating that Mr. Galt and Mr. Smythe were obliged to take their departure for Canada that very night or the following morning; that they were not in a position to leave anybody behind them with power to represent them in the transaction in question; and that, under the circumstances, unless they had the distinct confirmation upon the part of the Government of the arrangement which they had proposed, the whole affair must fall to the ground. The letter conveying that intelligence had reached him on the afternoon of

Wednesday, when the House was engaged in discussing the Census Bill. His right hon. Friend the Chancellor of the Exchequer was confined to his house by indisposition, and could not be seen, while the noble Lord at the head of the Government was detained in the House till six o'clock. A Cabinet meeting had then to be held, at which important matters were coming on for discussion. The noble Lord, however, made an appointment to meet the two Canadian representatives on the rising of the House, and it was under those circumstances, and with only a few minutes for consideration, that the Government were asked to sanction an arrangement not free from difficulty, and calculated to excite much discussion and opposition in Parliament. That being the state of things, the Government had taken the only course which, in his opinion, was open to them, and—the representatives of Canada having stated their inability to allow any further time for deliberation—intimated that they did not see their way to an approval of the arrangement. Since then, however, Mr. Galt and Mr. Smythe, thinking that a strong feeling of disappointment might be experienced in Canada if matters were left in their present unsettled state, had decided upon staying a week longer in this country. Official application had also, he believed, been made to have their proposal dealt with with the least possible delay, and under those circumstances it was, he thought, desirable that he should abstain from entering into the merits of the question. There were two propositions pending the decision of the Government and of the House; because he took it for granted that whatever might be done by the Government would only be done subject to the decision of the House upon it, which must be invited in the course of a few days, or a week or two at the furthest, when the question of the Galway contract was brought before them. A good deal had been advanced on both sides with regard to the price of the vessels, the time of their sailing, and other matters on which he should like to make an observation; but he thought it would be better, under the circumstances, to abstain from doing so. There was only one point to which he would refer—the interference of the Post Office with regard to the sailing of the *Connaught*. The circumstances were these. The assignment being made, the two parties had come to the Treasury, and stated that they had made an agreement for the sailing of the two vessels, the *Connaught* and the *North Briton*, and that it would be a great convenience to them to allow them to go. That permission was given in a letter distinctly stating that it was without prejudice to the entire arrangement; but on the present occasion he would not further enter into the merits of the question.

In answer to the question which had been put by his hon. Friend behind him (Mr. Black) with reference to the regulations by which men engaged in the Inland Revenue Department in Scotland were precluded from marrying while in the service, he could only repeat what he had stated on a former occasion, upon the authority of the Chairman of the Board of Inland Revenue, that although there was no positive rule on the subject, it was found from practical experience that unmarried were more efficient than married men in wild and exposed parts of the country. He might add that his hon. Friend appeared to him to labour under a mistaken impression in supposing that to the circumstance of unmarried men being preferred for such service was to be attributed the immorality which he said prevailed in Scotland, as evinced by the large number of illegitimate births, and for which he seemed to imagine the Lords of the Treasury were responsible. He had been informed that the reorganization of the preventive force in Scotland was under the notice of the Board of Inland Revenue, and that, while dealing with that question, it proposed to consider how far it was necessary to employ in it unmarried men exclusively.

MR. HALIBURTON, who was very imperfectly heard, said, that as far as he understood the question of the hon. Baronet the Member for Stamford, its object was that no hasty decision should be come to by the Government on the subject, and that, if there was any inclination to refuse the application of the two Companies, they should keep that inclination in abeyance till they had given the question further consideration. In that request he cordially concurred. The subject was one of great interest to him, for he was the first to propose the carriage of the mails between England and America by steam. About the time when Dr. Lardner pronounced that the crossing of the Atlantic by steam was impossible, and long before the contract was made with Mr. Cunard, he went down to Bristol, and there he saw the managers of a company, who were about to send out the *Great Western* and other

vessels of a like class; and he urged them to enter into a contract with the Government to carry the mails across the Atlantic. They entertained a different opinion from him, and the whole matter fell to the ground at that time. Mr. Cunard, however, promptly took up the subject, and had ever since carried out his contract beneficially to the country and honourably to himself. The hon. Member for Montrose (Mr. Baxter), who had spoken that evening, had, he believed, once made a voyage in one of Mr. Cunard's steamers across the Atlantic, and, like most hon. Gentlemen who had made a similar flight, fancied he had mastered the whole subject. Now, he, who had, in all probability, been more frequently across the Atlantic than any —with the exception, perhaps, of the naval —Members of that House, could inform the hon. Gentleman that the mails could not with certainty and security to human life be conveyed along that route without a subsidy. The American Government had tried a subsidy nearly twice as large as that which Mr. Cunard received, and failed in their object. It was only that very day, indeed, that he learned from the newspapers that a Mr. Vanderbilt, or whatever his name might be, had given to the American Government notice that he would carry no more mails for them. He spoke under the correction of hon. Gentlemen who knew more of mercantile matters than he did; but there was not, so far as he was aware, a single line across the Atlantic at the present moment which was paying anything like a decent dividend to the shareholders. A great mistake had, in his opinion, been in the first instance made in permitting companies to convey the mails in goods-carrying ships. If vessels were constructed well, and only with the view of taking the mails and a limited number of passengers, the voyage across the Atlantic might, he thought, be performed in two or three days less than was now the case. In the arrangement which was made with the Cunard Company, the Government had in view the advantage of that sea-going fleet in the event of war. They were required to be built in a certain way, they were subject to inspection, and were to be given up to the Government in case of a sudden emergency. The benefit of these stipulations had been found some time since, when several of these noble steamers were taken off the line and handed over to the Government. Those who were acquainted with the fact knew that great disasters would have occurred if this had not been the case. These vessels were faster than any man-of-war. There was no man-of-war in the service that could compete with them for speed. Their accommodation, too, was very great, fit for the transport both of troops and horses. On one occasion one of these vessels was loading at Liverpool for her ordinary service; she was required for the transport service; she was taken off the station, handed over to the Government, the passengers who had taken their berths receiving compensation, and sent off at once to the Crimea. The discipline on board these ships was very conspicuous, as compared with that on the Collins' line. There were excellent officers, and an excellent code of regulations for their government. None of the officers were ever allowed to have anything to do with the passengers—not that they were unfit to associate with them, but that it was felt not consistent with the economy of the ship to allow the officers who were entrusted with the lives and properties of the passengers to come in contact with them. They had separate state and messrooms, with their own servants devoted to them. In the event of danger every man was told off and put in his place, and the marvellous success of that line was such that they could now calculate on the arrival of the American mail with as much certainty as on the mail from Edinburgh. He looked for his letters every Monday morning at ten o'clock, and there was less irregularity than there was in the arrival of the train from Windsor, which often kept him waiting half-an-hour. These were considerations which should not be thrown on one side in consequence of a mere assertion that the arrangement cost too much, and that the mails could be carried for the mere cost of postage. He thought there was a mistake certainly in the origin of the Galway arrangement if the Government thought they were doing much more than opening the resources of Ireland, and developing her agricultural and commercial advantages. It was out of the question to suppose that any man leaving London would go to Holyhead, cross the Irish Channel to Dublin, then make his way to the port of Galway, and, with every inconvenience of embarkation, take passage in an inferior steamer, when in four hours he could be on board a large steamer at Liverpool. It never could be supposed that Galway could compete with Liverpool, backed by the great manufac-

turing towns. The arrangement was beneficial to Ireland, no doubt, and he hoped it might be continued; but it was a great mistake to suppose that Galway could compete with Liverpool. There was another mistake—the points of debarkation. Nobody but an Irishman would have thought of going to New York and taking away emigrants from our own Colonies. He thought Canada had been hardly used in this matter hitherto. It was true she had no river outlet but the St. Lawrence, which was frozen for several months in the year; but the railway communication, that was now opening up communications between Quebec and Halifax, would overcome that difficulty. He trusted, therefore, that the Chancellor of the Exchequer would take a very large view of this subject. Considering the claims of Canada, it would be well worth while to postpone any adverse decision until the whole matter could be laid before Parliament.

MR. HENNESSY said, he would venture to inform the Chancellor of the Exchequer that a very strong feeling existed on the subject in Ireland. There was but one impression, and that was in favour of the transfer. They had carefully considered the whole circumstances of the case, and he earnestly hoped the Government would adopt the wise and sound suggestion of Mr. Cobden, than whom no person was better qualified to give an opinion on this matter.

VISCOUNT PALMERSTON: I wish to say one word about the Galway contract in confirmation of what has been stated by my hon. Friend the Secretary to the Treasury. The fact is, that on Wednesday, between five and six o'clock, I was told that certain gentlemen with whom I had made an appointment were at the Treasury ready to meet me. I went there, and they put into my hands a written statement of the conditions upon which they proposed that the contract should be transferred from the Galway Company to the Canadian Company. They said, at the same time, that they were going off either that evening or next morning, and that the decision of the Government must be given then and there upon the spot. I went to my Colleagues, then assembled in the Cabinet, and we took that decision which any reasonable man would take in similar circumstances. If a man is called upon on the sudden to give a decision, "Aye" or "No," upon a complicated question involving important considerations, he will, of course, if he is obliged to say "Aye" or "No," say "No," because "No" leaves time for consideration, while "Aye" implies an immediate engagement, the effects of which it may be impossible to foresee. Therefore the only answer we believed we could give was that, under the circumstances, we could not give the assent necessary for transferring the contract from one party to the other.

OUTRAGE IN TYRONE.—OBSERVATIONS.

LORD CLAUD HAMILTON said, he hoped the House would bear with him for a few moments while he referred to the serious charges which the hon. Member for Dungarvan had brought against his constituents in Tyrone. The hon. Member had talked as if the people of Tyrone were a set of men who disregarded the law, and were in the habit of committing the most outrageous crimes; but the fact was the hon. Gentleman, for whom he entertained the highest respect, had allowed himself to be made the mouthpiece of a few busybodies and mischiefmakers. In the county of Tyrone the great majority of the police were Roman Catholics. The county inspector of police and the clerk of the Crown were also Roman Catholics, and he asked whether the hon. Member was justified in casting aspersions on those respectable gentlemen, as if they had been guilty of neglecting their duty. The case which had been referred to gave him an opportunity of testifying to the character of the population which he represented, and which he maintained was among the most peaceful and loyal in the three kingdoms. A few years ago a Roman Catholic priest, whose piety and virtues had obtained for him universal admiration in that part of the county, died. The Roman Catholics were at the time preparing to erect a beautiful structure for Divine worship, and the Presbyterians and members of the Established Church, in large numbers came forward and begged to be permitted to testify their respect for the deceased Roman Catholic priest by contributing to the expense of placing a painted glass window in the building to his memory. The offer was accepted by the Roman Catholic building committee; but some time ago a ruffian broke the window at night, with a stick apparently. What was the consequence? The leading Protestants of the neigbourhood invited all parties to unite and testify their indignation publicly at the act. The

result was that all the leading Protestants, both Presbyterian and Episcopalian, came forward and put down their names for large sums for the purpose of bringing to justice the miscreant who committed the act of destruction. This was the case which his hon. Friend, misled by a restless busybody who for twenty years had been the cause of all the bad feeling about the place, brought before the House, and asked what had been done by the Government to protect the persons and property of Roman Catholics from outrage. It was not fitting that the hon. Gentleman, allowing his feelings to be carried away, should make such *ex parte* statements, and he (Lord Claud Hamilton) only discharged his duty in now coming forward to vindicate his constituents.

MR. CARDWELL said, that the particular outrage referred to was not at the time considered by the police of sufficient importance to be made the subject of a Special Report, but in consequence of his attention being called to the circumstance by the hon. Member for Dungarvan, an inquiry had been instituted respecting it. According to the Official Report, it appeared that on the night of the 30th of June a pane in the painted window at Cookstown, erected to the memory of the late parish priest, had been wilfully broken by some evil-disposed person or persons yet unknown. A head constable with twenty constables had been sent to the place, and there had been since no complaint of any additional disturbance. With regard to the rest of Ulster, precautions had been taken by the despatch of detachments of troops to preserve tranquillity, as at the present period of the year it was a matter of anxiety with the Irish Government to maintain the peace of the country. He was glad to say that he received intelligence which led him to hope that the day of anxiety had passed over without evil consequences.

Motion *agreed to.*

House at its rising to adjourn till *Monday* next.

WAR WITH CHINA.—RESOLUTION.

Order for Committee (Supply) read.

Motion made, and Question proposed,—"That Mr. Speaker do now leave the Chair."

MR. BAILLIE COCHRANE rose pursuant to notice to move,

"That in order to remove one great obstacle to Peace with China, the British Plenipotentiary be instructed not to insist on the fulfilment of the third Article of the Treaty of Tien-tsin, by which His Majesty the Emperor of China agrees that the Ambassador, Minister, or other Diplomatic Agent appointed by Her Majesty the Queen of Great Britain, may reside, with his family and establishment, permanently at the capital, or may visit it occasionally, at the option of the British Government."

He regretted that his Motion had been postponed to so late an hour that he feared he would scarcely be able to do justice to it. He would however simply confine himself to facts. He was perfectly convinced, and all those who had studied the Chinese question would agree with him, that if we continued to insist on the third article of the Treaty of Tien-tsin, which required a resident Ambassador at Pekin, it would not be a question merely of six or nine millions of money. This country would never remain at peace with China, for no sooner would peace be concluded than circumstances would occur to renew the war. Thus the trade and commerce of the country would be crippled for an object the value of which he could not understand, and which he thought we could only insist on now for the gratification of the national pride—he had almost said of the national vanity. The question was of such importance that it might well claim the full attention of the House. It was important on account of its magnitude, the difficulties by which it was surrounded, and the injustice with which, as he contended, we had treated the Chinese people. The Vote which had been moved showed the magnitude of the question, but that £3,800,000 by no means represented the entire amount which would be required during the present year. He firmly believed (and he had had communications with gentlemen out there) —he believed on excellent authority, that if the war were to go on, there would be a deficit of £6,000,000 more at the conclusion of the present financial year. An army stationed 1,500 miles from their supplies, in the Gulf of Petcheli, blocked up by ice in the winter and by mud in the summer—an army under such circumstances composed of French, English, Bengalese, Coolies, Sikhs, and Lascars, would have difficulties both of climate and country to contend with to afford abundant grounds for alarm. These difficulties a very great military authority considered sufficiently alarming to deter England from entering upon such a war. He had a curious passage, written by the late Emperor Napo-

leon while at St. Helena, in which he discussed the possibility of a China war, and he said,

"I cannot imagine that any English Government would ever be mad enough to enter upon a war with a nation situated as China, for such a war could never be brought to a satisfactory conclusion, but must necessarily be attended with enormous sacrifices of blood and treasure."

Then, with regard to the injustice of the war. It was lamentable as well as instructive to look back to the debates of 1840 upon the China war in which we were then engaged. At that time, now twenty years ago, the right hon. Baronet the Member for Carlisle (Sir James Graham), in a speech of powerful eloquence, and in a Motion admirably worded, pointed out the dangers the Government was incurring, and told the House that not for the next ten years, or twenty or thirty years, could we hope to have permanent peace with China if we embarked in that war. The right hon. Baronet was confirmed by many high authorities at the time, but nevertheless that opium war, which he considered a most unjust war, was begun. And what had been the result? To bring down the narrative to the treaty of Tien-tsin, he would merely revert to what had taken place. First, there was the Pottinger treaty, under which we had exacted 21,000,000 dollars as an indemnity, which was paid—and how paid? By taking silver out of the private houses of the Chinese people, the Government of China not having sufficient means at its disposal. Further, we demanded, and obtained permission to establish settlements and appoint consuls in five ports—namely, Hong Kong, Amoy, Ningpo, Foo-choo-Foo, and Shanghae. Subsequently Sir John Bowring brought us into another and if possible a still more unjust war—the war of the lorcha. The question of the lorcha was the ground put forward as the cause of that war; but the demand of Sir John Bowring to enter Canton in full uniform was the chief cause of that war; and though such an avowal of opinion rendered a man unpopular, and had lost him a seat for Lanarkshire, he must express his deliberate conviction that that war also was unjustly undertaken. And what was the result? We gained admission to Canton —we attacked the people and bombarded the city—and in the end a treaty of peace was signed. That brought him to the present war, and the extraordinary conditions now demanded. Mark how increasing had been our demands. At every fresh occasion the demand was greater. The jealousy and fears of the Chinese Government and people were excited, and as the right hon. Baronet had eloquently said, in 1840, when the Chinese nation looked across the Himalaya mountains, they might well tremble when they saw a great power like England, whose province India had become, ever making fresh demands. The Earl of Clarendon, in his instructions to the Earl of Elgin, told him to insist upon a resident minister at Pekin. But the Earl of Elgin saw the danger of making such a demand, and, therefore, when first he negotiated with the Chinese Government, he only demanded the execution at Canton of all treaty engagements, including the admission of British subjects to that city, and compensation for losses sustained by British subjects in consequence of the disturbances. Such was the state of the case at the commencement of the negotiation. But shortly afterwards the Earl of Elgin increased his demands; and all of a sudden insisted upon the right which formed the third Article of the Treaty of Tien-Tsin, of having a resident British Minister at Pekin. The Earl of Elgin did that in direct opposition to the advice of Count Pontiatine, the Russian Minister, and he believed also in opposition to the advice of the American Minister. How repugnant that was to the feelings and prejudices of the Chinese would be evident to every hon. Gentleman who would take the trouble to look through the blue-book on the table. He might quote page after page of earnest entreaty from the Minister appointed to negotiate on the part of the Emperor that we should not insist on that article of the treaty. The Minister pointed out to the Earl of Elgin the total ruin it would be to the Chinese Government if a resident foreign Minister was admitted to Pekin; he showed the insecurity that must accompany such a proceeding, that it was quite impossible the Government could be answerable for the safety or even the life of the ambassador, and that his residence there would be sure to give rise to serious disturbances, for which they would be blamed. Those representations made an impression on the mind of the Earl of Elgin, and he wrote to the Earl of Malmesbury:—

"The concessions obtained in it from the Chinese Government are not in themselves extravagant, nor, with the exception of the im-

portant principle of exterritoriality, in excess of those which commercial nations are wont freely to grant to each other, but in the eyes of the Chinese Government they amount to a revolution, and involve the surrender of some of the most cherished principles of the traditional policy of the empire. They have been extorted, therefore, from its fears. These concessions, moreover, thus extorted from the fears of the Chinese Government by British and French power, are not, in point of fact, extorted from it for the benefit of British and French subjects exclusively. Under the guarantee of most favoured nation clauses and other pretences not always so intelligible, they will, no doubt, be claimed and exercised very generally by the subjects and citizens of other Occidental nations."

To insist on conditions so repugnant to the feelings of a people which our own ambassador told us were only extorted from their fears, was to declare that we would continue in a state of perpetual warfare with China. In another of the Earl of Elgin's despatches he pointed out again that the Chinese considered that the condition, if insisted on, would result in the total overthrow of their empire. In a letter containing an appeal from one of the Imperial Commissioners to the Earl of Elgin in which he said :—

"Inasmuch as in the treaty of peace concluded between our two nations, it is laid down that the British Minister shall either reside in permanence at the capital, or visit it occasionally, at the option of the British Government, such being the plain language of the article, it must, doubtless, be abided by; and if it be the fixed purpose of your Excellency's government that the residence (of the Minister) shall be permanent, China cannot, of course, gainsay this. The established reputation of your Excellency for justice and straightforwardness, for kind intentions and friendly feeling, make us place the fullest confidence in your assurance that when you exacted the condition referred to, you were actuated by no desire whatever to do injury to China. The permanent residence of foreign Ministers at the capital would, notwithstanding, be an injury to China in many more ways than we can find words to express. In sum, in the present critical and troublous state of our country, this incident would generate, we fear, a loss of respect for their Government in the eyes of her people; and that this would, indeed, be no slight evil it will not be necessary, we assume, to explain to your Excellency with greater detail. It is for this reason that we specially address you a second letter on this subject, and we trust that your Excellency will represent for us to Her Majesty your Sovereign the great inconvenience you feel (the exercise of the right would be) to our country, and beseech her not to decide in favour of the permanent residence at Pekin."

In all these communications they might observe the clearest evidence that the Chinese Commissioners were telling the truth. He now came to the Earl of Elgin's decision, in which he yielded the point, and that was important. He says, writing to the Commissioners :—

"The proposal has been attentively considered by the undersigned; and he now begs to state that although he is resolved by no act or word to abate one tittle of the rights secured to his Government by treaty, it is his wish, so far as such a course is consistent with his duty, to endeavour to reconcile due consideration of the feelings of the Chinese Government with the satisfaction of the rights of his own. He is prepared, consequently, on viewing the whole of the circumstances before him, at once to communicate to Her Majesty's Government the representations that have been addressed to him by their Excellencies the Imperial Commissioners upon this important question; and humbly to submit it as his opinion that if Her Majesty's Ambassador be properly received at Pekin when the ratifications are exchanged next year, and full effect given in all other particulars to the treaty negotiated at Tientsin, it would certainly be expedient that Her Majesty's representative in China should be instructed to choose a place of residence elsewhere than at Pekin, and to make his visits to the capital either periodical, or only as frequent as the exigencies of the public service may require."

But it might be said that the ratification had not been exchanged at Pekin. He was not about to enter into any discussion in reference to the lamentable occurrences in the Peiho River—but he would say that the despatch he had quoted did honour to the Earl of Elgin, and clearly showed that it would be most prejudicial to the interests of this country, as well as of China, to insist upon the article in question. Then, it might be observed that no other country than England had preferred a demand for a resident minister at Pekin. Neither France nor America had insisted upon the introduction of such an article into their treaties. He would not go into the question as to which Government—whether the present or the former—was to blame for the melancholy events which had happened in China. It was impossible that the Earl of Malmesbury could have foreseen the events which occurred off the Peiho. It was impossible for him to conceive that Mr. Bruce, sent on a mission of peace, would have declared war, without receiving instructions from home. The escort which was sent with him was to add dignity to his position, not to put it in his power to appeal to force to carry out a mission of peace. No particular Government was to blame more than another, the mischief had arisen from the predetermined system to treat the Chinese at one time as barbarians, at another as a highly civilized nation, and at all times with injustice. He regretted that the instructions which he would read to the House had been given to Mr. Bruce. In

the despatch of the 29th of October, 1859, the noble Lord the Secretary for Foreign Affairs said :—

"You will take an early opportunity of apprising the ministers of the Emperor of China that in consequence of the attempt made to obstruct your passage to Pekin in June last, when you were proceeding thither to exchange the ratifications of the treaty of Tien-tsin, Her Majesty's Government consider that the understanding entered into between the Earl of Elgin and the Imperial Commissioners, Kweiliang and Huashana, with respect to the residence of the British minister in China, is at an end, and that it rests henceforward exclusively with Her Majesty, by the terms of Article 11 of the Treaty of Tien-tsin to decide whether or not she shall instruct Her minister to take up his abode permanently at Pekin."

That showed that the stipulation was to be pressed on the Chinese, not because it was a wise or prudent one, but simply as a punishment to them for their misconduct. He had no desire to occupy the time of the House longer than was necessary, but he had by him quotation upon quotation from writers well acquainted with China, all showing that it would have been impossible to invent any demand which was more repugnant to the feelings of the people, and that if it were consented to, the Emperor of China would really not be safe. He hoped the Government would reconsider the instructions sent out to the Earl of Elgin ; for if this particular article were insisted on it was certain that we should never be at peace with China. Our dealings with China had been most unfortunate, but there was now an opportunity for taking a step in the right direction, and it ought to be taken at once. No minor considerations, no absurd scruples about dignity, ought to stand in the way. To quote an expression of the noble Lord opposite, the true dignity of a nation was to do that which was right and just. Before sitting down he wished to apologize to the noble Lord opposite for having contradicted him on a former occasion. The noble Lord stated that a Chinese despatch had taken four hours to translate, which he had hurriedly contradicted at the moment. Since that time he had seen several gentlemen conversant with such matters, Mr. Oliphant among others, and they had assured him that the noble Lord was perfectly correct. The fact told in Mr. Bruce's favour, and he was anxious not to do an injustice to any one. He would not longer trespass on the time of the House, except to again urge upon the Government the duty of restoring peace between the two countries, and to use every exertion to avoid a waste of blood and treasure.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in orderto remove one great obstacle to Peace with China, the British Plenipotentiary be instructed not to insist on the fulfilment of the third Article of the Treaty of Tien-tsin, by which his Majesty the Emperor of China agrees that the Ambassador, Minister, or other Diplomatic Agent appointed by Her Majesty the Queen of Great Britain may reside, with his family and establishment, permanently at the capital, or may visit it occasionally, at the option of the British Government.'"

—instead thereof.

LORD JOHN RUSSELL : Sir, the hon. Gentleman cannot but be aware that he is making a Motion not only must unusual in form, but which interferes with the authority of the Crown. He seems altogether unmindful of the fact that the Earl of Elgin is sent out by Her Majesty. He has received his instructions from Her Majesty, and he will conduct himself according to those instructions. It is impossible, if this Motion were agreed to, that Mr. Speaker should undertake to send out instructions to the Earl of Elgin. If he really meant to attain his object, the hon. Gentleman should have moved an Address to the Crown, praying Her Majesty to give these instructions to the Earl of Elgin. If the House of Commons were to undertake to give instructions to our Ministers at foreign Courts contradictory to those which have been given by Her Majesty, the greatest confusion would be introduced into our affairs. It is quite impossible, therefore, for the hon. Gentleman to insist on his Motion. With regard to the Motion itself, it is answered in a very few words. He tells us that the Chinese look upon it as a great degradation to have a foreign Minister resident in Pekin, that the people would rise, that the Emperor of China would be lowered in the eyes of his subjects, and that it would be impossible to insist on the condition without completely ruining the authority of the Emperor. But it so happens that after the Earl of Elgin had advanced that condition and had inserted it in the Treaty of Tien-tsin, Russia, having a title to every advantage we gained, claimed the privilege of sending a Minister to Pekin. The Chinese Government did not object to his going there, they only pointed out that they wished him to go by the Overland route. He did go by the Overland route, he was received with great distinction at

the Chinese frontier, he went to Pekin, and he has been resident there a great many months. Yet, the empire of China has not fallen, the Emperor of China is apparently not degraded. The people of Pekin have had an opportunity, perhaps the first, of seeing that there are other potentates in the world besides their Emperor, other States, the sovereigns of which are not his vassals and subjects, but claim an equal rank with him. This fact has been revealed to them, and we should add nothing to the demonstration by sending a British Minister to reside at Pekin. The Earl of Elgin, with whom I have had many conversations on this point, always said that the state of the question was entirely changed now, because, as there is a Russian Minister resident at Pekin, it would be impossible for the Chinese Government to argue that they could not grant a right to Great Britain which they have granted to Russia, and which has been exercised by Russia without dispute. That being the case, the Earl of Elgin was of opinion—as were all the Members of the Cabinet—that we should insist on the condition that a British Minister should reside at Pekin, not as a punishment to the Chinese, but as a condition which had been agreed to by the Emperor himself. The option of the British Minister residing at Pekin or elsewhere was an indulgence agreed to by the Earl of Elgin after the Emperor of China had approved the treaty—it was an option to be exercised by the British Government, not by the Emperor of China. That which the hon. Gentleman says the Chinese would never agree to was actually in the Treaty of Tien-tsin, and was agreed to not only by the Ministers of the Emperor, but was confirmed by the special ratification of the Emperor himself. In the first place, it is quite impossible that this House can give instructions to our Minister contradictory to those which Her Majesty herself has given, and in the next place there is no reason why those instructions should be altered. I hope, therefore, that the House will not agree to the Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY.—CHINA WAR.

House in Committee.

Mr. Massey in the Chair.

£443,896 Repayment of Advances on account of former Expeditions to China.

Lord John Russell

Lord JOHN MANNERS: I should like to ask whether any Member of the Government can tell us when the East India Company announced to the Imperial Government that the money was not only due, but that payment was expected during the present financial year?

The CHANCELLOR of the EXCHEQUER: In point of fact the true explanation of this case is to be found in the nature of the system which prevails between the two Governments, whereby payments are in fact allowances made on an open account. The British Government has at present, under the system under which it supplies so very large a British force to India, very large claims against the Indian Government, and the consequence of that is that the Indian Government can withhold satisfaction of the claims sent to them, and thus pay themselves. The British Government is not in a state to prevent the operation unless in case we happen to be debtors to the Indian Government, and then it is a question of account before the balance is liquidated. I think the question of my noble Friend is, when the Government became aware that the Indian Government had made these stoppages. I can ascertain that exactly by inquiry. I myself was not aware of it until a fortnight or three weeks ago. I believe that before the commencement of the last quarter the Treasury were made aware of it, but I only knew of it within the last two or three weeks, since the time when my statement was made to Parliament with respect to Chinese expenditure. Upon inquiry a more particular answer can be given to the question.

Sir JOHN PAKINGTON: I wish to ask the right hon. Secretary for War how soon he thinks the Returns will be laid on the Table for which I moved the day before yesterday, as I think it will throw light on the subject?

Mr. SIDNEY HERBERT: I will take care that it shall be laid on the table as soon as possible, but I am afraid it will not throw any great deal of light upon the subject, because I stated that the figures were entirely conjectural, and of course the Government will not be bound by a Return of that character.

Mr. BRIGHT: I wish to ask a question of some Member of Her Majesty's Government with regard to the amount of force out in China. If I am not mistaken, the right hon. Gentleman the Secretary of State for India stated that the amount

of force ordered was not more than 10,000 men. We hear now that there are 20,000 men there. I will not go into the question whether 20,000 were necessary, or 10,000 not enough. I believe that for any purpose contemplated by the Government, however unjust, 10,000 would be ample. But I should like to know who ordered that increase of force—whether it was the decision of the Cabinet, whether it was the decision of some authorities in India, or whether it was the decision of the Horse Guards at home. It makes a great difference in the expense, which embarrasses the House and is embarrassing and threatens to be very perilous to the Government. I do not know whether the Chancellor of the Exchequer, the noble Lord at the head of the Government, the Secretary of State for War, or the Secretary of State for India can answer,—because it may be under either of those four heads; but can any one tell us anything about it? The House has a right to know. I, therefore, take the liberty of putting a distinct question, and I hope I shall have a distinct answer.

MR. SIDNEY HERBERT: I think that on a former occasion both myself and my right hon. Friend, the Secretary of State for India, stated the intentions of the Government as to what force should be employed. I should say that Estimates framed by the Earl Canning, on the representations of Lord Clyde, differed from the estimate at which we arrived. When first we became aware of the events which took place at the Peiho, we sent reinforcements to the garrisons of the ports in China, fearing some general rising against the European population, and thinking it better to have at those ports a sufficient force to guard British life and property. We stated at the same time that it was the intention of the Government to send, in the spring, a larger force for operations in the North. The Indian Government wrote to us that they were about to send a force, on the whole, larger than we contemplated. We endeavoured to arrest their departure by communication; but it is not so easy to conduct war at that immense distance; especially as the basis of operations was beyond the reach of constant communication with ourselves. Under those circumstances a larger force was sent. The force now in China amounts to between 17,000 and 18,000 men. The expeditionary force itself is about 10,000. The rest form the garrison, and there are about 1,700 men detained at Singapore as a reserve.

MR. BRIGHT: I do not ask any question about the French force, and I do not know that we have anything to do with it; but, of course, the amount of the French force bears on the necessity of so large an English force. I should like to ask whether the right hon. Gentleman will lay upon the table of the House any correspondence between the Government and the Government of India upon this subject? Bad as our condition is, it will be ten times worse if Lord Clyde, or any one else, can send off 10,000 men without orders from the Cabinet; and, without knowing what policy is to be pursued, can ship off some 5,000 or 10,000 men numberless miles further, and then send in the bill for payment to the English nation. Nothing is more likely to preserve our finances in a chronic state of embarrassment, and cause endless difficulty to the Chancellor of the Exchequer. Of course there must be despatches; and I wish to know whether the Government will let the House know by whose authority, and in what manner, this extraordinary act has been committed, by which an unnecessarily large force is accumulated in China—increasing the temptation to the authorities there to enter into warlike proceedings; aggravating the expenditure, and therefore increasing the taxation of the people. If the Government tell us they will give the despatches, we shall know all about it; all which the statement of the right hon. Gentleman does not tell us, and which ought to be known.

MR. SIDNEY HERBERT: I will look through the despatches and see if they can be given; but, of course, many communications took place by telegraph. Let me add, that Lord Clyde had been in China; and it was not unnatural that Earl Canning should be influenced by his opinion. I know that the opinion of Lord Clyde was, that a large demonstration was more likely to terminate these differences rapidly, and prevent the effusion of blood; and therefore to say that the act was without the consent of the Cabinet, when it was only in anticipation, is to cast blame when it is not deserved.

MR. BRIGHT: I am not about to cast blame. What I want to know are the facts. But I protest against the assumption just made that Lord Clyde thought this or that. I might think that a great demonstration would prevent the effusion of blood; but, whatever I might think, neither I nor Lord Clyde had a right to send a single soldier beyond what was or-

dered by the Government. If the course to be taken is to be dictated by public servants thousands of miles off, the Cabinet may as well be dethroned, and the House of Commons may as well abdicate its functions.

SIR JAMES ELPHINSTONE: There is another point of great importance. This House ought to be in possession of accurate details of the monthly expenditure with regard to this war. We have 17,000 men in China, but those 17,000 men are attended by a very large number of camp followers. There is also a large Transport Service, and the price of coal is 60*s.* or 70*s.* a ton. The cost, therefore, of carrying on warfare at that distance must be enormous. I believe that this war will last for a very long time, and under the present policy I do not see any end to it. But it will not do for the hon. Member for Manchester to object. It is really a Manchester war. It was originally got up for the purpose of creating traffic with China, and forcing our manufactures upon that people. I do not see how it is possible for my hon. Friend the Member for Manchester to stand up and find fault with a war which he and his Friends were the first to commence. But we ought to consider the position in which we are placed. We can exercise no control. The Governor General sends on troops when he pleases, and the accounts are always running. We shall find our finances in a very extraordinary state if we do not very speedily bring the matter within compass; and, as a first step, we ought to know what are the actual monthly outgoings.

MR. BRIGHT: I trust the House will allow me to interfere for a moment. The hon. Gentleman ought first to recollect that I am not the Member for Manchester; and, secondly, that there have been no greater opponents of mine in that city than those who are connected with the China trade. It was exactly upon that question that I ceased to be Member for Manchester. Further than that, the House must recollect that the origin of all the calamities in China, as stated by the hon. Member for Lanarkshire, has been connected with the trade in opium and not the trade in cotton. If there be any Friend of mine who believes that honest trade can be promoted by this policy, I can only say I will utterly repudiate him and his views.

MR. ROEBUCK: I was anxious to rise before the hon. Member for Birmingham (Mr. Bright), in order by my independent evidence to exculpate him. But while exculpating him there are others who do deserve blame. I remember once a majority against the noble Lord at the head of the Government, joined by the right hon. Chancellor of the Exchequer, the right hon. Secretary for War, and the noble Lord the Secretary for Foreign Affairs. They were all then virtuously indignant at this Chinese war. We were told that we had so advanced in knowledge that we ought to set an example in virtue and forbearance; but that we were about to impose by force, on a people who in religion were much beneath us, and in virtue could not dare to compete with us, a traffic which was odious to them; that we were about to send a force to thurst down the throats of that people a drug the consumption of which violated one of the first principles of their morality. And there was a party in this country—connected, I believe, with Manchester, but to which I do not say that the hon. Member for Birmingham did then, or does now, belong—who sided with the noble Lord at the head of the Government in a war with China. The House of Commons placed these men in a minority. The noble Lord then appealed, as the cant phrase is, to the country. The country gave him an acquittal, and supported him in the policy which he had adopted, and now we have to pay for it. We are not yet at the end of the Bill, though. At the commencement of the Session we were told that the Estimates would be laid on the table, and that we should soon know what the China war would cost us. The Estimates were laid on the table. Persons whose ill fate it always is to find fault, said we did not know what the whole amount would be; and in reply they were told that they were always groaning, always grumbling, always prophesying evil. Then came the Chancellor of the Exchequer with a Bill of £4,000,000 more. But £4,000,000 more is not the end of it. And what has all this outlay been for? The original object of this war was to maintain the opium trade for India. That was the end which the war was really intended by the country and by the Government to attain. The House of Commons repudiated the transaction; but the people of the country, fascinated by the prospect of getting our manufactures introduced into China, aided and abetted the Government in a most immoral war. I am glad that there is a Nemesis. The punishment has followed

swiftly on the crime. We have now £4,000,000 of money to pay; and the happy expectation is, that to the Bill £4,000,000 more will soon be added. [An Hon. MEMBER: "It will be £6,000,000.] Aye, £6,000,000, I warrant you, and more than that. The people of this country must learn that they cannot break through the great principles of justice and morality and expect to retain the good opinion of the world. This House—no, not this House, but one which preceded it—did its best to prevent the calamity. The present House has aided and assisted, as much as it could, the noble Lord in the career in which he is now running. We are now reaping the first fruits of his policy; the last fruits we have yet to see. It will be a lucky thing if we see them twenty years hence.

SIR JAMES ELPHINSTONE: I have to offer an apology to my hon. Friend opposite for having connected his name with the imputation which I cast on that section of politicians to whom I believe this war is due. I had not the honour of a seat in the House at the time when these occurrences took place, and I had forgotten some of the circumstances. But in my place in this House, I must express my conviction that the Chinese war was originated by the pressure of that party in this House, and that if that war be not arrested, its consequences will prove highly disastrous to this country.

SIR CHARLES DOUGLAS observed that nothing could be more natural than that Earl Canning should be guided by the opinions of Lord Clyde; but he should be glad to know whether Lord Clyde was aware of the amount of force sent by the French to China, and of the policy of the Government at home when he recommended the additional men to be sent.

LORD LOVAINE said, he trusted that the House, and especially those who represented the commercial party in it, would profit by the severe lesson which was now being administered. He hoped that the policy which had involved us in that war would be abandoned; that the desire to extend our commerce would not be indulged beyond its legitimate bounds; and that we should not again be driven to support our commercial policy by force of arms.

SIR CHARLES WOOD said, the preparations in India were made in the first instance without any instructions from home, upon the receipt of the intelligence from China of the affairs at the Peiho. The consequence was that a much larger force was ultimately sent to China than was thought necessary by the Cabinet. Even after the instructions had been sent out to India, Earl Canning still doubted the expediency of sending so small a force to China, and on the advice of Lord Clyde recommended the employment of a much larger force.

MR. SCLATER BOOTH said, that he had been for some weeks engaged in assisting a friend of his in bringing under the consideration of the Government a mine in Formosa, from which, it was alleged, coal could be raised at a cost of from 6*s.* to 12*s.* per ton. He was desirous of knowing whether the Government had taken any steps in the matter.

SIR HENRY WILLOUGHBY said, they were now called upon to vote £443,896 for a purpose which had nothing to do with the present war, and he therefore hoped that that war would be left entirely out of consideration while that item was being discussed. The observations of the hon. Gentleman the Member for Birmingham (Mr. Bright) showed that they were in imminent danger of bills being run up on account of India which this country would have to pay. Such was the position in which they now stood. This £443,896 had been so incurred, but no Gentleman could now object to its being paid. He did not, however, think that any Gentleman knew for what that debt had been incurred, and he submitted, therefore, that the Government ought to prepare a balance-sheet showing the purposes to which it had been applied. It was obvious, now that the old Government of India was done away with, we were in still greater danger than we were during its existence of having more debts of a similar kind incurred, which of course would have to be paid. The right hon. Gentleman the Secretary for War had stated that there had been no settlement come to with the Indian Government since 1848. That was eleven years ago, and other debts might have been incurred since. He should, therefore, like to know up to what period this £443,896 would balance the account. Did it clear the account up to 1858-59? He believed not. He had also understood the right hon. Gentleman to say that there was a sum of £281,000 yet in dispute. Was there still a large amount outstanding on account of a previous China war? These were points which the Committee should clearly understand, before they passed the Vote now

applied for. They ought to be specially guarded upon this point, because they had heard from the right hon. Gentleman that an account was already running up with the Indian Government amounting to nearly £2,000,000 for the present war. The Vote under consideration was only a sample of others which would follow in the course of time. There was no hope, he supposed, of finding out how the debt was incurred; but it was the duty of the Committee to insist upon the production of a balance-sheet, showing how the Indian Government ran up these accounts against the British purse. Unless they did that the two finances would become perplexingly intermixed. He had the greatest fears for the finances of India; those of our own country did not present a very pleasant prospect. It was high time that steps should be taken to check these demands upon the national Exchequer. He therefore requested the Secretary of War to state distinctly the period up to which this sum of £443,896 balanced the account, and whether there was any other debt still outstanding.

COLONEL SYKES said, this was the third time this country had been compelled to wage war with China, and on each occasion it was for pretty nearly the same cause—namely, their utter disregard of treaties we had made with them, and our obstinate persistence in our own course. By the two former wars we were compelled to garrison Hong Kong and Canton. The present war arose from our insisting upon the strict observance of the third article of the Treaty of Tien-tsin. That treaty entitled us to have an ambassador at Pekin. But how did we attempt to carry that into effect? We made a military demonstration, and we told the Chinese we could only approach the capital in our own way. But instead of insisting upon what we considered a fit and suitable mode of approaching their capital we might have done the same as the Americans, who were quite as tenacious as ourselves of their dignity, and have followed the advice of the Chinese Government by taking a different route. Had this been done our Ambassador would have been received with honour, our treaty confirmed, and this war rendered unnecessary. But we had obstinately pursued our course, and what was the result? Brave lives and British blood had been sacrificed, and no benefit had been obtained. Our pertinacity, obstinacy, and pride had been the cause of all this.

Sir Henry Willoughby

He did not doubt that we should be victorious in the present war, and that we should get another treaty, or a piece of paper containing certain conditions. But to ensure those conditions being adhered to, what must be done? Were our men to remain in China and garrison the Peiho? Nothing short of this would secure the performance of those conditions, and we should further have to garrison Hong Kong, Canton, and Shanghae. This would impose a permanent charge upon the country which he was sure would not be submitted to. Under these circumstances he hoped Her Majesty's Government would regard more attentively the probabilities of the future, and provide in some better manner than had hitherto been done for the ratification of the treaty which would follow a successful termination of this war.

MR. CAVE said, he wished to make a suggestion in reference to the expense of the war in connection with our occupation of Canton. He was told that the English authorities kept order in the town, paid the police and other expenses, and then handed over the balance to the Chinese Treasury. He also heard that the Governor of Canton was most anxious that we should still occupy the town, because we gave him a larger revenue than he ever had before. The people, on their part, were equally anxious, because they were protected in purse and in person, which had never been the case before. Now it appeared to him that that balance of the revenue, instead of being placed at the disposition of the Governor of Canton, ought to be paid into a reserve fund to provide for any indemnity which we might require in future from the Chinese on account of their well-known disregard of treaties, and our consequent loss and misfortune. He entirely concurred with the hon. Member for Sheffield (Mr. Roebuck) in the sentiments he had expressed, and no one admired more than he the humane policy of modern times, which mitigated the horrors of war as far as the unarmed and defenceless population of a country was concerned. But he was bound to say that he thought it was carrying that principle a little too far when warfare was made so agreeable to our enemies that the event they regarded with the most dissatisfaction was the return of peace.

MR. ROEBUCK: The hon. Member for Evesham (Sir Henry Willoughby) has demanded a balance-sheet. In that demand I fully concur. But there is another thing

for which I would also ask, and that is that Her Majesty's Government should tell us what we are to gain by this war. What object have they in view, and what benefit is to be conferred by so extraordinary an expenditure of blood and treasure as that now contemplated? It was my fate to sit on the benches opposite, just under the present Chancellor of the Exchequer, when he delivered a speech to this House, than which I never heard one more startling, which more enchained attention, or which more completely won admiration and esteem. He then, Sir, fulminated against the Administration of that day for undertaking a Chinese war. He pointed out how vain were the ends they sought; and how mischievous were the means they took to attain those ends. But now, places being changed, opinions change, and I find him supporting the very vote which on that occasion he described as a disgrace to the country. The very words of that speech are now ringing in my ears, and I recollect turning round to the right hon. Gentleman and expressing to him—very presumptuously perhaps, but very sincerely —my earnest admiration both of the sentiments he then expressed and the manner in which he uttered them. Little did I think it would be my fate within three years to sit opposite that right hon. Gentleman, and find him the most eloquent supporter of this most atrocious proceeding. At that time, Sir, he spoke with an eloquence which was impressive, startling, and affecting. There could be no mistake as to his meaning, and no doubt as to his feelings. He did not then cover up his meaning with a multitude of words. He did not on that occasion smother his feelings in a multitudinous assemblage of verbiage. Not a bit of it. He was plain, succinct, and, on that occasion, very effective. So much so, indeed, that the effect of his speech on my mind, and upon the mind of the country, has lasted to this hour; and if I want a strong argument against the Chinese war, I have only to go to the quiver of the right hon. Gentleman and draw out the most effective arrow that could be discharged against that project. But, Sir, I want to know why this change has taken place. How is it that that which in 1857 was considered so very immoral becomes in 1860 so very right and proper? And why, descending from one step to another, do we find the right hon. Gentleman now an advocate for that which he then most violently and most successfully attacked? I would again ask any right hon. Gentleman on the Ministerial benches to state to this House the object which they expect to gain, and what benefit they expect this country to derive from an expenditure of blood and treasure, the end of which we do not now see, and from the violation of every principle of morality which was in 1857 so effectively defended by the Chancellor of the Exchequer. I would ask him, and his colleagues who on that occasion went with him into the lobby, how it is that, on this occasion, black has become white and white has become black?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I feel no difficulty whatever —[*Much laughter.*] I was going to add, if I had not been interrupted by the humorous reception of my first words, that I felt no difficulty whatever, although I felt a good deal of pain, in answering the challenge of the hon. and learned Gentleman. He asks how it is possible for a man to be so inconsistent as to have objected to a war with China in 1857, and to be the supporter of a Vote to carry on a war with China in 1860? The explanation of the fact, I apprehend, is this:—The nature of these two wars is entirely distinct—their causes are entirely different. It may be that the war in 1857 was right and the present war is wrong; or it may be that the present war is right and the war of 1857 was wrong; or it may be that both are right, or it may be that both are wrong. Without inflicting a multitudinous assemblage of words upon the hon. and learned Gentleman, there is here an abundant choice of alternatives. With respect to the present war, I hope I have never spoken of it in any other terms except those of the deepest regret and lamentation. I conceive that the steps taken by the Government have been adopted in conformity with their public duty, and, painful as that duty has been, I do not think that that opinion has been at all confined to such Members of the House as have changed places since 1857, because the policy of the Government had not been challenged in this House. And, though I for one have seen with the greatest satisfaction that the House was disposed to deplore the occurrences which have rendered the war with China inevitable, yet I think hon. Gentlemen, generally speaking, admit the existence of its necessity. When we found what had taken place at the mouth of the Peiho, the hon. and learned Gentleman

will, I am sure, admit that while we deemed it to be our duty, in the interests of our countrymen and humanity at large, to send a considerable force to China, we at the same time manifested a desire to make that force the bearer of a message containing terms as moderate as it was possible for us, under the circumstances, to propose. I do not believe any hon. Gentleman has stated it to be his belief that those terms inclined to the side of violence or severity. Sir, I, for one, have ventured, perhaps in excess of my duty, to point out in remarks lately made in this House what I consider to be the root of these wars. I have never attempted to dissemble in this matter, or to gloss over the evils in respect to it with which we were called upon to deal by an appeal to national pride. Upon the contrary, it has always appeared to me right that the House should be afforded a full view of the enormous cost of this war, and should be made alive to the possibility of the renewal from time to time of a great expenditure for the prosecution of hostilities with China, unless we adopt wise and prudent rules to guide us in all our transactions in the East. I cannot regret that hon. Members should have an opportunity of daily weighing all the social and political responsibility which this quarrel involves. I, therefore, feel I have no reason to shirk the questions which, in a temper of which I have no reason to complain, have been put to me by the hon. and learned Gentleman opposite.

I now turn to the observations of the hon. Member for Portsmouth (Sir James Elphinstone) who has expressed a wish to know what the monthly disbursements are on account of this war with China. My answer to the hon. Gentleman must be that it is entirely beyond our power to furnish him with any trustworthy accounts of that nature. In regard to a war of that nature, having its basis of operations in India, it would be a mockery to attempt to render any precise information, such as that for which the hon. Member asks. I may, however, state that we have framed the best estimates in our power from such unofficial *data* as the Indian Government have supplied, and our knowledge of what has actually taken place in China. We are not, I may add, aware that there is any ground for the assertion which is made by the hon. and learned Member for Sheffield and others, that all the money which we require at your hands has been already spent, and that many more millions will be required in order to defray the expenses of the year. At the same time I feel it my duty frankly to state, now that hostilities have broken out, that this whole matter is full of uncertainty. One piece of information, I may say in conclusion, which I can give the hon. Member for Portsmouth—if he should wish to have it—is the amount of the draughts drawn by the Treasury Chest in China upon the Treasury at home, with the view mainly of meeting the expenses of the war. But even that account, if furnished, would not be very explicit, inasmuch as the ordinary and extraordinary expenditure could not be distinguished on the face of it. It simply remains for me to add that the Government are in possession of no information on this subject which they are not desirous to lay before the House.

MR. BRIGHT reminded the right hon. Gentleman that he had not answered the question put to him by the hon. Member for Evesham (Sir Henry Willoughby) with respect to the advances made by the East India to the Home Government.

THE CHANCELLOR OF THE EXCHEQUER said, the estimated amount of those advances during the years 1848-49 and 1858-59, was £281,396, while the charge at the end of last year, on account of the Indian military force sent to China, was £82,500, there being a further charge of of £80,000 for the augmentation of that force, which sums, added together, gave the total of £443,000 and odd, provided for in the Estimate which had been laid on the table. His right hon. Friend near him (Mr. Sidney Herbert) had read a document to the Committee in which it was stated, and he believed with truth, that the accounts for the last China war were not yet closed, various items remaining over to be adjusted. So far, therefore, as the details of the expenditure were concerned, no balance-sheet had been rendered. The audit of those accounts was, however, in progress, and although several points with respect to them still continued open, he did think the sum dependent on those points for adjustment were very large.

MR. BERNAL OSBORNE said, the right hon. Gentleman had given no answer to the important question which had been put to him by the hon. and learned Member for Sheffield with reference to the objects of the war.

MR. A. MILLS remarked that if the observations which the right hon. Gentleman had just made were to be regarded as

furnishing an explanation of the policy of the Government in the case of China, he could only say that explanation left that which was before sufficiently inexplicable in total darkness.

SIR HENRY WILLOUGHBY said, he wished to know whether the Government could not place upon the table the balance-sheet to which he had drawn their attention, so far as it went.

SIR CHARLES WOOD said, he did not think there would be any advantage in producing a statement of accounts which he believed had been actually balanced only up to the end of 1854.

SIR STAFFORD NORTHCOTE said, it would be useful to have a balance-sheet up to the year in which there was a balance.

LORD JOHN MANNERS: The right hon. Gentleman has not deigned to give any reply to the questions which have been addressed to him as to the real objects of the war for which this Vote is to be taken. He, however, favoured us with a declaration, which I should have been glad to hear if it were of any practical value, to the effect that unless wise and humane rules were adhered to in the conduct of hostilities with China, nothing but evil could in his opinion result from the contest. But I may be permitted to remind the right hon. Gentleman that if such rules are observed something very different would have taken place from that by which preceding wars in China have been characterized. I may add, that although the right hon. Gentleman gives us no more satisfactory assurance than that which I just mentioned, he assumes a position which I venture to dispute, and which is that this House has sanctioned the war with China, and that it is being carried on with our full approval. Now, let me tell the right hon. Gentleman that this war was virtually commenced not only without the consent of Parliament, but that military proceedings had been entered upon and a large expenditure on account of it incurred even before Parliament assembled, and that this is really the first opportunity on which the opinion of the House of Commons has been tested on the subject. And how, let me ask, is that opinion now tested? Why, by laying before us a gigantic bill for a sum which has been virtually expended, and the payment of which we have, consequently, no power to resist. I am, however, happy to think that, so far as the debate to-night has gone, no inadequate test of the view which the House of Commons takes on this question has been afforded; and I would entreat the Government to reflect, to weigh well the fact, that scarcely a single Gentleman on either side of the House has in the course of this discussion risen to express any sympathy in the objects for which this war is undertaken. For my own part, I earnestly pray and hope that this melancholy and miserable contest may be brought to as speedy a termination as possible, and that the utmost consideratiun may in its prosecution be shown for the feelings of the Chinese people.

LORD JOHN RUSSELL: I have heard again from a Member of the late Government the expression of his ignorance of the objects of the war with China, but surely if any Gentlemen in this House ought to be informed as to the origin of that war, those are they who chose a Minister to go to China, who appointed an Admiral who was to command our vessels in the Chinese waters, who gave instructions to Mr. Bruce, and who directed from the Admiralty that he should be accompanied by a sufficient force, said one Minister; by an imposing force, said another Minister. We were, like the rest of the House, astonished, and at the same time grieved, by the arrival of the news from the Peiho. Those events were not of our preparation. We had not appointed the Minister, nor had we given him his instructions, but there came upon us this calamity, and now it appears that the noble Lord and the right hon. Gentleman the late First Lord of the Admiralty hold us responsible for that calamity. Well, the noble Lord seems to think we were not afflicted by this intelligence. But we are not to be supposed to be less than other Members of this House, or than any person in this country, afflicted by this intelligence, or to grieve less for the loss of our countrymen. I apprehend that we regarded with more sorrow than any one else the renewal of the war. We did grieve deeply to receive this news, but it was not the less our duty to consider what, as the Ministers of our Queen and of the country, it behoved us to do under the circumstances. The hon. and gallant Gentleman (Colonel Sykes) says, to my surprise, we might have taken the same course that the Americans took; but they took that course, not having sent out an imposing force to the Peiho, and not having endured this calamity. The time had passed. I am not now disputing whether that was a wise and a dignified course which was taken by the Americans, but the time had past

when we could take that course. It seemed to us, not only from the first aspect of affairs, but from every account that came from China, that unless we asked for some reparation upon a basis honourable to this country, the lives and property of every British merchant and subject in China would be exposed to great danger. It was our business—it is our business—to protect the lives and the property of our countrymen. That duty we are bound to perform, and that duty we will perform. I am told that this war may cost much treasure. I regret much that our treasure should be lost. I am told that it may expose the lives of many gallant men. I lament that those lives should be exposed to danger. I lament the loss of life that may occur, but it is our business, as representing this great empire, to see that the subjects of this empire are not injured. It is our duty to see to that; but if the noble Lord or any one else thinks we are pursuing a wrong course, I can only say that at the commencement of the Session we described the general course we were pursuing, and, if I mistake not, we took a Vote of money on account of it. The noble Lord then, or any other Member, might have moved an Address to the Crown praying that no naval or military forces should be sent to China, that we should rest contented with the disaster at the Peiho, that we should not take any steps to resent it, but that we should continue, without the enforcement of the Treaty of Tien-tsin, upon our ordinary relations of peace without making any demand for reparation. That was in the noble Lord's power; and if his opinion is what it appears now to be, why did he not take that course, and boldly take the opinion of the House upon the subject? But no; the general opinion was that we could not sit down under the disaster. I am now told that for the sake of morality we should be satisfied. It is an odd way of teaching morality to say that a treaty having been made with a nation, when a Minister comes to ratify it, that nation shall not give him any notice that he will not be received if he comes by a certain route, but shall enter into apparently friendly relations with him, and receive his announcement that he intended to take a certain route, which was the common and usual route to the capital, and then that it should place in that route an army and cannon prepared with the exact range of his vessels, in order to destroy him. That is the way in which the Chinese endeavoured to teach us morality. I know not that by submitting to that course we shall be doing anything to promote morality. But it is quite certain that the terms we proposed, seeing what a dreadful calamity war is, were not severe terms, but were moderate terms, such as, no doubt, required a disavowal and apology for those proceedings; but as to the terms of our future relations upon which this nation proposed to live in amity with China, they were no other than the terms to which the Emperor of China had already given his solemn assent, to which we asked for no addition. We sought no additional articles, but we asked for the execution of the Treaty. I am told, and my right hon. Friend the Chancellor of the Exchequer is told, that those who were against the war on a former occasion must also be against it on the present occasion. The cause of the war may be utterly different, and it is the most absurd thing in the world to say that because a man was against a war with a certain cause, therefore he should be against a war with a different cause. Mr. Burke was taunted in the same manner when he approved the French war. He was told, "You opposed the war with America, and it is inconsistent for you to support the French war." This argument is, that because you think there is not sufficient cause for one war, therefore there is not sufficient cause for any war. Sir, I do not disguise from myself, and none of Her Majesty's advisers disguise from themselves, the fact that the entering upon a new war with China is a great calamity. We believe that the Chinese themselves are not hostile towards English traders who resort to their shores, and we find that the relations of commerce have continued uninterrupted from the day of the events at the Peiho down to the present time. Our orders have always been to confine the war as much as possible to those who are engaged in hostilities, and not to extend its misfortunes to innocent persons pursuing their usual occupations, and who are willing to enter into relations of amity with us. I believe those relations exist and will continue, and that the struggle will be between Her Majesty's forces and the forces of the Emperor of the French on the one hand, and the forces of the Emperor of China on the other; and, so believing, I cannot but think that the war will be of short duration. But, at all events, as I have said, it is our duty to

Lord John Russell

protect the lives and property of British subjects. Those lives and that property have been endangered by an act of a Government which has made a solemn treaty with us; and when, in defiance of that solemn treaty, that Government sends a body of soldiers to attack our sailors and subjects, I say we are bound to demand some reparation for that injury, and to place our relations with that country in such a state that the Emperor of China and his Ministers shall respect this nation as one that is equal, at least, to the Chinese in all the qualities that become a great and independent nation.

Mr. T. BARING: Sir, I find it is said that this war is to be carried on in favour of commerce. As one somewhat interested with commerce, I must say I do not believe that so far as commerce is concerned there can be a more unfortunate event than this war. I say that for the protection of trade and of those engaged in trade it is not necessary that we should insist upon our Minister going up to Pekin. If the noble Lord had consulted those who are concerned in trade there, he would have learnt that it is not at Pekin that trade needs protection, but in those ports where commerce is carried on, and where alone British interests should be protected. The noble Lord says, "Why do you accuse us when you, when the Earl of Malmesbury, recommended that our Minister should go up to Pekin?" The representatives of trade will tell the noble Lord that these contests and struggles of party, so far from interesting them, are much against their interests; and if the only answer the noble Lord can give us is that his predecessors did something like what he has done, then I say that trade does not care for either but laments the acts of both. I am bound to say, although I speak in opposition to the opinions of a majority in this House, that I have lamented throughout the policy of this country towards China, and I regret that the policy of Sir John Bowring and the noble Viscount received the approval of the country. I believe that the policy then pursued was the most disadvantageous, I might almost say the most disgraceful, to the country. It has led to what has followed, and the noble Lord and those who sit with him on the Treasury bench may reconcile the fact as they please to their own consciences and feelings. It gave, I say, an impulse to the opposition to what they call in China foreign interference, and we are now reduced to this position—that if you go on with the war in China you may shake the dynasty that reigns there; for if you are successful the feeling in China is not with foreigners—with those whom they look on as barbarians; if you make the Emperor yield he yields against Chinese feeling, he may be shaken from his throne; you may introduce anarchy and confusion, and what you gain for trade you will get by upsetting all the established institutions in China. You are reduced to this most unfortunate alternative—you say you must avenge what has happened at Pekin. The noble Lord says we are to do that for trade, for the protection of the merchants. But we do not for that purpose want to force the passage of the Peiho; still less do we want a Minister at Pekin. The noble Lord said, the whole thing is now changed; Russia has a Minister at Pekin, therefore we must have a Minister at Pekin too. Now I do not want a Minister at Pekin unless it will benefit British interests, although Russia may have a Minister there. I believe Russia in old times had a representative at Pekin; but if we had a Minister at Pekin, and France had a Minister there, and the United States too, all they would do would be to quarrel with one another, to introduce a system of jealousy and confusion, as has been done in other countries by diplomatic bodies. We do not want diplomacy, but trade, in China, and we want protection in those places where trade is carried on. This is not to be gained by forcing the entrance of the Peiho or establishing a Minister at Pekin. The noble Lord said this war was a defence of morality—we must teach the Chinese morality.

Lord JOHN RUSSELL: I beg pardon of the hon. Gentleman. It was said on the other side that for the sake of morality we ought not to make war with China. I was answering that argument. I did not say we were teaching them morality.

Mr. T. BARING: One great mistake we have made all along in China is that we seem to think that country is like France, or any of the other Powers of Europe, and we must force on China the same arrangements we have established with those Powers with which we have been for a long time connected. I believe that China, in view and feeling, is perfectly distinct from other civilized countries. I believe that if you seek to force on China a system of diplomacy and policy like that established among the European Powers you will have a great deal before you. You

will never do much except to damage the trade of this country and force yourselves into repeated, constant, and, perhaps, unfortunate wars.

SIR CHARLES NAPIER said, the hon. and learned Member for Sheffield (Mr. Roebuck) had asked what would be got by the war; the hon. Member for Liskeard (Mr. B. Osborne) had asked what was the object of the war; but, for his part, he should like to know if the object of France and England were exactly the same, and why the Earl of Elgin did not remain in China and see his own treaty carried into execution?

LORD ROBERT CECIL said, he would call the attention of the Government to only one point—how to prevent the recurrence of these wars. It was not fair for one party to cast blame on the other for these wars. Cabinets were mere puppets in such cases. They were invariably dragged into such contests by the unbridled combativeness of officials in those distant parts. Until they restrained the officials they employed they never would be able to prevent the recurrence of these wars. Mr. Bruce had led them into one war, Sir John Bowring had dragged them into another; Mr. Murray had dragged them into the Persian war, and the Marquess of Dalhousie into the Burmese war. If our officials led us into embarrassments with a European Power, as all officials thought themselves at liberty to do in Asia, they would be immediately recalled or disavowed; and until some condemnation was uttered, not only by that House, which had done its best, but by the Government, against those persons who had dragged us into these wars, it would be vain to suppose that any other measures they could adopt would be effectual to prevent their recurrence.

VISCOUNT PALMERSTON: The noble Lord who has just sat down seems inclined to think that all the officials employed abroad by the Government in different administrations have violated their duty by dragging this country into unnecessary wars. I venture to say that if anybody will look into the circumstances to which he alludes he will find that these officials have done their duty and no more than their duty to this country. The hon. Gentleman who spoke before him greatly perverted and misrepresented the argument of my noble Friend the Secretary of State for Foreign Affairs. He wished the Committee to understand that my noble Friend had said that we want to go to Pekin there to trade—"Why don't you go," said the hon. Gentleman, "to Ningpo, Shanghai, and Canton? If trade be your object, you ought not to insist on the terms you are requiring from the Chinese Government." But does the hon. Gentleman think that trade in a country like China can be secure unless your fellow subjects have certain rights and privileges assured to them? Does he think that a great number of British merchants would establish themselves on the coasts and in the towns of a remote country without any security whatever arising from the compacts made with the Government of that country that their persons and property would be safe? The hon. Gentleman knows commercial transactions too well, he is too well aware of the sentiments and opinions of merchants not to know that such a supposition is utterly inconsistent and untenable. It is perfectly well known that in order to enjoy good and advantageous trade with a country you must have treaty conditions and engagements by which your merchants who enter into transactions in that country may be secure, that they shall not suffer injustice either from individuals or from the Government. That is the object with which our treaties with China have been concluded. It is very well now to endeavour to treat lightly all such compacts obtained from the Chinese Government, but does the hon. Gentleman not remember with what acclamations of applause the treaty concluded by Sir Henry Pottinger was received in this country? Does he not recollect the anticipations which then prevailed in the mind of every one of the commercial advantages to be derived from that treaty? And although these anticipations may not have been realized to their full extent, yet allow me to say the increase of our commercial transactions with China since that treaty, and in consequence of that treaty, has been such as fully justified the policy of the Governments by whose instructions that treaty was concluded, and under whose auspices the ratifications were exchanged. Why, Sir, I had the honour of sending out the instructions under which Sir Henry Pottinger acted; the Earl of Derby's was the Government by whom that treaty was received, and who took credit for the transaction, and, so far from dealing with it as a light and insignificant treaty, were the first to proclaim that it would be attended with great advantage to the commercial interests of the country. After that came the transactions in the Canton river, to

which the hon. Gentleman (Mr. B. Cochrane) traced the present war. Why, Sir, the present war has nothing whatever to do with those transactions. That is a most unjust and injurious charge to bring on the name of Sir John Bowring. Sir John Bowring had no more to do with the causes of the present state of affairs in China than the hon. Gentleman who has just spoken. The late Government authorized the conclusion of the Treaty of Tien-tsin. The late Government sent out, as my noble Friend stated, a Minister, to be supported by a sufficient force, in order to exchange the ratifications of that treaty at Pekin. The Earl of Elgin was not sent out to establish a set of merchants at Pekin; but it was at Pekin, the seat of the Government, that the ratifications of the treaty with the Government were to be exchanged, and without that treaty all our commercial transactions at Canton, Shanghai, and Ningpo and the other parts of the Empire would have been placed in jeopardy. The hon. Gentleman (Mr. Baring) says we are dealing with the Chinese on the mistaken notion that they are to be dealt with according to the forms of diplomacy usual in Europe, that the Chinese Government are simple-minded men and know nothing of these forms. But he must know that, of all men, the Chinese attach the most importance to forms. With the Chinese forms are as vital as matters of substance. And, so far from their being ignorant of forms, there is no nation which attaches more importance to the most minute gradation of form, none with whom it is more essential to maintain your own dignity and assert your own rights by binding them with those formalities, the value of which they estimate as well as, if not better than, any other race. Well, our object was to obtain that ratification of the treaty which should be binding on the Emperor of China. The Emperor, by an edict which he ordered to be communicated to our Minister, sanctioned in the fullest manner every article and every word of the treaty; but he knew as well as anybody in Europe does that a treaty, until it has been ratified by the Sovereign, is not obligatory on the Sovereign by whose agents it has been concluded. Therefore, although by an edict addressed to his own Minister the Emperor of China acknowledged and approved every part of that treaty, yet by refusing to exchange the ratifications he endeavoured to hold himself free, and at liberty to break every stipulation to which he had given his sanction. That was a state of things to which it was impossible for the British Government to submit. It was necessary, therefore, that the ratifications should be exchanged, and that by the terms of the treaty itself could be done only at Pekin. It was, therefore, not, as the hon. Member implies, for the purposes of trade that our Minister was to go to Pekin, but to obtain at that capital the ratification of a treaty which was to give security to the trade carried on at other places. It is a gross misrepresentation to pretend, then, that we are going to Pekin for the benefit of trade at Pekin, when the fact is, our object is the benefit of the trade elsewhere. Pekin is the seat of the Imperial Government, where alone the ratification is to be obtained, and, unless it is obtained there, our commerce in every part of China must be insecure.

It is asked, "Why did you insist upon having direct communication with the capital—why did you insist on having a Minister there?" I say to that, ask those who sent out these instructions. If they do not choose to defend their own proceedings, I will give an answer for them. Ask any of our own merchants connected with China, or any of the merchants associated with them, and they will tell you that we have sustained very considerable inconvenience at different periods from being compelled to carry on our communications with the Chinese Government through their officers at the different outposts, who have played off against us all sorts of excuses and delays, pretending they have received no answer to our remonstrances, putting us off with one frivolous pretext and another, whenever we have complained of serious injuries or the violation of our rights. Everybody acquainted with China thinks we should have the power, whenever we choose, to hold direct communication with the seat of Government itself. What other country in the world with which we have commercial or political relations is there to the centre of whose Government we have not a right to go, and communicate either with the Sovereign or those who are responsible for the conduct of his affairs? I say that for us not to have the power of reaching Pekin and having a representative, either resident there or, at least, able to visit the capital periodically when circumstances demand it, is to be placed in a position of inferiority in regard to the Chinese Government in which no country ought to stand in regard to another, and which certainly the rela-

tive importance of England and China does not require us to occupy. As my noble Friend has stated, the Government of Russia has a representative at Pekin; so that at once falls to the ground every pretence put forward on the part of the Chinese that it is contrary to their feelings and habits, or inconsistent with the stability of their empire that there should be a foreign Minister resident in their capital. The hon. Gentleman says our proceedings will defeat our very purpose by involving that vast empire in convulsion and anarchy. I believe no such thing. That may seem very good reasoning to those who cannot attack what they wish to impugn by arguments of a different kind. But I say that if we succeed, as I trust we shall at no distant time, in obtaining from the Emperor of China the full and formal ratification of the treaty he has concluded with us, I am convinced that, so far from this endangering his empire, by restoring friendly relations between him and the great Powers of the West, we shall add strength and security to his authority. The hon. Gentleman says we ought to bear patiently the gross insults and cruel outrages offered to us, and submit quietly to the perfidious attack which took place at the mouth of the Peiho. Why, what were the feelings of the people of this country when the news of that disaster reached them? Was there a man living here who would not have indignantly scouted any Government which should have come down to Parliament and said we ought passively to submit to that insult—that we ought to allow our fellow-subjects to be murdered, our treaty to be torn up as waste paper, every indignity and outrage to be heaped upon us; and all this, which would not be borne for a moment if it came from any other nation in the world, was to be endured because it was received at the hands of a remote and comparatively less civilized State. I say that if any Government had proposed to the country such a course of action it would have been visited with universal condemnation. We had no choice, then, as to the conduct to be pursued. The only question in regard to which we stand responsible to Parliament and the nation is this,—whether we have adopted adequate measures and means for obtaining redress for the injuries that have been sustained, and whether those measures have been wisely planned and those means judiciously applied to secure the object to which our expedition and our resources are directed, and I trust the result will answer those questions in the affirmative.

Vote *agreed to.*

House *resumed.*

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

POOR LAW BOARD CONTINUANCE BILL.

COMMITTEE.

Order for Committee read.

LORD EDWARD HOWARD* said, he feared he must interpose before the Bill went into Committee. No one less than himself wished to bring religious matters into that House—it was not the proper place for discussions of a religious nature—but the evil of the present case was very great; he had been much urged to bring it forward, and he could not resist doing so under such circumstances.

Upon the present occasion he could not venture to adduce all that he had to bring forward—all that the nature of the case required—but what he did bring forward would bear the test of truth. He did not intend to divide the question categorically into these heads, but the question did resolve itself into evils of law and evils of administration of the law. He did not complain of any individual, or of any Board of Guardians, nor of the Poor Law Board. The latter had, on questions which had been brought before it, been willing to hear them, and to decide upon them for the best, according to its powers, or such powers as it was supposed practically to possess. In all that he had to propose he did so without interfering with any one, or with any established regulation. There was no need of intrusion upon any. What he suggested did not, he believed, give rise to any expense, or even anything that could be called trouble—it interfered with nothing. All he claimed was justice—and that justice had, no doubt, been intended by the framers of the law now in force—all he wished was in accordance with the evident intention of the law, which was chiefly regulated by the 19th section of the 4 & 5 *Will.* IV.—the Poor Law Act.

Now, he begged to say that looking at the case in the view in which it ought to be regarded, as one would think—the poor Protestant who entered a workhouse should in reality find greater advantages in a moral and spiritual point of view, than he who lived in some large populous town, or some remote country district. The

atmosphere of the workhouse ought to be such as would conduce to this ; a chaplain whose duty it was to instruct the inmates and advise them—officers who were there to see to order—charitable visitors who came to look after them ; books lent to them ; all this ought to confer on a poor man greater advantages than he had found before. And now what was the case in Ireland—in Ireland the Protestants were in the minority—in this country the Catholics were so. See how the privileges of the Protestants were guarded in Ireland. He would read the regulations as provided by the Poor Law.

"It shall be lawful for the said Commissioners, if they shall think fit, to provide a chapel, or to direct that a suitable apartment of the workhouse shall be specially appropriated for the religious worship of any denomination of Christians, being inmates of the workhouse."—[*Moore's Irish Poor Law*, p. 142, 10 *Vict.* c. 31].

"1 & 2 *Vict.* c. 56, says, 'And be it enacted that the Commissioners shall take order for the due performance of religious service in such workhouses, and for appointing fit persons to be chaplains for that purpose.' It goes on to say that not more than three are to be appointed—one of the Established Church, one Protestant Dissenter, and one Roman Catholic."—[*Moore's Irish Poor Law*, p. 38.]

"DUTIES OF CHAPLAIN—1. To celebrate Divine Service, and to preach to the paupers, &c.

"2. To visit any sick pauper from time to time, and at all times when he may be applied to for that purpose by the master or matron.

"4. To examine and catechise the children at least once in every month," &c.—[*Moore's Irish Poor Law*, p. 675.]

Here, then, was provision showing how jealously the religion of the Protestant in that country was watched and guarded. Now take the case conversely — suppose a Catholic country where the Protestants were in a minority, and cases happened in regard to them similar to those as regarded Catholics in England. He would like to know how great would be the outcry on the part of certain Gentlemen in that House — we never should hear enough about the injustice and shame practised in such a case.

Now look at the poor Catholic who was in the workhouse. What ought to be done was that when once his creed was established he should be treated as of that religion, and facilities given him. But, perhaps he is not aware of his rights, and he encountered much difficulty. First, he must ask positively to see his own clergyman, and go through different forms in order to accomplish this ; the request had to be conveyed through the wardsman, &c., to the master before he could get at him—and delays might take place. While arguing against difficulties which were uncalled for, of course he did not mean that some form was not necessary. Now the Act of Parliament seemed to give the Poor Law Board all kinds of power for general regulations, and that Act most clearly meant that religious rights and principles should be protected — and whose rights were they ? They were those of the very poor and helpless, of those who had a right to be heard, and whose case was most deserving the attention of the House of Commons, who had none to befriend them, hardly, out of that House ; whose case therefore he must strongly urge upon the House. But what happened when the Catholic clergyman was admitted. Why, even then, there were considerable limitations to his access to those who asked his attendance. The Act says that he may have access to an inmate at his request at "all times of the day." It is evident that all proper means of the clergyman seeing this poor man was intended, and that when a person had sent for him, he would, as a matter of course, be able to see him more than once ; but this beneficent intention of the law is sometimes perverted into being obliged to send for the clergyman at each separate time of wishing to see him, thus giving infinite trouble to the officers of the house, and placing considerable difficulty in the way ; and this happens to the poor and friendless man whom sickness, old age, or adversity has brought into the house ; and who needs the comfort and consolation which he can derive from his clergyman alone. It is true, he admitted, that when hardships of this kind were brought before the Poor Law Board, as they had been in some instances, that Board had done what it felt it could to remedy the evil, but he wished he could say that the evil no longer existed. But when this was the kind of view taken in the working of the law, and when such was the interpretation placed upon it, it was clear that such evil cried for some remedy. But also in some cases one person might be kept waiting till others applied too ; and he was quite shocked to say that he had even heard of cases in which, when a poor sick man had seen a Catholic clergyman in a ward, and when the clergyman had given him all the necessary spiritual consolation, if another from a neighbouring bed had called out that he was a Catholic and wished the assistance

of the clergyman, the power of giving such assistance was denied the clergyman, although the person had himself requested the aid.

Well, then, some persons were allowed to go out of the workhouse to attend their religious service at their chapel, such as obtained that permission were sometimes not allowed to see the clergyman when he came to the workhouse, unless they were sick. Then, again, others were only allowed to go out to divine worship once a fortnight. But it was singular indeed to say that sometimes persons were not allowed to do so until they were sixty years old—now, as their religion required that they should sometimes attend their service fasting, that is, not having eaten anything since 12 o'clock on the previous night, how hard it was to make these poor old people wait until 11 or 12 o'clock in the day without eating—then, again, the clergymen were very busy on Sundays, and could not give up the time to see them on such occasions. But he begged the House to observe with what real absurdity these cases were covered, when, for example, it occurred that where deserted wives and young women were not allowed to go outside the house to attend chapel—a woman might have been deserted by her husband say at thirty—and would have to wait for thirty more years before she could attend divine worship. Both of these classes, who would much need advice and instruction, could only be seen in the workhouse, therefore, in the limited time—perhaps an hour and a half or two hours a week—accorded to the Catholic clergyman ; after he had seen the sick, or others—a mere remnant of time. Now, common sense seemed to show that the greater was the obstruction to persons going outside the workhouse for service, the greater should be the facility granted inside. It was very easy to furnish Catholic inmates with the means of attending their religion inside the walls, in the Board-room, for example, and what had been mentioned in one book treating on these matters as an objection was really none at all—there was no difficulty about an altar to conduct the service. He maintained that attendance on their religious service should be treated not as a privilege, but as a duty. It was plain that these poor people set a value on such attendance, because the permission was restricted if they misbehaved, and they were punished by being kept from it for a time. The discipline of the workhouse was much assisted by attention to these affairs. As an instance, he had known a case where, in a prison, a prisoner of most violent character could not in any way be restrained, he bit and severely wounded a turnkey, at last, contrary to the discipline which is adopted in prisons (where great jealousy is shown towards the religion of Catholics) it was suggested, "let us send for a priest," the man being a Catholic—this, though contrary to rule, being done, and the priest obtained,—the man immediately submitted and became tractable.

What he wanted was, that the practice of workhouse discipline should be uniform and just ; that it should be liberally carried out, as it was in some unions ; it should be brought down to one general level ; and not one rule here and another there.

And he spoke to the House in favour of these very poor helpless beings, who were looked down upon, and had very few friends; and entreated that their case might be treated as it ought, in bare justice, to be treated. The persons whose cause he advocated were weak ; they appealed with confidence to the British House of Commons, as a body who would hear them and apply a remedy to the crying evils by which they were afflicted. If they were denied relief, it was a mere mockery to talk of this being a country of civil and religious liberty : where that really existed these evils could not be. We were so proud of our excellent legislation, yet see how defective it was on points of such importance, and which might be so easily remedied, without trouble, or difficulty, or disturbing others.

He thanked the House for the attention with which they had heard him ; but he had now to intrude upon them with even, if possible, a worse case, and that was with regard to the children in workhouses and district schools. Now, evidently the 19th section of the 4th and 5th William IV. meant that the children should be brought up in the same religion as the parent. But as the thing stands in practice, observe how it works. Suppose, after due examination, a father and child admitted into a workhouse, they are properly described on the Register as Catholics. Well, following the usual method of treating the case, that child is nevertheless brought up as a Protestant, unless the father takes a further step, and besides stating as at first the religion of which the child is—then actually objects to its being brought up

Lord E. Howard

a Protestant. Common sense would point out that it should be otherwise, but thus the burthen is thrown upon the parent of taking this course in defence of the child's and his—the parent's rights. There is great injustice in this. For one reason, because the parent, alone and friendless in the workhouse, may fear to object—he will be very likely to think that his position in the workhouse will be the worse for making objection and giving trouble, and making himself to a considerable extent an object of remark and of separation from the great body of persons under the same roof; or, suppose it is some single parent, indifferent to, and reckless of, the religion of the child; neglecting a pledge given to the father or the mother who may be dead, but who may have left to the survivor the charge of bringing up the child in the Catholic faith; well, the child is not so brought up, and thus loses its religious rights, in consequence of this anomalous legislation. Again, the parent may think, "I will not disturb the child now—it will get a good education—I can claim it hereafter—and bring it up in its old religion;" but this may easily not happen, and thus, in point of fact, the child is cheated out of its religion.

He had not time at this late hour of the night (past one o'clock) to show from the papers themselves the apparent discrepancy between the provisions of the 19th section of the Act, taken together with the Consolidated Order, No. 122. It only showed how carelessly the regulations on this subject had been made out. Taking them together, it would appear that they both prescribed religious protection to children, and by both of them that was limited to the children of inmates. Now how did this act in practice? Why, by the return of January 1st, 1859; in 629 Unions, out of 45,000 children in the workhouses, no less than 25,000 of these were "orphans, or other children relieved without parents;" thus a very great number were affected by this want of proper definition and proper attention to regulations for protecting religious rights.

But, now, how stood the case with regard to the district schools, and the numerous children placed in them? Whereas in the workhouse the persons to look after the religion of children were the parent; or in the case of an orphan the godfather and godmother—so in the district school there was a new regulation, and the next of kin came into play—and you might have this absurdity, that an orphan would be in a workhouse, entered as a Catholic but educated as a Protestant, claimed by the godfather, and the claim allowed, he might be instructed as a Catholic, moved to a district school, he would be again educated as a Protestant until the "next of kin" found him out, claimed him, and had him re-educated as a Catholic. Why, the thing was really absurd on the face of it, and it must be remembered that by the 8th and 9th of *Vict.* children were liable to be brought into district schools from a distance of twenty miles. Now how can the poor understand all these distinctions? In the workhouse the "next of kin" is no good; in the district school the godfather and godmother are of no use.

But the section also says, "child of inmate:" how then again as to deserted children—what becomes of them? In fact carelessness in these provisions is apparent, and in truth there is no equality for religion, and religious liberty is set at nought. In truth, at this instant, there are hundreds of Catholic children in district and pauper schools in the neighbourhood of this Metropolis, and, by very far indeed, the greater number of these Catholic children are being brought up as Protestants.

But now in order to claim a child and have him educated, you had cases where the personal attendance of the godfather was required. What a difficulty and a grievance was here. Who was the godfather or godmother? Who was the next of kin? Where were they? Perhaps the child was in London, the godfather at Liverpool or in Ireland; and here also were involved, waiting to establish the claim, loss of time, of wages, and so on; and all this for another person's child. Here was an instance of personal attendance being required and its consequences.

"Board Room, May, 1859.

"Dear Sir—I am directed by the Board of Guardians to acknowledge the receipt of your letter of the 18th instant, making application on behalf of Mrs. —— for her godchild W—— C—— to be instructed in the Roman Catholic religion, also making a similar application for C—— and A——, and I am to inform you that as the Board require the personal attendance of the godfathers and godmothers who object to the instruction of children in the establishment in the Established Religion, they are anxious to save you the trouble of making such written applications in future.

"I am, dear Sir, your obedient servant,

"—— Clerk."

But the person rightfully concerned in

claiming may be far off in Australia or America perhaps. Here was a case where children were brought up Protestants because, though claimed by the mother, the claim was not allowed until the father in Australia was heard from. How was he to be got at?

"A Catholic woman in a workhouse has four children. The father, for want of work at home, has gone to Australia. He had been in a situation of trust. The boy used to attend the Catholic school. The mother said she knew her children were being brought up as Protestants, and that she wished the Roman Catholic clergyman to instruct them. She signed an application to the Board of Guardians, 4th March, 1860. She was called before the Board, stated her wish, and was told that her request should not be complied with till she had procured an application from her husband in Australia. This mother is entered in the indoor relief list in the workhouse as a 'Romanist.'"

Here was the case of a Catholic widow whose child was brought up in another religion, and which shows the evils which befell these poor persons:—

"A written application was sent by the mother to the Board of Guardians—the mother was ordered before the Board, and stated her wish. The Chairman said, 'it could not be complied with,' and to defeat the object of the application threatened to send the girl from the school to the adult house. The Poor Law Inspector inquired into this case. The Chairman acknowledged he had used the above threat, and refused to listen to the application of the mother. This was in April, 1859. The girl has never yet been allowed to receive any instruction from her clergyman. The Poor Law Inspector knows of this case personally, yet no redress has been granted. In this Union it would appear that the women and children are in separate houses, and mothers are only allowed to see their children four times a year.

Thus, in consequence of these defects of legislation, this child loses its religion. Yes, and he had other cases too, but it was not proper at this late hour to bring them before the House.

These were only samples of the injustice which prevailed. He had another case, which he would not read, where children, the father being dead, were left by a mother, who went to America, in charge of a grandmother and aunts, who, contrary to the express directions of the mother, placed them in a workhouse. The mother wrote to beg they should be brought up as Catholics. A lady hearing of it went with the relations to the workhouse, they were insulted and unsuccessful.

In another, a Catholic sister applies for a girl, the girl being in the workhouse. She is moved from the workhouse to a Protestant establishment, the sister is unable to see her, or ultimately to hear of her, and access to her is refused.

He would not weary the House at this late hour more than he could possibly help, but he must remark upon one very large class, he was very sorry to say it was, which was also affected by this state of things—he meant the illegitimate children—in their cases the mother was powerless to prescribe the religion of her child, and yet the Poor Law throws upon her all the burden of the case. Surely she should have the power of saying how her child should be brought up. He deeply regretted to say that this was a very numerous class, there were of illegitimate children in 629 unions:—

"In workhouses, under sixteen years of age, of able bodied and not able bodied inmates there are — 8,456 illegitimate to 10,382 legitimate; total, 18,838.

He must say that everything in these workhouses and district schools was of a different nature to the religion of the child. These children and people, comparatively few, perhaps looked down upon and laughed at, demanded, under these circumstances, more attention than could be given to them by their clergyman in the hour or two in a week accorded to him. Sometimes, perhaps, on a Saturday half-holiday, when the other children were at play, then the Catholic children were allowed to be stuffed with catechism, and so, in fact, it is made a punishment to them.

But there was one thing he must particularly advert to. Partly to remedy one of these abuses, the Poor Law Board had issued an Order last year on the 23rd of August. There was nothing of any interfering character about it, it was a mild order enough, but it was stated not to be law, and not to have any force. Now he particularly wished to know how this case stood. It seemed to him quite unaccountable. The law itself, and the writers on the law, seemed on all points to give the Commissioners the utmost power; in point of fact there were only two things they could not do: one was to warp the religion of anybody in the workhouses, the other not to prescribe directions to Boards of Guardians, with regard to an individual in reference to his relief. But here was an order about which, most strangely, there appeared to be a doubt; and an opinion, it seemed, adverse to the power of the Commissioners had been given. There were often differences of opinion among different people,

and sometimes there were amongst lawyers; and he much wished to know whether there was no authoritative opinion upon this order, and whether it really was the law of the land or not? Here in a very important matter the necessity of doing something, of affording a remedy to a great evil, was admitted and tried to be remedied, yet nothing was, in fact, done. He now placed the case before the House of Commons. It was the case of people, the most poor, the most friendless, the least able to help themselves—such was a case which appealed loudly to the House of Commons, and which he felt would not appeal in vain to such an assembly of British Gentlemen.

Motion made, and Question proposed,

"That it be an Instruction to the Committee that they have power to introduce Clauses requiring that a Creed Register be kept, both in Workhouses and District Schools, and be open to the inspection of the Ratepayers; and providing that access, at all reasonable and proper times, shall be had to every inmate of such Workhouses and District Schools by the minister of the religious persuasion to which he or she belongs."

MR. C. P. VILLIERS said, although he believed that he was entitled by the forms of the House to ask them to reject the Motion of the noble Lord, on the ground that—either he proposed to the Committee to do what they had power to do without an Instruction, or to introduce matter which was foreign to the object of the Bill, and in either case an Instruction was informal. From the respect which he felt for his noble Friend and for the sincerity with which he advocated any matter affecting his religion, he would not avail himself of the power which he possessed. The subject, he could assure the noble Lord, was engaging the earnest attention of the Poor Law Board. The present Bill, however, did not profess to deal with anything beyond the immediate object with which it was framed,—it did not profess to remedy grievances, and additions such as those contemplated by his noble Friend could not be imported into it without serious inconvenience. The noble Lord's course ought to have been to wait for the Bill which, as he was aware, the Government intended specially to introduce, to effect amendments in the law, and he knew that it was the anxious wish of the Poor Law Board to provide for the evils of which Catholics reasonably complained, and which had reference to the attendance of ministers of different religions in the workhouses. The noble Lord well knew the difficulties with which the Poor Law Board had to contend, and the noble Lord could hardly doubt that he must be prejudicing his cause very much, by attempting to change the law in this respect in a manner that was so irregular. It was well known, that the present regulations with respect to the access of priests and other ministers to the inmates of workhouses rested on a provision in the Act, known as the New Poor Law Act, and could only be changed by an amendment of that Act. There was already some difficulty on the part of those who had to maintain the discipline of the workhouse, to know who to admit, for doubtless there were then many persons who sought to get admission as teachers of religion for the purpose of proselytism. He could not help thinking, therefore, that the noble Lord had not shown his usual discretion in attempting to accomplish his object, by means that were not quite regular, and which would interfere with the purpose of the Bill then before the House. There had been, he believed, some misapprehension with respect to the objects of the Bill, and it had been supposed that it was to extend the powers of the Board; it had, however, been carefully avoided to attempt anything of the kind—it was simply to continue the powers of the existing Board for the usual time, and did not in any way fetter the discretion of Parliament in causing any inquiry whatever to be made, either into the operation of the law or the Board. He hoped, therefore, that no further obstruction would be offered at this stage of the Bill, and that Members would not attempt in the absence of any evidence against the full success of the present system, without any complaints from the poor, and at a moment when a Report has been presented to the House, showing the most satisfactory results of the law, especially during the last year, to limit the duration of the Board for a less period than has been usual, and thus by casting discredit upon the central administration to paralyze its authority in future throughout the country. He firmly believed that it would be far better to abolish the Board at once than to weaken its power by such means. By the manner in which the Bill was drawn any change might be made hereafter in the powers of the Board, and he trusted, therefore, that the House would now allow the Bill to go into Committee.

MR. NEWDEGATE said, he did not think it fair that the statement of the noble

Lord should be allowed to pass without objection. He (Mr. Newdegate) was as willing as any man to give paupers in workhouses every facility for coming out to attend to their religious observance. He would also give the individual Catholic pauper the right of sending for his priest; but the House had already decided that it would not be safe to give Roman Catholic priests an *ex officio* right to enter workhouses and prisons. As to deserted children, he could not consent to the surrender of the rights of the Established Church in respect of such children. They ought to be brought up in the religion of the State.

MR. EDWIN JAMES moved the adjournment of the Debate.

MR. HENNESSY expressed a hope that Mr. Speaker would give his opinion on the point raised on the Motion of the noble Lord.

MR. SPEAKER said, that if he had considered the Instruction was out of order it would have been his duty to inform the House, and save them from the discussion which had taken place. Whether on a Continuance Bill it was a convenient occasion to introduce such an Instruction was an entirely different question, but in point of form he did not think that the noble Lord was out of order.

VISCOUNT PALMERSTON said, he would recommend the noble Lord (Lord E. Howard) not to proceed with his Motion, and he hoped the House would proceed with the Bill, which was merely a continuance Bill.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 40; Noes 97: Majority 57.

Question again proposed,

"That it be an Instruction to the Committee that they have power to introduce Clauses requiring that a Creed Register be kept, both in Workhouses and District Schools, and be open to the inspection of the Ratepayers; and providing that access, at all reasonable and proper times, shall be had to every inmate of such Workhouses and District Schools by the minister of the religious persuasion to which he or she belongs."

MR. EDWIN JAMES suggested that the noble Lord (Lord E. Howard) might remove difficulties by withdrawing his Motion and bringing up a clause in Committee.

MR. MONSELL said, he would beg to ask Mr. Speaker, would it be competent for the noble Lord to bring up a clause without such an Instruction as that which he now moved for?

MR. SPEAKER decided that it would not be competent for the Committee to introduce such a clause without a special Instruction.

MR. MONSELL said, he should in that case support the Amendment. They all knew the excitement recently caused by the alleged interference with the religion of a single Protestant child. There were hundreds of children of Catholic parents who were being brought up in the Protestant religion. Was that consistent with the principle of religious toleration?

LORD EDWARD HOWARD said, that as he began by saying, so he now repeated, that it was most distant from his wish to introduce a religious subject into the House, or to give the House trouble by taking up its time. His right hon. Friend the President of the Poor Law Board was mistaken in supposing that he had blamed the Poor Law Board. Such was not the case, he not only did not do so, but he had stated that the Board was deserving of credit, so far as its action had gone. If his right hon. Friend would really undertake to take into his best consideration the evils he had stated, with a view of remedying them in the Bill he had mentioned as being prepared to bring before Parliament, he would not press his Motion. The subject was felt to be of so much importance that he was prepared to go very great lengths in its behalf. The settlement of this question would, he felt, save much trouble to this House, and also to Boards of Guardians, because such grievances could not exist without some remedy being attempted, and without the cases, if unredressed, being complained of and brought before this House.

MR. C. P. VILLIERS said, the matter was already under the consideration of the Poor Law Board. One portion of what the noble Lord required could be carried out by Board order. The other would require legislation. If what the noble Lord asked for could be done with safety, he (Mr. Villiers) should endeavour to effect it.

LORD EDWARD HOWARD said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

House in Committee.

Bill *considered* in Committee. House resumed. Committee report Progress; to sit again on *Monday* next.

House adjourned at half after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 16, 1860.

MINUTES.] PUBLIC BILLS.—1ª Subdivision of Dioceses; Census (England); Census (Ireland); Queen's Prison; Court of Queen's Bench Act Amendment; Friendly Societies Act Amendment; Felony and Misdemeanour.

2ª Metropolitan Building Act (1855) Amendment; Bleaching and Dyeing Works.

3ª Jews Act Amendment; Indemnity; Augmentation of Small Benefices (Ireland); Universities and College Estates.

SAVOY.—MOTION FOR A PAPER.

THE MARQUESS OF CLANRICARDE, in moving pursuant to notice for a Copy of a Letter to the late Duke of Wellington in relation to the military frontier of Savoy, said, that he had always disapproved of the proposition that Her Majesty's Government should take part in the Conference which it was intended should be held for the purpose of considering the Treaty of Turin, because he believed that such consideration involved a recognition of that treaty as thenceforward part of the public law of Europe. What had since taken place, although it might have diminished, had by no means removed those objections; and he expressed this view with the more regret as it differed from that of the two noble Lords who were more peculiarly responsible for the foreign policy of the country—the Prime Minister and the Secretary of State for Foreign Affairs. No man could be a more sincere friend to the French alliance than he was. He regarded it as of the highest importance for both countries, and for the advancement of civilization and for the peace and welfare of Europe, that between the French and English people and between the respective Governments a sincere and cordial amity and a close alliance should exist. But although holding that opinion strongly, he could not shut his eyes to events, nor forget those principles which were essential to the maintenance of peace between nations and to the feeling of general security. The condition of Italy engaged the attention of the Plenipotentiaries at the Congress of Paris in 1856, and it was represented that the foreign armies which then occupied her soil could not be withdrawn without leading to disastrous consequences. Now what were the facts of the case to which he was about to invite the attention of their Lordships? The noble Earl (the Earl of Derby), speaking as First Minister of the Crown in February, 1859, happily summed up the condition of Italy when he described it as a standing danger to the peace of Europe. It appeared that in the Autumn of 1858, Sardinia and France entered into confidential communication with a view of taking concerted action in reference to what was known as the Italian question; and on the 1st of January, 1859, public attention was aroused by some words addressed by the Emperor of the French to the Austrian Ambassador. Diplomatic negotiations were entered into, but without effect, and the short but sanguinary war ensued which was terminated by the Peace of Villafranca. In that peace no mention was made of any alteration of the limits of the French Empire. During the whole of these transactions, in fact, not a word was uttered of what was subsequently demanded by French ambition. On the contrary, any views of territorial aggrandizement or peculiar advantage were repeatedly disclaimed. Nevertheless, it was surmised, even in the spring of 1859, that, among the possible consequences of the action which France and Sardinia were about to take, the contingency was contemplated of the increase of Sardinian power rendering it necessary for France to demand an addition of territory. Our Ambassador at Paris was directed to make inquiries on the subject. To these inquiries he received no answer; and in July or August the rumour being revived, Lord Cowley was told that, as the war had terminated in a different manner from that which had been expected, when such a contingency was contemplated, there was no longer any question of an increase of French territory. Lord Cowley himself had told their Lordships that this question of the cession of Savoy had been mentioned in conversation by Count Walewski, but it was only referred to as a subject to be laid before a Congress of the great Powers of Europe. That Congress, it had been supposed, would have been held during the winter; and when the British Parliament met in January, they were told that Her Majesty's Government had been invited to a Congress, but that that Congress had been indefinitely postponed. About the same time the rumours were revived of the cession of territory to France; but so late as the beginning of February the Governor of Chambery was instructed to state, in answer to inquiries which were made from him on the subject, that there was no intention to cede Savoy or Nice. Now, in the Treaty of July it was agreed between Austria and

France that the states of Central Italy should be restored to their Sovereigns. Events prevented this from being carried out, and the Duchies became integral parts of Sardinia. On the 24th of January, after the Duchies had become part of the Piedmontese kingdom, a formal demand was made by France on the Sardinian Government for the cession of Nice and Savoy. This came to us first as a rumour ; and a telegraphic denial was received here of the truth of the rumour ; it was said that no intention existed of giving up Savoy. However, on the 24th of March a treaty was signed without any Congress, and without the consent of any of the great Powers of Europe, by which the transfer of those territories was agreed on. This was the treaty to which England was called on to accede by entering into a Congress, the foundation of which must be a recognition of a violation of a previous treaty forming a portion of the great international law of Europe. No justification for it had appeared beyond the grounds put forward by the French Government. The King of Sardinia had been much blamed for his share in this affair ; but no one who had taken an impartial survey of the events could refuse to acknowledge that such an amount of pressure had been put upon the Sardinian Government as made it a necessity and a duty for them to yield. The Italians did not share in the opinions expressed respecting him by the King's critics in this country, and he could well afford to remain satisfied with their approbation. The question, however, was on what ground could this treaty be accepted as a basis for the deliberations of a Congress. To him it appeared a flagrant violation of the international law of Europe. The ground on which the annexation of Savoy was defended was that it was a geographical necessity produced by the formidable aggrandizement of the Sardinian kingdom. But to what length was this doctrine of geographical necessity to be carried ? Why should it not be extended to Genoa, to Geneva, or to a different side of the French Empire ? Before going into a Conference some definite principle ought to be laid down as to the extent to which this new doctrine ought to prevail. The aggrandizement of Sardinia was put forward as the reason for this annexation of Savoy and Nice; but it did not appear that France had yet recognized Sardinia's possession of the Duchies, nor had Victor Emmanuel yet been recognized by France as King of that district of Italy. It was well known that he had never been recognized as King *de jure*. Yet we were now called upon to recognize the claims of France to Savoy and Nice, both *de facto* and *de jure*. And not only this, but he was informed that the agent of the dethroned Dukes had not long ago been officially received at the Tuilieries. The guaranteed neutrality by the great Powers of the treaty of 1815 of the neutrality of Savoy and part of Switzerland had been set aside and disregarded in the most unjustifiable manner. It was almost amusing to observe the shifts to which M. Thouvenel had been driven to make excuses for the violation. It was first said that all the Powers of Europe were to be consulted. They had not been consulted. M. Thouvenel then proposed that those parts the neutrality of which was guaranteed should be ceded to Switzerland. But that proposal was withdrawn, on the ground that the population had been consulted and did not desire it. He did not see the use of going into a Congress with any view to establish limitations, when it might at once be said such points could not be touched because the population had been consulted and declared in favour of annexation to France. M. Thouvenel once more changed his ground, and said to the Swiss Federal Government, the stipulations at Vienna in regard to the neutrality of these districts were not for them, but for Piedmont; that the rest of the Powers of Europe had nothing to do with it; Piedmont was satisfied and therefore Switzerland must be satisfied. This was not the way in which the great Powers of Europe ought to be treated, and he objected to going into a Conference without knowing how far the sphere of their deliberations would extend. The strongest reason for going into a Congress was sympathy for Switzerland. As a matter of European policy, as well as out of regard for the patriotism, the valour, and the virtues of the Swiss, it was necessary that the independence and security of that country should be maintained. He acknowledged that in a Congress for the purpose specified—namely, to reconcile the 2nd article of the Treaty of Turin with the 92nd article of the Treaty of Vienna, some conditions and some stipulations might be framed which would not be without advantage. A frontier for Switzerland might be found possessing strong military positions. Their force was by no means contemptible, and if they had such a frontier and the passes of the Alps were conceded

to them, their security, though deteriorated by the annexation, might be maintained. Arrangements might also be made for extending the neutrality of districts round Geneva and for garrisoning certain parts. But after all, the real advantage to which Switzerland must look was the union and concert of the great Powers of Europe in insisting on a guarantee of the independence and neutrality of that country. No one could deny that there had been a gross violation of the joint guarantee of the Powers which signed the Treaty of Vienna. But it was said that the guarantee was not changed, and that France took Savoy and Nice subject to all the stipulations under which Piedmont held them. It could hardly be said, however, that Switzerland was in as good a position as before, and M. Thouvenel himself had shown how untenable was that argument by proposing that the neutralized portions should be ceded to Switzerland. Looking to the position of Europe and the state of public opinion in Europe he thought that before they went into Congress to sanction what had been done they ought to have previous concert with the other Powers, of which he could find no trace in the papers which had been produced. The serious question was, whether in a Congress means might be taken to restore confidence and tranquillity. Look to the State of Europe. To whom were we to look to restore tranquillity and confidence to Europe and above all to France? What was the present condition of this country? Why, we were become a military nation; we were thinking of nothing but armaments, defences, volunteers, and militia. Why was all this? What was it about? Were the Estimates peace Estimates, and could England be said to be in a condition of peace? He said that neither were the Estimates peace Estimates nor were they in a condition of peace. They were in a position of suspended hostilities, and he wanted to get out of that position as soon as possible. He therefore thought it best to speak openly and frankly to the French Government, and to invite France to give us as well as Germany such assurances—practical assurances—as would tranquillize the public mind. The warlike excitement was not unfounded and the preparations were not unnecessary. They were unnecessary with regard to an invasion, because he was perfectly convinced that no Prince in his senses would think of that, and that an invasion of this country would never take place. People talked of the Volunteers showing our strength—it might be said *ex pede Herculem*. But he thought we had yet done nothing to show our real strength, for what were 130,000 or 135,000 men under arms, when, if an invasion were threatened, a million of men would be found on our coasts at forty-eight hours' notice, if the railways could carry them, able to work with their spades or shoot with their guns in the national defence? No man of ordinary sense or capacity would now think of invading England. But he could not deny that, looking to the general state of Europe, they were under the necessity of making preparations and bringing the expenditure to an amount not characteristic of a state of peace but of a state of suspended hostilities. What was the meaning of the Imperial visit to Baden? This meeting of crowned heads ought not to have been necessary. The motive assigned for the meeting of the Emperor of the French and the Princes of Germany at Baden was that the Emperor desired to render personally such assurances as would tranquillize the public mind of Europe, and remove the commercial stagnation which prevailed. That might be well; but what was the cause of the general uneasiness and apprehension? Notoriously it was this very treaty for the annexation of Nice and Savoy to France that had surprised and alarmed Europe, and caused every one to ask what was to happen next. Where a Government undertook the censorship of the press it could not avoid being responsible for the tone which that press assumed; and in the language of the French newspapers and pamphlets of the day would be found one of the chief causes of the excitement and anxiety which prevailed as to the future policy of France. The writer of *La Prusse en* 1860 assigned to Prussia the great task of establishing national unity in Germany. In *La Question Irlandaise* it was admitted that this might not be just the moment for European intervention to restore to Ireland her national position; but, at the same time, Ireland was assured that her cause deserved sympathy, and significantly reminded that the interest of France was wherever there was a just and civilizing cause to be assisted. In another pamphlet the writer warned England that it was only by an intimate alliance with France that she could hope to preserve her maritime grandeur; and hinted that, if she objected to justice being done to France upon the

Rhine, the result would be an alliance between the Emperor and the Czar, which would be fatal to our naval power. The remarkable feature in all these productions was that the men who wrote them never seemed for a moment to imagine that things could be allowed to continue as they were, and that France and England could remain quiet. No one could forget how useful had been the good understanding with France that had existed for the last thirty years; and if France would only be content to leave what was moderately well alone, and abandon the idea that her interest was to meddle wherever a civilizing cause required assistance, tranquillity would be restored to Europe, and the alliance between France and England would become as cordial and intimate as could be desired. But it was impossible for England to go hand in hand with France when we were asked to enter on a course of policy which set at nought the security of treaties and the good faith of nations, and which might lead us to the subversion of all existing arrangements. He maintained that before we entered any Congress we ought to have a distinct understanding as to the tone which was to be assumed and the principles which were to be recognized. There was a recent example which warranted us in demanding some assurance on this subject. He did not ask the Ministers on the Treasury bench to confirm the truth of what he was about to relate, but he should be surprised to hear any of them contradict it. He had it, not from an official source, but upon authority so good that he could not doubt it. He was informed that when the Emperor of the French proposed to meet the Prince Regent of Prussia in Germany, the Prince with that candour and sincerity which was a part of his personal character, as it was also, he believed, of his public policy, at once made it a condition of the proposed meeting, that if any political propositions or considerations were to be deliberated upon, no change of territory whatever should be proposed to him during his stay at Baden. In the same way England had a right to insist upon knowing the principles which were to regulate the proceedings of any Congress to which she was invited. It was for the interest of Europe, and far more for the interest of France, that the present alarm and distrust should cease. There could be no doubt that in effecting the annexation of Savoy and Nice France had committed a serious blunder, and, instead of augmenting, had lessened her influence. No one who compared the influence which the Emperor of the French possessed last December, or even twelve months before, and that which he possessed at this moment, could doubt that it had been weakened by this transaction. If the Emperor wished to recover and increase his influence, he could not do so more effectually than by reassuring Europe as to his future policy, and putting an end to the painful disquietude which prevailed. The noble Lord concluded by moving—

"That an humble Address be presented to Her Majesty for Copy of the Letter addressed by the Foreign Office to the Duke of Wellington in 1815, concerning the Military Frontier of Savoy, referred to in Lord John Russell's Despatch to Earl Cowley of April the 24th."

LORD WODEHOUSE said, that there was no objection to produce the paper to which his noble Friend's Motion referred, but it would be necessary to alter the terms of his Motion, as no despatch from the Foreign Office existed on the subject. The paper to which his noble Friend referred was a letter from the representative of the Swiss Government to the British Plenipotentiary at the Congress of Vienna. It was unnecessary to follow his noble Friend in detail through all the topics of his speech, since a great portion of it consisted of an account of events well known to their Lordships, and the despatches of his noble Friend at the head of the Foreign Office contained a clearer and more authoritative exposition of the policy of the Government than he could possibly give. The main object of the speech of the noble Marquess was to express the objection he felt to a Conference. That being the main point he should confine his observations to it. It was necessary to bear in mind the circumstances under which Her Majesty's Government had consented to enter into a Conference, and it was singular that his noble Friend, with his knowledge of the subject, had omitted the most important consideration of all, namely, the wishes of Switzerland herself. No doubt this country was bound to consult the interests and maintain the independence of Switzerland, both as a country in which from the character of her people we took a great interest, and also because her neutral and independent position was necessary as a part of the general arrangements of Europe, and because Great Britain had engaged with other Powers to guarantee her inde-

pendence. Under these circumstances the first question in regard to the Conference was, what were the views of the Swiss Government itself? The Government of Switzerland had given no dubious answer to this question. They sent despatches to all the great Powers of Europe, demanding, in the most emphatic language, that a Conference should assemble. In asking for that Conference they could appeal not merely to the advantage of Conferences in dealing with questions affecting treaties by which the state of Europe was regulated, but they could appeal also to special stipulations as to the manner in which these treaties were to be observed, and these Conferences carried on. The latter point was so important to be borne in mind, that he would trouble their Lordships with an extract from the Protocol of Aix-la-Chapelle, dated November 15, 1818, under which these regulations were made. It stipulated that whenever any of the questions mentioned before, namely, questions affecting the treaty concluded at Vienna, or any discussion between the different Powers occurred, there should be a Conference of the kind now proposed. Article 4 ran thus:—

"Que si pour mieux atteindre le but ci-dessus énoncé, les Puissances qui ont concourus au present Acte jugeaient nécessaire d'établir des réunions particulières, soit entre les augustes Souverains eux mêmes, soit entre leurs Ministres et Plénipotentiaires, respectifs, pour y traiter en commun de leurs propres intérêts, en tant qu'ils se rapportent à l'objet de leurs delibérations actuelles, l'époque et l'endroit de ces réunions seront chaque fois préalablement arrêtés au moyen de communications diplomatiques."

The article referred to the Treaty of Vienna already spoken of; and the Protocol concluded as follows:—

"Et que dans le cas où ces réunions auraient pour objet des affaires spécialement liées aux interêts des autres Etats de l'Europe, elles n'auront lieu qu'à la suite d'une invitation formelle de la part de ceux de ces Etats que les dites affaires concerneraient, et sous la reserve expresse de leur droit d'y participer directement ou par leurs Plénipotentiaires."

Their Lordships would therefore see that the Protocol distinctly contemplated that when any of the States of Europe more particularly concerned demanded a Conference it should assemble. Switzerland, thus, demanded not only on grounds of general expediency that a Conference should assemble, but also on positive stipulations founded upon the Treaty of Vienna that expressly provided that mode of settling the dispute. That being the case, it would not be treating Switzerland with proper regard, and it would be lowering her still further than she had unfortunately been lowered in the eyes of Europe, if, when she appealed to the great Powers to consider her affairs they should reply that although she might think her interests required a Conference, it was not convenient for them to assemble. That, in point of fact, was the view taken by Her Majesty's Government, and these were the reasons why Her Majesty's Government at once stated that they were ready to meet the other Powers of Europe in a Conference. He might, perhaps, confine himself to what he had now stated; but his noble Friend had pointed out some of the inconveniences that might attend a Conference, and although he could not deny that some inconvenience might arise, he thought he might remove from the minds of their Lordships some misapprehensions that prevailed on this subject. His noble Friend had insisted on the necessity of making previous conditions before entering upon a Congress; and what were the previous conditions he required? Neither more nor less than that Her Majesty's Government should concert with the different Powers of Europe, excepting only France, to impose on France a particular policy. It was, however, obviously impossible for a Conference to lead to any good result if it were preceded by a condition such as that. If, on the other hand, Her Majesty's Government agreed with France as to the conditions on which the Conference should be held, that would be begging the whole question, and such a Conference would be merely a court for registering the decrees that had been already settled. His noble Friend said, that the whole fabric of European treaties had been shaken and disturbed by the change now made in the territorial arrangements fixed by the Treaty of Vienna; and he said he wanted to know why conditions were not obtained from the French Government previous to entering upon the Conference, by which that Government should bind itself to make no more such territorial changes, and especially that no changes should take place on the particular grounds and reasons alleged for this change of territory. He begged to tell his noble Friend, however, that if Her Majesty's Government were in a position to exact such a condition it would be the greatest mistake to do so, because what possible guarantee could they have more complete and efficient

than the treaties that already existed? The present territorial arrangements of Europe rested not upon Conferences, but upon the express conditions of treaties, and what Her Majesty's Government and all the Powers of Europe had a right to ask was that these treaties should be maintained and observed, and it would be a matter of great regret if any other interpretation were given to these treaties. His noble Friend did not deny that guarantees might be given to Switzerland, that changes might be made in the distribution of her territory, that stipulations as to the occupation of a portion of the Swiss territory of Savoy might be taken into consideration, by which the position of Switzerland, if not entirely secured, might yet be materially improved. But his noble Friend went on to say that the true security of Switzerland was in the union of all the Powers to maintain the guarantee of her independence. He agreed with his noble Friend that that was her true security, and if that union had been maintained their Lordships would not now be discussing the question. But the difficulty was to maintain that union. Some of the other Powers of Europe, moved by other considerations, might not take the same view of the affairs of Switzerland that they had hitherto done. That was the case with the Russian Government, which, speaking through Prince Gortschakoff, thought the matter of less importance than Her Majesty's Government held it to be, and declared it was a matter of comparatively little consequence whether Switzerland had a little more or less territory. His noble Friend said, and he entirely agreed with him, that the position of Switzerland, as regarded other Powers, was based on the treaty by which her neutrality and independence were guaranteed. Still, there were supports and props that might assist in that basis being maintained, and these were that Switzerland should be in such a position that no Power should lightly attack and destroy her before any of the other Powers could interfere for her defence. In fact, the independence and neutrality of Switzerland were strengthened by the Treaty of Vienna, by the territorial position that was secured to her on her frontiers. The question had been so much discussed both in and out of Parliament that it would be familiar to their Lordships; but he would venture to point out what the position of Switzerland really was. One argument used to show that the position of Switzerland was not materially weakened was singular. It was said that she was weak on one of her frontiers, and that it would not weaken her by altering her position on the south. It was perfectly true that the frontier of Switzerland was not satisfactory on the side of Gex, and anybody who looked at a map would see that whereas the Lake of Geneva was formerly exposed on one side only, now it was exposed on both sides. No one could affirm that by entering the Conference such concessions would be obtained as would secure for Switzerland all that she required, or that the friends of that country might desire for her; but, at all events, an opportunity would be given for complete and free discussion, and if it should unfortunately happen that no agreement was come to, Switzerland would be in no worse position than she was now in. His noble Friend said by going into the Conference they would do nothing more than ratify the treaty. He (Lord Wodehouse) did not see why it should be assumed that they would ratify the treaty by meeting in Conference.

THE MARQUESS OF CLANRICARDE explained that he did not say that they "would," but that they "might" ratify the treaty.

LORD WODEHOUSE certainly understood his noble Friend to say that they would ratify the treaty; but he was prepared to say they would do no such thing by such a meeting. The French Government put the matter in this point of view. They said the Conference must meet to reconcile the 92nd Article of the Treaty of Vienna with the 2nd Article of the Treaty of Turin. Some people said that this was too narrow a basis of discussion; but if these two articles were to be considered they would open the whole question, and there was nothing whatever to prevent the Powers represented at the Conference making any proposal they might think fit. He thought he had explained that there were some good reasons for going into the Conference; and he could not see those dangers ahead which his noble Friend had pointed out. He would refer to what might be the alternative. His noble Friend had spoken at some length of the disquiet that unfortunately existed, not in this country only, but in other countries; and he seemed to think that that disquiet would be increased by this Conference. But he (Lord Wodehouse) thought that if such changes were to take place as had been made by this treaty between France and Sardinia without there

being any discussion of them by the other Powers of Europe who were parties to the Treaty of Vienna, it was very possible that the disquiet would increase. Persons might naturally say there had been one change, and the Powers of Europe had not taken any steps with regard to it, and therefore other changes might take place with the same result. He did not mean to say that, supposing the Conference were to meet and separate without any such result as was desired, that would be a convenient or satisfactory position to be in; but he maintained that not to go into a Conference would be as dangerous as it would be impolitic, and would be to disregard the expressed wishes of Switzerland. His noble Friend spoke of the understanding which had been entered into before the late war, and he traced the course of events which had followed. It was not for him to praise the despatches of his noble Friend under whom he was happy to serve, but he was glad to find that the views taken by his noble Friend were approved by the noble Marquess. All he could say was that his noble Friend had shown us by his despatches that he was sensibly alive to the gravity of this question—that he felt the importance of maintaining the territorial position of Switzerland, and also felt that a serious inroad had been made on the territorial arrangements of Europe. It was useless to discuss what were the motives of the different actors in this matter; but one thing was perfectly certain—that the treaty which had been concluded, and by which Savoy had been transferred to France, had altered—materially altered—the position of Switzerland and greatly diminished the safety of that country, while it had given a precedent of a dangerous and unsatisfactory character to Europe.

THE MARQUESS OF NORMANBY said, he thoroughly concurred in one observation made by the noble Lord who had just spoken, that some attention ought to be paid to the wishes of Switzerland on this question; but he could not concur in the observation that the position of Switzerland was worse than before. On the contrary, he believed that the gallant stand made by her had raised her in the estimation of Europe. While however he said that he was inclined to go into a Conference, he by no means meant to say that any good would come from a Conference. He would not dispute the eulogium that had been passed on the skill and talent of the noble Lord the Foreign Secretary, as dislayed in his correspondence on this question; but he must say it was the misfortune of the noble Lord that in none of his despatches did he exhibit any settled plan of action, and that they did not carry conviction to the mind of any person to whom they were addressed. He thought there was an unreasonable amount of alarm as to the point which referred to the south side of the Lake of Geneva. Had this entire question been taken up when the option to do so was offered by Count Walewski last year, the Government would have been better able to meet the difficulties of the case than they were now, because at that time there had been no vote on the subject, whereas now there had been two votes which showed the feelings of the population—the first for the election of Members to the Sardinian Chambers, when five out of the six Deputies were in favour of annexation; and the other the vote by universal suffrage in favour of the annexation. He would not be suspected of thinking that any settled form of Government should be changed by any sudden ebullition of popular feeling and universal suffrage. The Government had, however, encouraged this mode of procedure in certain parts of Europe, and surely they would not say that an appeal to universal suffrage was only to be adopted in cases when it was directed against existing Sovereigns in Italy, and not to be applied to the case of Piedmont? The noble Marquess praised the despatches of the noble Lord the Foreign Secretary, but he would tell him that the despatch which in his opinion most merited praise was that in which he stated that if the King of Sardinia bargained away and sold the ancient cradle of his illustrious race it would for ever remain a blot on his escutcheon. He wished now to refer to some dates. On a former occasion, when he had put a question to his noble Friend opposite (Earl Granville) with reference to the rumoured annexation of Savoy to France, the answer was that the Government were in possession of no information on the subject, while it appeared that on that very day, the 27th of January, the first convention for the transfer of Nice and Savoy to France was signed. Now, if that were so, the act had been done some days previous to that on which Count Cavour made that unfortunate declaration to the effect that Sardinia would never either sell, barter, or exchange any portion of her territory. He might add that Earl Cowley, in his despatch of

the 5th of February, stated that Count Walewski had informed him that if Sardinia were aggrandized by the acquisition of the Duchies, it must be at the cost of Savoy. He had, however, never been able to obtain any satisfactory explanation why that despatch did not arrive here until the 8th of February, thus taking three days instead of twelve hours to reach London from Paris. He had, however, put that question when our Ambassador was present in his place. He wished further to observe, that a despatch had been received at the same time from Sir James Hudson which contained a statement to the effect that he had had a conversation with Count Cavour, in the course of which Count Cavour had intimated that the Government of Sardinia had not the slightest intention of exchanging or selling Savoy. Now, that being so, he wished to know how his noble Friend (Earl Granville) had been enabled, in his observations in reply to a Motion which he (the Marquess of Normanby) had submitted to their Lordships on the 7th of February, to state the purport of a despatch from Turin which did not reach London until the following day?

EARL GRANVILLE: I may have got the intelligence by telegraph; but of this I am perfectly sure, that the information which I gave must in some way have reached the Government.

THE MARQUESS OF NORMANBY: I should like to have some explanation with respect to the delay which occurred in the case of Earl Cowley's despatch of the 5th of February, which did not arrive until the 8th.

LORD WODEHOUSE observed that Earl Cowley frequently dated his despatches two or three days before he transmitted them to London. It should also be borne in mind that messengers did not start every day for the purpose of conveying them. The despatch was certainly received on the 8th.

THE MARQUESS OF NORMANBY: He was at a loss to understand why upon the particular occasion to which he alluded—and that a most important one—a delay should have occurred of which he believed there was no similar instance. But, passing from that point, he wished to observe that, however anxious he might be to see the independence and neutrality secured, the despatch of the noble Lord the Secretary for Foreign Affairs to Earl Cowley on the 15th of May did not quite meet his views on that important subject. He, therefore, hoped that if Her Majesty's Government entered into a Conference they would not insist upon a solution of the question, in advocating which it was evident they would not be supported by the other European Powers. As this would probably be the last opportunity which their Lordships would have of discussing the subject before Parliament re-assembled, he would say that he did not think Her Majesty's Government had approached this question in a proper manner, or at the proper time. In the autumn of last year they were engaged in endeavouring to abrogate the Treaty by which the peace of Europe had been established, and later on their action in their dealings with France was not a little embarrassed by the proceedings of the Financial Minister, whose schemes had for a time met with support, but now that the truth was known, they had been emphatically condemned by the country.

LORD STRATFORD DE REDCLIFFE said the subject which had been brought under the consideration of the House by the speech of the noble Lord who introduced the Motion, and of the noble Lord on the Ministerial Bench, was admittedly one of the most extensive and important that could engage the attention of their Lordships. He was nevertheless inclined to think that no disposition existed to entertain it at any considerable length; no one had yet risen from the Opposition benches, and nothing had occurred to give to the Debate a comprehensive character. What little he had to say might have been postponed, if that were not, as his noble Friend had just remarked, the last opportunity which would probably be offered of expressing an opinion with reference to this question in the present Session of Parliament. He admitted the force of some of the observations which had fallen from the noble Lord the Under Secretary for Foreign Affairs in support of the view taken by Her Majesty's Government; but at the same time the subject was so much beset with danger, in everything connected with it there were points of such great delicacy, and so little certainty existed as to the results of the Congress, that he must confess he should have been more gratified if he had learnt that there was an intention of coming to an understanding with France before any further steps were taken. On going into a Congress we should be exposed, by the line which we adopted, to the painful

alternative either of appearing to give our sanction to the annexation of Savoy to France, or of increasing that coolness and estrangement which had lately taken place —he regretted to say, on very sufficient grounds—in the alliance with France, and thereby expose ourselves to inconveniences and incur hazards to which the country could not be blind. The nation was bound, as far as was consistent with the maintenance of its own interests and dignity and honour, to preserve that state of peace and friendly feeling which at present existed between this country and France; but he was unable to go to the same extent as his noble Friend, who, in opening the discussion, said that it was for the permanent advantage of this country to maintain a close alliance with France. If any receipt existed for producing constant quarrels in Europe it was, he believed, the attempt to bind together in bonds of constant alliance two countries, however connected their interests, which differed so widely in character and had such distinct aims and associations. In proportion to the endeavours made to keep up a constant, close, and formal alliance the tendency would inevitably be towards its severance. A consistent disposition to conciliate to the extent permitted by the honour and interest of both nations would, he conscientiously believed, be much more conducive to a lasting good understanding than such a close and intimate alliance as was contemplated by the noble Lord. The attitude to which he alluded did not prevent, and need never prevent, such occasional understandings as existed at this moment with regard to the course to be pursued in a distant part of the world, or which might exist with reference to another part of the globe not so remote, but still distant from this country. But it was his firm conviction that strict alliances were neither for the interest of England nor of France itself; a state of amity and mutual co-operation according to circumstances and the changes effected by time, would be a policy much more highly deserving of commendation. A Conference was stated to be required in the interests of Switzerland with a view to restore that country to that state of political security and neutrality which was guaranteed to it in the settlement of Europe in 1815. No man could admire more than he did the conduct of that distinguished confederacy. Connected as he had been in former times with that country, and having then had the opportunity of remarking the historical virtues of the people perpetuated through so many generations, and so nobly shown on every occasion when their rights or independence were assailed, he could not but feel satisfaction at the reasonable nature of their demand, and he trusted, therefore, that we should not overlook the obligations we had for stepping forth in defence of her rights, and for extending, as far as we properly could, consistently with the principles of non-intervention, the countenance of this country to the position which Switzerland had taken up. Though her name had been mentioned in the course of the Debate with respect and friendly feeling, he did not think justice had been done to the position in which she stood, or to the great qualities which her inhabitants had shown, partly from their own zeal and energy of purpose, and partly from the complicated situation of European affairs, in exposing themselves to positive danger. When they saw a country with such a limited population bringing forward 100,000 men ready to take the field, with a proportionate amount of artillery, (respecting the existence of which there could be no doubt, as not many years had elapsed since it made its appearance), and when they learnt on good authority that the Swiss were prepared to support that force if necessary by a fresh demonstration of equal magnitude, it was impossible, considering the extent of their means and the dangers to which they were exposed, not to entertain the highest opinion of that country. They were but exhibiting in the present day the same heroic firmness and the same attachment to their principles which centuries ago led them to place themselves in opposition to the enormous armies of Austria, to vindicate their independence, and to establish that confederacy which, in its long duration, had never failed to command the respect of Europe. It was impossible to deny that, in addition to the efforts of the Swiss, and to the prepossession we might have in their favour, the neutrality of Switzerland as guaranteed by the Treaties of Vienna was intimately connected with the interests of Europe. Undoubtedly the acquisition of Savoy by France altered the position of Switzerland towards Europe, and compromised the great European interests which were connected with her safety. He had never acquiesced in the opinion, formerly expressed in that House, that the acquisition of Savoy by France was a light matter, especially considering the degree

of power to which France had attained—a degree of power which, if not exercised with the greatest discretion and with a regard for public principle, must place Europe in a state of jeopardy and alarm. Nothing which occurred to alter the relative proportion of one country in Europe to another could be so esteemed, and such annexation tended to keep Europe in a constant state of fever and anxiety. It was estimated that the population of Savoy was about half a million; such an addition to the population of France would not of itself affect the general interests of Europe; but the addition of a country like Savoy to France, the manner in which it had been carried out, and the motives assigned for it, undoubtedly gave grounds to Europe for mistrust and apprehension, lest similar projects might be entertained, and fully justified the alarm which Switzerland had expressed. Under these circumstances, all men naturally looked for some means for removing the causes of European anxiety, for giving security to Switzerland, and, if he saw any prospect of a conference bringing about those objects, he should be one of the first to support it. There was sufficient ground for apprehending, however, that whatever might be the hopes of the Government, and however anxious they might be to carry out their European policy, the result might be one which would increase the difficulties and complications of the situation. It might be that the alternative would be presented to us either of losing what remained to us of our friendly position towards France, or of appearing to give our sanction to an arrangement which would lead to the evil consequences he had already described. Before entering into a Conference we ought to have an understanding with France, that, if it should unfortunately be found impossible to effect an arrangement which would give security to Switzerland, at least we should not be taken to give our sanction to the principles on which the annexation of Savoy had taken place.

LORD BROUGHAM said, he entirely approved the decision of the Government to enter into a Conference. He had always expressed his disapprobation of this annexation, from its origin in a war without a pretext and without a justification to its accomplishment; and, though he allowed that the Savoyards and the Nizzards had the fullest right to manage their own affairs, to have what sovereign they chose without foreign interference, yet that was a very different thing from admitting their right to annex themselves to a foreign Power, even by an unanimous vote fully and fairly taken, which he could not allow had been the case in this instance. Nothing would be worse than that the annexation should take place against the wishes of the people; but their wishes for it gave no ground for other Powers agreeing to that annexation. He did not believe that France had gained any such additional strength, either strategical or territorial, as need give any material ground to the other Powers for objecting to it; nevertheless, the assent of the other Powers ought to be sought, and the means of giving it would, no doubt, form a fit subject for discussion in the Conference. Much complaint was made on the other side of the water of France being suspected; but the best way for a country to avoid being suspected was to pursue a course of conduct which was not auspicious. A constant good understanding between France and England was the greatest blessing which could happen to both countries and to the peace of the world in general. A strict alliance between them was a very different matter, though there might be occasions when it would be of the greatest importance that they should act in alliance with each other. He hoped nothing would interfere with the present peace of Europe, but the best course to render that peace secure was a cordial understanding between those countries which suspected a certain other Power, or felt it necessary to be on their guard against it, and in each of those countries at home an unceasing, vigilant, and strenuous preparation for the worst that might happen.

Motion *agreed to.*

ECCLESIASTICAL COMMISSION BILL.

COMMITTEE NEGATIVED.

Order of the Day for the House to be put into Committee read.

LORD RAVENSWORTH, who said he had taken charge of this Bill at the request of the Archbishop of York, moved that the House resolve itself into Committee. The clauses of the Bill were a portion of the Government Bill on the same subject which was in the other House; but it was to be feared that that Bill would not come up to their Lordships in time to be passed into law. The present measure was therefore proposed in order to provide a remedy for an evil which had been ac-

knowledged, and he did not anticipate that the Government would oppose clauses which they had already adopted.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE EARL OF CHICHESTER said that, as a Member of the Ecclesiastical Commission, he should oppose the further progress of the Bill. Since it passed the second reading an opportunity had been given for considering what would be the certain effects of the measure. He admitted that the object which the Bill had in view was in itself perfectly just, provided it could be carried out without injury to existing interests. But the Bill would create very heavy charges upon the estates of the Commissioners without making any provision to meet those charges, and would, in fact, create charges which the resources of the present Commissioners would not be able to meet. He must, therefore, move an Amendment that the House go into Committee on the Bill that day three months.

Amendment *moved*, to leave out "now," and insert "this day three months."

On Question, That "now" stand part of the Motion? *Resolved* in the *Negative*; and House to be in Committee on *this Day Three Months.*

House adjourned at a quarter before Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 16, 1860.

MINUTES.] PUBLIC BILLS.—1° Militia Ballot.
2° Landed Property Improvement (Ireland); Local Government Supplemental (No. 2); Theatres and Public Houses; Bank of Ireland (No. 2); Manchester Cathedral Church.
3° Postage (Army and Navy); Nuisances Removal and Diseases Prevention; Common Law Procedure (Ireland) Act (1853) Amendment; Crown Debts and Judgments; Inclosure (No. 2).

VACCINE BOARD.—QUESTION.

MR. BRADY said, he wished to ask, if it be the intention of the Government to institute a Vaccine Board in Dublin similar to that which exists in London? He would also beg to ask the Chief Secretary for Ireland if his attention has been directed to the fact that the Board of the Cow Pock Institution of Dublin charges 2*s.* 6*d.* for two ivory-charged points of vaccine lymph to medical men, whilst the said Board receives an annual grant of £400 for the better supply of pure lymph for the protection of the people?

MR. CARDWELL replied that the institution referred to was one which received a Grant from Parliament, its object being the gratuitous vaccination of the poor; but it charged private persons 2*s.* 6*d.* for vaccine lymph. It supplied Medical Practitioners at 10*s.* 6*d.* and Union Workhouses at £1 1*s.* a year.

DEANERY OF YORK.—QUESTION.

MR. KINNAIRD said, he wished to ask the Secretary of State for the Home Department, Whether it is true that the Income of the Deanery of York has been increased; and, if so, when, and from what time; what was the reason for that increase, and out of what Fund was it made; and whether any record is kept of the names of the Commissioners who attend and vote at the meetings of the Commission?

SIR GEORGE LEWIS said, the Income of the Deanery of York had been increased out of the Common Fund of the Ecclesiastical Commissioners £2,000 a year, by an Order in Council dated the 10th of May last, and printed in *the London Gazette* of Wednesday, the 16th of May. The reason for that increase was a report of the Ecclesiastical Commissioners, and it was the fact that the names of the Commissioners who were present at any meeting of the Commission were recorded.

FORESHORE AT PEMBROKE DOCK. QUESTION.

LORD WILLIAM GRAHAM said, he rose to ask the Secretary to the Admiralty, if he can state whether the Foreshore sold at Pembroke Dock by the Woods and Forests five or six years ago was sold with or without consultation with the Admiralty, and with or without its approbation; and whether any inquiries had since been made with a view to the repurchase of the same?

LORD CLARENCE PAGET said, that in 1854 certain parties proposed to purchase a piece of land near Pembroke Dockyard, and the Admiralty of that day consented to the purchase being made. Those parties were then prevented by circumstances from carrying out that purchase,

but in 1858 they again proposed to complete their purchase. The matter having got into Chancery, some delays took place. In 1858, when the proposal was again made, the Admiralty refused their consent, but it was only fair to state that the Master in Chancery, in whose hands the case had been placed, overruled the objections of the Admiralty, and bound them by their former agreement of 1854; so that in fact this piece of land was purchased contrary to the wish of the Admiralty. There was no intention, however, on the part of the Admiralty to re-purchase it from the parties who now possessed it.

THE BRONZE COINAGE.—QUESTION.

MR. HOPWOOD said, he would beg to ask Mr. Chancellor of the Exchequer, When the Bronze Coinage will be issued?

THE CHANCELLOR OF THE EXCHEQUER said, that owing to the casual absence of the Master of the Mint in the country, he was unable to answer the question with certainty, but he had no doubt that in the course of a day or two he should be able to give the hon. Gentleman the information which he desired. The hon. Gentleman was probably aware that the delay which had arisen was referable to a mysterious secret of art.

SUPPLY.—THE CHINA WAR.—REPORT.

Resolution *reported.*

"That a sum, not exceeding £443,896, be granted to Her Majesty, for Repayment to the Government of India of Advances on account of former Expeditions to China."

SIR JOHN PAKINGTON: It was my intention to have availed myself of this opportunity to notice certain personal references to myself and my colleagues which were made on a former evening by the noble Lord the Prime Minister and the noble Lord the Secretary of State for Foreign Affairs after I had accidentally left the House. I extremely regret that now, at the usual hour for public business (half-past four o'clock), neither of those noble Lords are in their places, and I am therefore unable to proceed with the defence of myself and my colleagues from the imputations which were most undeservedly thrown upon us by both of them. I beg leave to give notice that as the somewhat unusual absence of those noble Lords prevents my making the remarks which I intended to have addressed to the House, I shall upon a future day call their attention and that of the House to this subject.

SIR GEORGE GREY: The observations made by my noble Friend the Secretary of State for Foreign Affairs were made in answer to the noble the Member for Leicestershire (Lord John Manners) in his presence, and in the presence of other Gentlemen who had been colleagues of the right hon. Baronet. So far as they contained any allusion to the right hon Baronet, formerly First Lord of the Admiralty, they were only a repetition in a few sentences of what the noble Lord had said in answer to the right hon. Baronet, and in his presence, a few nights before.

MR. ROEBUCK: As I do not think that the honour of England depends upon the presence or absence of either of the noble Lords I am going to make a few observations upon this Vote. The Vote is to provide for the expenses of the last, and it is connected with the present war in China. Now, I do not want either war to go past without a distinct protest on the part of one Member at least of this House, against its justice. I believe that the House is with me, and I believe that the people of England are with me upon this occasion. They have been misled, but they are not now misled, and if they once understood the origin of this war—for what we carry it on we cannot learn from that (the Treasury) Bench—I think they would be of opinion, as they are of opinion, that this war is utterly indefensible on the ground either of the interest or the honour of England. How did this war begin? It began with an attempt on the part of this country to promote the smuggling of opium. Here comes a very distinct inquiry as to the character of the Chinese, and that of the English people. Now, it is a very curious fact that the Chinese people have no desire to have any communication with us. We have thrust ourselves upon them. The restless spirit of English adventure has led us to China, and we have, thereupon, endeavoured to force our manufactures and our commerce upon a people who entirely repudiate all dealing with us. Now, I want the people of England to recognize with regard to the Chinese the feelings which they entertain with regard to themselves. What would they think if the Chinese said, "We will go to Liverpool and introduce into that port something the entry of which is forbidden?" Suppose that we had arrived at such a point of civilization that we wished not to see our

people drunk, and that we desired to have no importation of arrack. Arrack is made by the Chinese, and opium by the English. Suppose that the people of England desired that no arrack should be imported into Liverpool, but that the Chinese were powerful enough to bring their ships to that port and to introduce arrack in spite of us, what would the people of England say? They would say that these were a barbarous people endeavouring to force upon us, a Christian people, the means of intoxicating our population and rendering them miserable. That is what the Chinese said, and when they said it we turned round upon them and said, "You are a barbarous people." We imported opium, they seized, confiscated, and destroyed that opium, and we, employing the force which what we call civilization gives us, compelled them to pay for it and to enter into a treaty of peace with us. This, Sir, was all before the occurrence of that memorable circumstance at Canton. Now, I recollect that the right hon. Gentleman the Chancellor of the Exchequer, and the Secretary for War, and the noble Lord the Member for London, all expended violent eloquence in describing the horrible abominations of the conduct of the English. Then it was that we bombarded Canton. The right hon. Gentleman asked for what? He never got an answer to that inquiry; I never got an answer to that inquiry. I inquired then, as I inquired the other night, for what was that Chinese war intended,—what did we expect to get by it? The other night I asked the right hon. Gentleman, "If the bombardment of Canton so excited your indignation, how can you support the Administration in asking for these four millions of money to carry on this war?" The right hon. Gentleman said that circumstances had altered. Now, I want to know how they have altered? Let us understand the case. We bombarded Canton and compelled the Chinese to enter into a treaty. The force of cannon cannot be resisted, and they yielded, and said certain things in their treaty. Among others, an Ambassador was to go to Pekin. The noble Lord at the head of the Administration said that when our Ambassador arrived at the mouth of the Peiho treachery was practised towards us. Now, there was no treachery. Stakes were driven across the mouth of the river, and we were told that those stakes were not to be drawn up. We attempted to draw them up; guns were in consequence of that attempt fired upon us from the shore, and we were beaten. I want to know from the right hon. Gentleman wherein the circumstances have altered. According to the violent eloquence of the right hon. Gentleman the origin of that war was unjust. We by superior force compelled the Chinese to make a treaty. Does that alter the character of the origin of the war, which, according to the right hon. Gentleman himself, was unjust? The Chinese entered into a treaty which stipulated that an English Ambassador should reside in Pekin. We determined to go by one way; the people of China said we should go by another. We attempted to carry our determination into effect, but we failed to do so; and now we are sending out thousands of men and spending millions of money in order to enforce a treaty, the origin of which, according to the Chancellor of the Exchequer, was unjust. I want to know what has taken place since to render that just which was originally unjust, and to induce the Chancellor of the Exchequer, in passing from one bench to another, to support that in office which he so eloquently denounced in Opposition. It appears to me that the interests of the people of England, on this question of war with China, are entirely neglected. We are supposed to be at the head of civilization, and to represent justice, mercy, and Christianity. I believe all three are overlooked on the present occasion. Justice, according to the Chancellor of the Exchequer himself, was violated by our proceedings in China. We bombarded an innocent city, and we, having superior power at our command, compelled the Chinese Government to enter into a treaty which it desired not to enter into. The noble Lord at the head of the Foreign Office said on a former occasion we should have no end of the Chinese war. His vaticination has been verified. We shall have no end to the war or to the expense connected with it. England bleeds at every pore—in money and in honour—and the people of England are entirely neglected by the Government: we are degraded by the Ministry which leads us; everything that can possibly militate against humanity and morality is supported by the occupants of the Treasury bench; and we are now setting an example to the world of western civilization entirely opposed to the principles of justice, teaching an Eastern people to believe that Western civilization is Western cruelty and murder. I charge the Chancellor of the Exchequer

and his two noble Colleagues—I charge the right hon. Secretary for war—with having on this question deserted their duty. They began right, but they have changed; and the change which has taken place in them is the result, I fear, of a change in their situation. That which was wrong when they were on the Opposition benches is right now they are on the Treasury benches. It is clear that upon this question honour, justice, and truth are neglected. Ministers defend that which in Opposition they denounced. They are the supporters of murder, of dishonour, of dishonesty, of lying, of everything which when in Opposition they condemned.

THE CHANCELLOR OF THE EXCHEQUER: I am far from deprecating further discussion on this great question, either by the hon. and learned Gentleman or by any other Member of this House. I admit it is a question which can hardly be too much discussed, and with respect to which it is desirable that the people of England should possess the fullest information. I am glad when I hear the hon. and learned Gentleman address himself to the subject, because, however I may deny the justice of his attacks and incriminations, however I may think his arguments cannot be maintained, yet I cannot help respecting the principles upon which he treats it, and his disposition to hold that in our dealings with Eastern and feeble nations we should be as regardful of the principles of truth and fair play as if we were dealing with the most powerful and formidable nations of Europe. I shall not attempt to follow the hon. and learned Gentleman at present, because I think that as respects the merits of the quarrel in which we are most unhappily engaged with China, it is not possible to appreciate them without a very exact and careful consideration of dates and documents, to which the hon. and learned Gentleman has, indeed, alluded, but in terms so general that I think his conclusions are not entitled to the reliance which might otherwise be placed in them. To one principle, however, which the hon. and learned Gentleman has recorded, I must, on the other hand, enter my protest. He states that the war which led to the Treaty of Tien-tsin was in its origin tainted on our part with injustice, and that the treaty itself was yielded by the Chinese to superior force. Upon those points, I am still disposed to agree with the hon. and learned Gentleman; but he infers, if I understand him aright, from the fact that our case was not sound in the origin of the war, that we are neither bound nor entitled to enforce the Treaty of Tien-tsin, and that the Chinese on their part are not bound to observe it. In that proposition I cannot concur. I believe the Treaty of Tien-tsin stands a good and valid international compact. I do not mean to say that if it were a question of pressing to extremes all the terms of that treaty it would not be required by prudence, and even by justice and humanity, to use mildness in the enforcement of those terms, out of a liberal regard to the relative positions of the parties. But I do say that that is not the question upon which we have been at issue with China. The question has been, not whether the treaty has been mercilessly enforced on our part, but whether a treaty which has received in a public declaration the approbation in all its parts of the Emperor of China, should or should not be ratified in the capital of the Chinese empire. That is the question at issue, and the hon. and learned Gentleman must be aware that the ratification of the Treaty of Tien-tsin is the primary object for which the Government have thought it to be their duty to resort to force. As respects the question how far notice was given to us that our Ambassador was not to proceed to Pekin by way of the Peiho—how far we were entitled to use the main road of the empire—how far we were deceived with regard to the fortifications at the mouth of the river, I shall say nothing now, because, as I have stated, I think in order to be fairly judged they must be judged by careful and exact reference to documents, requiring an amount of time which certainly I am not prepared to give at the present moment, and to which the House would not be prepared to listen when it has met for the consideration of other, and, at the same time, very important business. The right hon. Gentleman then stated, in further reply to the question about the issue of the new coinage, that he had just received an official report from the Master of the Mint, informing him that the Mint was prepared to proceed with the striking of the coin almost immediately, but that some time must necessarily elapse after the striking of the coin had begun before the issue could be commenced. About two months would be occupied in accumulating a sufficient number of the new coin to enable the Mint to supply the public demand.

Resolution *agreed to.*

LATE SITTINGS OF THE HOUSE.

RESOLUTION MOVED.

Order for Committee (Ways and Means) read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. NEWDEGATE, pursuant to notice, rose to move—

"That the Rules against proceeding with opposed Notices and Orders after a quarter before Six o'clock on Wednesdays, under the Standing Order of the 19th of July, 1854, be applied to all business standing for Evening Sittings, upon which debate shall arise after One o'clock in the morning during the remainder of the Session."

The hon. Gentleman said the importance of the subject which he had ventured to bring before the House would furnish his excuse for interposing in the progress of the business which stood on the paper for that evening. The number of hours during which the House had sat each day of late, and during the last fortnight especially, in addition to the labour of attending Committees, rendered the matter of much interest to every Member and especially to the Speaker, for whose great exertions during these protracted sittings the House must feel grateful; it was a matter of congratulation that the right hon. Gentleman's health had not suffered in consequence. He felt much diffidence as an individual in bringing this subject before the House; but, perhaps, the fact of his having held for five years one of those nameless but important offices, the due discharge of the functions of which so materially affected the action of the House, had rendered it necessary for him to watch closely the proceedings of the House, might give him some claim upon their attention on the present occasion. Looking at the state of business before the House and to the duration of their sittings, especially during the last fortnight, he foresaw that the measures set down for consideration were likely to be hurried forward during the remainder of the Session in a manner to preclude the possibility of anything like a fair amount of deliberation being given to them. He held in his hand a Return of the number of hours the House had sat from Thursday, the 28th of June, to Thursday, the 12th of July. It appeared from this document that the labours of Members were thus engaged:—

Days.		Adj.	Length of Sitting.
Th., June 28	No morn. sitting	2¼ a.m.	10¼ hrs.
F. June 29	Morn. sitting	2 a.m.	12 „
M. July 2	No morn. sitting	2¼ a.m.	10¼ „
Tu. July 3	Morn. sitting	8½ p.m.	6½ „
W. July 4	Morn. sitting	6 p.m.	6 „
Th. July 5	No morn. sitting	2¼ a.m.	10¼ „
F. July 6	Morn. sitting	3 a.m.	13 „
M. July 9	No morn. sitting	2½ a.m.	10½ „
Tu. July 10	Morn. sitting	1¾ a.m.	11¾ „
W. July 11	Morn. sitting	6 p.m.	6 „
Th. July 12	Morn. sitting	4 a.m.	14 „

On Friday last he believed the House did not adjourn until 2½ a.m. having sat 13 hours. The Notice Paper for that day contained the longest list of Notices within the memory of the oldest Member—it contained no less than 52 Orders of the Day. It appeared to him therefore they were not likely to devote to even a quarter of the business before them anything like reasonable deliberation, nor to continue those protracted sittings with common justice to themselves or due regard to the character of the House. In making those observations he did not intend to cast any undue reflection on the Government, who were no doubt pressed at that period of the year to pass their measures as rapidly as possible and to make up for lost time. Nevertheless, if such a mass of Bills as that presented to them was persevered with, it would be impossible to give them due deliberation, he, therefore, thought that the character of that House as a deliberative assembly was much endangered by the continuance of a system under which such a presssure was imposed. The number of hours which they sat in that House did not represent the amount of labour hon. Members had to go through. They had to communicate with their constituencies, to carry on a wide correspondence, and to devote some time to the study of those subjects before Parliament in order to render them fully competent to discharge their functions properly. In the Motion which he should submit to the House he proposed no absolute limit when the adjournment should take place, as the establishment of a limit of that kind might encourage a practice of speaking against time. What he suggested was, that debates arising previous to one o'clock in the morning should not be interrupted, but that no new debate should be originated after that hour. Under the existing system many of their most experienced and assiduous Members, utterly exhausted by protracted sittings, were compelled to re-

tire at twelve or one o'clock at night, and to leave the most important questions in which they took the greatest interest to be dealt with by a comparatively small number of Members, who, perhaps, represented only a one-sided and partial view of those questions. It should be further recollected, that owing to the fatigue of the Reporters and the limitation of space in the public journals, it was impossible for the public press to publish those past-midnight discussions in such a manner as to convey an accurate idea of the debates of the House. Under such circumstances, the ordinary channel, through which public opinion was elicited and reacted upon the House, was thus cut off, and the House was liable to become the mere registry office for the decrees of the Government, or any sufficiently powerful faction. The proceedings of Parliament at the close of the Session had on several occasions become a mere byword. One hon. Member who had represented a large constituency and was held in much esteem by the House (the late Mr. Brotherton) had made it his special function to interpose at a reasonable hour of the night for the purpose of relieving representatives from their labours. That hon. Member was now no more, and the matter was now taken up by hands too feeble to do justice to it. If that House desired to maintain its character as a deliberative assembly it must insist on not sitting so many hours that Members were necessarily precluded from previously considering the subjects submitted to their consideration. The Government, notwithstanding their means for ensuring an attendance of supporters, were rendered liable, through the paucity of attendance, to be influenced by faction in the most objectionable form. The House, he thought, ought to insist upon not being compelled to sit so many hours as they had been called upon to do lately. Such a system reduced that assembly to a mere skeleton after one o'clock, and exposed the Government to the vexatious opposition of small sections who, influenced, perhaps, by factious or personal motives, often sought to impose, and sometimes succeeded in imposing, upon Her Majesty's Ministers the most objectionable terms.

MR. BARROW seconded the Amendment.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the Rules against proceeding with opposed Notices and Orders after a quarter before Six of the clock on Wednesdays, under the Standing Order of the 19th day of July, 1854, be applied to all business standing for Evening Sittings, upon which debate shall arise after One of the clock in the morning during the remainder of the Session.'"

—instead thereof.

SIR GEORGE GREY said, the subject to which attention had been drawn was, no doubt, one of considerable importance, and looking back at the late hours to which the House had sat during the last fortnight, he was not surprised that the hon. Gentleman had brought it forward. It was, indeed, well deserving of consideration whether by the lengthened sittings which had of late prevailed too great a pressure was not put, not only upon Members, but upon the officers of the House. Still he thought it would be very indiscreet to adopt a stringent rule for the purpose of checking the present practice. The hon. Gentleman suggested that the rule existing on Wednesdays in regard to opposed Orders should be adopted generally on all the evenings of the week. But it should be remembered that on Wednesdays the House rose by a Standing Order at six o'clock, whatever business might be proceeding, and it was obvious that great inconvenience would ensue if on those occasions debates were carried on till six o'clock; and therefore the rule was adopted that any debate in progress at a quarter to six should be stopped and no opposed Order taken afterwards, with a view to leave a margin for the unopposed business. But towards the end of the Session it would become absolutely necessary to take some business which might be opposed after one o'clock in the morning. If the hon. Gentleman's Resolution were adopted, it would enable any Member to postpone any Order by merely declaring that he opposed it. The other morning, five divisions took place on the Motion to introduce the Peace Preservation Act Continuance Bill (Ireland), and the Resolution now proposed would have enabled the very small minority on that occasion successfully to prevent the introduction of the Bill. The House ought certainly to exercise moderation in the hours to which it sat, and opposed business should not, except in cases of necessity, be taken at a very late hour. But neither ought the House to tie its hands in every case by a rule of this kind. He hoped, therefore, that the hon. Gentleman would not press his Motion to a division, or that if he did it would not be adopted by the House, for

if carried it would lead to great inconvenience by the obstruction of public business, and it would only prolong the period, to which they were all now looking forward, when they would be released from their duties by the prorogation.

Mr. EDWIN JAMES said, that whether the hon. Member pressed his Motion to a division or not, he thought the House was much indebted to him for forcing attention to the subject; for nothing could exceed the unsatisfactory manner in which the public business was at present conducted. The Government, who seemed to be now in the habit of withdrawing most of their important measures, constantly put down on the paper Bills which they must feel they would have to withdraw; and other important Bills were brought on under circumstances which rendered it impossible to discuss them properly. For example, the Government gave a pledge that the Poor Law Board Continuance Bill should be brought on at a time which would allow of its ample discussion, and accordingly it came on at twenty minutes to two o'clock last Friday morning. The Corporation of London Reform Bill had been before the House about three months, and had been on the paper, he believed, thirty-two times. Whenever the Government seemed to have nothing better to do, this miserable measure was appointed for discussion, and then postponed every night, not the slightest suggestion being given to Members or others interested in the subject. Night after night Aldermen were brought down from the City, and though it was said there that the Bill must necessarily be withdrawn, its continuance among the Orders occasioned great practical inconvenience. Then there was the Theatres and Public-houses Bill, which was one of considerable importance. This measure was read a first time at a little before three o'clock on Saturday morning, and now the House was asked to assent to the second reading this evening. Altogether, the mode in which public business was now being conducted was utterly unsatisfactory.

Colonel SYKES complained of the course taken with regard to the East India Stock Transfer, &c. Bill, a measure of great importance to the East India Company, who had petitioned to be heard by counsel against it. This Bill was the 24th Order on the paper for that evening.

Mr. E. P. BOUVERIE admitted that Members were now kept in the House till a very late and disagreeable hour; and there was to-night a list of Orders which was the longest, he believed, within the recollection of the oldest Member. But there was an immense mass of business which it was absolutely necessary to dispose of before the prorogation. The reason why all these Bills had accumulated was obvious. One subject at present occupied the attention of the House until twelve or one in the morning; it was debated, and perhaps properly debated, at great length; and then, and not before, came the ordinary business of the sitting, and it was a constant practice now for Members to object to going on with any matters requiring discussion at that period of the evening. The hon. Gentleman's remedy for this state of things would be no remedy at all—it would increase the evil, instead of diminishing it. At present, by dint of severe pressure, some of the necessary Bills of the Session were advanced a stage every night; but if the Resolution were carried, it was a question if any business would be done whatever; any one Member would be able indefinitely to obstruct the progress of a Bill; and though complaints were now sometimes made that the majority were too much in the hands of the minority, under the new system the minority would be armed with absolute power. One cause of complaint had not hitherto been brought under notice. The Lords were in the habit of passing a Resolution every Session, declaring that they would entertain no Bill which was not read a second time by a certain day. That Resolution was, he believed, in part the cause of the present unsatisfactory state of public business. Measures were now brought in early in the Session, in order that they might go to the other House before the fatal day; and business, instead of being distributed over the Session, was all crowded together till something like a dead lock ensued. He looked upon this comparatively recent practice as a great infringement of the privileges of the Commons. Suppose the House of Commons were to pass a similar Resolution, would not the Peers have a just right to complain? The constitutional duty of both Houses was to receive every Bill sent to them at whatever period of the Session, and to pass them if they were proper Bills. This was one of the causes of the evil which had now been growing for many years; but if the Resolution were passed, he believed the House of Commons would be unable to transact any business whatever.

LORD LOVAINE said, the duty of the Lords was to consider properly the Bills sent up to them. How were they to do this if the House of Commons, after passing nearly the whole Session in deliberating, sent up Bills at a period when only the most cursory examination of their provisions by the Lords was possible? He thought the Lords had done well in attempting to make the Commons consider their legislative measures, instead of spending their time in discussing matters that were of comparatively trifling importance. As long as the other House existed, due opportunities of deliberation ought, at least, to be afforded it, pending the course of revolution which some hon. Members opposite seemed anxious to engage in.

SIR GEORGE LEWIS: Even now a minority has great power to obstruct the progress of business; but according to our existing rules the minority must consist of several Members; if the Resolution proposed by the hon. Member for Warwickshire be adopted, it will give an absolute veto to any single Member as to all business after one o'clock. Now, as every Bill, however innocuous, has some one enemy in this House, it seems to me that any Gentleman who objects to any Bill has only to stop here till one o'clock in order to be able to put an end to all further business. Practically this Resolution would enact that at that hour we must invariably close the proceedings of this House. I have heard propositions made at different times in different forms with a view to a compulsory closing of the business of this House at a certain hour. We all know the inconvenience of long sittings, but the House has always come to the conclusion that it is better to trust to the discretion of Members than to lay down an invariable and inflexible rule, and I hope the House will come to the same conclusion now. The hon. and learned Member for Marylebone has made great complaints of the mode in which the Government have conducted their business this Session, and he seems to think there has been something new and unprecedented in the course we have adopted. I can only say we have pursued the same course as is always pursued by the Government. With respect to the London Corporation Reform Bill there has been a necessity for postponing it, and it is not the first or only measure that has been postponed. I have used every exertion to bring it on without success, and I can only express my regret if any Gentlemen have been inconvenienced by my not being able to proceed with it before this time. I had only the option to postpone it or to discharge the Order, and I did not think I was justified in asking that the Order should be discharged. The hon. and learned Member also referred to a Bill relating to theatres and wine licences. That Bill was introduced by me in consequence of an express understanding which had been come to in this House with the hon. Member for Southwark. The Bill now stands for second reading to-night, but if more time is required for considering it I am willing to postpone it. I do not see how that involves any censure upon me. The hon. and learned Member also states that the Government, contrary to an express promise, proceeded with the Poor Law Continuance Bill at half-past two. I believe that Bill was brought in at half-past twelve [Mr. EDWIN JAMES:—"Half-past one"]. I am assured it was only half-past twelve, and I think the House will agree that for a Continuance Bill at this period of the Session that is not an unreasonable hour.

MR. DISRAELI: I have no wish to enter into any recrimination as to the business of this House; but it appears to me that there is one remedy for the existing evil which might be adopted with good effect. What I would suggest is, that Her Majesty's Government should make up their minds now as to what Bills they will proceed with during the present Session. Is it not unreasonable to ask the Government to adopt that course. The business of the House during the present Session has been of no ordinary character; and though, as appears from our papers, it has been only imperfectly transacted, we must remember that very important financial propositions were brought forward, and it is impossible for the Government to dispose of their other measures in a satisfactory manner till their financial business has been gone through. Until their money business is concluded, they cannot exercise that control over the other business of the House which it is desirable they should exercise. Besides, this Session has been a very peculiar one. We had one financial statement that led to many considerable measures; but that, unfortunately—it is not for me now to enter into the causes why—was an imperfect financial statement, and did not place the House in possession of the monetary position of the country. To-night we are to have another financial statement, which will lead to other measures; and I

must remind the House that all of those consequent on the first have not yet been passed. It is therefore quite impossible at this period of the year that we can expect all the important Bills now on the paper to be dealt with satisfactorily. I see on this evening's list the Highways Bill, the Ecclesiastical Commission Bill, the Corrupt Practices at Elections Bill, the Bankruptcy and Insolvency Bill—all measures of very great weight, I cannot see any prospect of proceeding with all those Bills; and I think Her Majesty's Government ought to make up their minds as soon as possible, and communicate to the House the decision to which they shall have arrived with the least possible delay. I cannot agree with the right hon. Member for Kilmarnock (Mr. Bouverie), who on these subjects is very properly considered to be an authority, that the press of business in this House is aggravated by a rule of the Lords. I cannot think that the rule of the Lords which, after all, admits of second readings till the end of the month, has had any ill effect. I cannot but think that the effect of the rule has, on the whole, been salutary. I cannot see that its effect has been to make the Government introduce all their Bills at the beginning of the Session; because I see that many of those now on the paper have been only recently introduced. With regard to the Motion of the hon. Member for North Warwickshire (Mr. Newdegate), I cannot support it, because in my opinion it would only add to difficulties, to extricate ourselves from which we must depend on the good sense of the House and the management of its chief Members. There is only one other remedy—the application to the House of the provisions of the Factory Act might produce an immediate effect. But I prefer to wait another Session before adopting such a course, and in the mean time to trust to the good sense of hon. Members themselves.

VISCOUNT PALMERSTON:—I quite concur with the right hon. Gentleman that it will be necessary for the Government attentively to look over these measures, to see—not which can be postponed without inconvenience to the public service, for I think they are all desirable—but which are least urgent, and may with the least amount of inconvenience be postponed to another Session. Indeed, the subject has already in some degree occupied the attention of the Government, and I hope upon an early day to state the result of our deliberations. The right hon. Gentleman has stated truly enough that this has been a very peculiar Session; and I must remind the House that almost all these important and useful measures were introduced at an early period, only one, I think—the Amalgamation of Forces in India—having been introduced since Easter. It is not the fault of the Government that these important measures have not been proceeded with. In the first place, we had the French Treaty; then the Budget and the measures connected with it; and then, as all Gentlemen will remember, there was a good deal of time consumed in discussing the Reform Bill. I mention that without intending to cast any reproach upon those who contributed to that consumption of time, but simply to prove that it is not from want of exertion on the part of the Government that many at least of these useful measures have not been disposed of. I concur with the right hon. Gentleman in thinking that the Motion before us is not one which it is expedient we should adopt. In fact, I think it would be unwise for this House to bind itself unnecessarily by a fixed rule. We have rules enough already, which are mainly devised to protect a minority, however small, against an overbearing majority; and, although the Government of the day has usually no reason to be particularly pleased with the use that is sometimes made of these rules at three or four o'clock in the morning, yet even that rule, which puts it in the power of any small number of Members to impede, if not to stop business, has the value of protecting a minority against an overbearing majority. Therefore, upon general grounds, I am disposed to object to an innovation of this kind, and, with the quantity of business we have now to transact, it seems to me it would be unwise to fetter ourselves in the way proposed. It is an inevitable consequence if you have a great deal of business to transact, and only a limited time to transact it in, that you must sit late—

> "For the best of all ways to lengthen our days
> Is to steal a few hours from the night, my Boys."

There are many Gentlemen who, if they were not engaged here, would probably be equally out of bed at those hours, and possibly employed in ways not so conducive to the public interest.

MR. HENLEY observed that no one could accuse the noble Lord at the head of the Government of inattention to his du-

ties. It would be well for many, who did not spend a tenth part of the time which he did in the House, to imitate his example in that respect. He (Mr. Henley) did not understand his hon. Friend the Member for North Warwickshire meant to do more than call attention to the subject, as was shown by his moving, on going into Committee on Ways and Means. He thought that all sides of the House would thank his hon. Friend for calling attention to the subject; but he thought it must be left to the discretion of the House to proceed in such a way as to enable them to get through the immense mass of business before them. During the leadership of Sir Robert Peel much progress was made by taking unopposed orders at a late hour, and giving the earlier part of the night to those on which there was a discussion. That plan might perhaps be found useful in the present difficulty. He trusted that his hon. Friend would withdraw his Motion.

MR. NEWDEGATE said, he was not so presumptuous as to endeavour to regulate the House, and withdrew the Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

WAYS AND MEANS.—FINANCIAL STATEMENT.

CONSIDERED IN COMMITTEE.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: Sir, on a recent evening the right hon. Gentleman the Member for Droitwich (Sir John Pakington) raised very fairly an issue with respect to the conduct of Her Majesty's Government in regard to the finances of the country. He said that with the state and prospects of the public expenditure it was not just for them to have dealt, or, as he expressed it, to have tampered with those finances in the month of February. I now refer to that statement of the right hon. Baronet for the purpose of saying that I think there can be no more proper subject of discussion; and, possibly, we may have opportunities of discussing it in passing through their various stages any measures connected with the Vote for the expenditure in China; but with these matters of attack and defence I have no concern to-night. I shall confine myself, and confine myself strictly, as in duty bound, to matters of business and to the provision which Her Majesty's Government propose to the House to make in order to meet the expenditure that has been voted in Supply. The Committee will have perceived that there stand in the paper two notices in my name: one of them is a notice to move Resolutions which are not printed; the other is a notice to move Resolutions which are and have been printed for a length of time. The former relates exclusively to the means of providing for the recent Vote with respect to China; the latter, on the contrary, constitutes that portion to which the right hon. Gentleman the Member for Buckinghamshire has just alluded—that which has not yet been sanctioned by the House, of the financial measures of the month of February. The latter I dismiss entirely for the present, and I confine myself in my present remarks to an explanation of the former.

And first, Sir, I wish to lay clearly before the Committee the exact state of the case with respect to the charge, so far as we are able to state it, that has now been incurred in regard to China; because on a former evening (for which I have myself either wholly or in some degree to blame), I do not think it was quite clearly apprehended, and the Government are very desirous that no misapprehension should exist. In the month of February we made provision for the China war as follows:—For a sum of £850,000, to be charged upon the finances of the year—that is, the expiring financial year 1859-60—and for a sum of about double that amount, £1,700,000, to be charged on the Ways and Means of the financial year about to commence — the year 1860-61. These sums together—for the sake of clearness I shall speak in round numbers amounted to £2.550,000:—and that was the whole provision which we proposed to the House to make on account of the expedition to China while it was still an expedition only, and before we had any knowledge that it would necessarily have to conduct warlike operations. The sum that is further now proposed on account of the warlike operations of the same expedition is of nearly the same but of a somewhat greater amount—that is, a sum of £2,850,000. The Vote that is on the table is, indeed, larger than this; but it includes two items that are not comprehended in the figures I have just stated. It includes a sum of £500,000, for which provision was made in the financial arrangements of February, though the Vote in Supply was only taken

last week; and it includes also a sum of £450,000 on account of the previous war in China—that may be called the war of 1857—a charge of which we had no knowledge that it would accrue in February, and for which no financial provision had hitherto been made. Therefore, Sir, the whole charge of this expedition to China arising from the occurrences at the mouth of the Peiho down to the present period, as far as Her Majesty's Government can state or can conjecture it, is £5,400,000, to which has to be added the sum of £450,000 due for the former war. And perhaps it may be a matter of interest to the Committee that I should state, in passing, the expense of a former war with China, in order that we may understand, along with other matters applicable to the subject, the tendency to a great increase of charge which is attendant on the course of our present operations. The war of 1840 must, I think, have lasted for between two and three years. I believe Sir Henry Pottinger's treaty was a treaty of 1842; so that that war extended over about two years and a half. The whole expense chargeable for it to this country was no more than £3,200,000. Thus, the total expense chargeable to the country for that war, carried on for the length of time I have named, was no more than £700,000 in excess of the sum which Her Majesty's Government invited this House to provide for the present expedition even when the occurrence of a war was a matter entirely problematical. The whole expense of that war was somewhat more, because a portion of the charge was borne by the East India Company; but the entire expense was only £4,200,000—a sum less by £1,200,000 than that which the House will have to provide—I may say has provided, or at least consented to charge in the present Session, on account of the war now commenced in China. This is the state of the case as regards the amount of charge—namely, £5,400,000 on account of the present expedition, and £450,000 on account of the war of 1857; making together £5,850,000. I have no means of stating to the Committee what has been the total charge of the war of 1857, because, although there were certain Votes not amounting to a very large sum taken specially for that war as Votes of Credit, yet the main portions of the expense were probably borne upon the Estimates under the ordinary heads of charge, and I have no means of separating them from what was due to the general service of the country. With respect to the mode of provision that has been adopted by the Government and proposed to the House, in regard to the portion of charge which was made known to the House, and was within the knowledge of the Government in the month of February, it is as follows:—£850,000, as I have stated, was charged upon the finances of 1859-60. Happily, the provision made by the House in July last for the expenditure of that year was so liberal that the whole of that £850,000 has been paid from the produce of taxes, and not out of temporary resources. It pleased the House towards the close of the late Session to supply us with temporary means, in addition to the taxes which were then voted, by taking up one of the terms of the malt credit. The proceeds of that operation were somewhere between £800,000 and £1,000,000. But the revenue of the year was so productive that even if that malt credit had not been granted we should have been able to pay the additional charge required in the autumn on account of China, and still have had a surplus. As it was, notwithstanding the considerable addition which was made at so late a date to the charge of the year, by taking £850,000 for the Vote of Credit, the surplus of income over expenditure on the 31st of March amounted to no less £1,587,000. Therefore, Sir, it may be justly said, as respects that sum of £850,000, that full provision was made for it out of the taxes of the country. The temporary resource upon which we were enabled to draw by calling up the malt credit, together with the £250,000 which came in as a casual and unexpected payment from Spain, and was applicable to the charges of last year, both contributed to swell that surplus of £1,600,000, and were, therefore, in fact, made applicable to the reduction of the debt of the country. With respect, Sir, to the £1,700,000 which Her Majesty's Government proposed to charge upon the finances of the present year in February last, the case stood differently. I cannot say that we proposed to provide for more than about £500,000 of that sum out of the taxes of the country. For if, on the one hand, we deduct that charge from the anticipated expenditure as it then stood, and if, on the other, we deduct from the anticipated revenue the proceeds of the malt and hop credits and the further payment from the Spanish Government, the case stands thus:—That

each of those two sums very nearly balances the other, the charge for China being £1,700,000 and the joint amount of the malt and hop credits, with the Spanish payment, being about £1,650,000. It follows, therefore, that the provision made by means of taxation to meet any expenditure on account of China, according to the plans of the Government as explained in February last, was very little more than the surplus of the revenue over the expenditure which was then stated upon my Estimates, or, in round numbers, about half a million of money. So stands the case, Sir, as to the provision made for that portion of the charge for the China expedition which the House was invited to take into consideration in February last.

I now come to the question how we were to make provision for the remaining portion of the charge. That remaining portion is £3,300,000, the Vote authorized last week being £3,800,000; £500,000 of that sum having been included in the financial statement of February, and in the provision that was then made. I have therefore to go back to the period of February as the basis of my calculation of the means by which this sum is to be provided. And there is no reason, I think, why I should depart from the Estimates either of revenue or of expenditure which I then made. As respects the revenue of the country, estimating it by its proceeds up to the close of the month of June, I think, considering the circumstances, the condition of that revenue is eminently satisfactory. It is very difficult,—indeed, it would be hazardous, to form an anticipation of the year's revenue from the revenue of the quarter, especially, too, in a year when very considerable changes, reductions, and commutations, so to call them, of taxes have been made. But the result of it, I think, entirely comes up to, and even exceeds, the expectations of the Government. Still I should not recommend the Committee, and should not view it as consistent with the rules of prudence, to improve upon the estimates of revenue which I ventured to submit in February. Because there is, in the first place, a tendency to partial stagnation in some descriptions of business, connected either with the actual condition of the times or with the temper in which men's minds are disposed to view them; and there is likewise the important element of the harvest, which must certainly be late, and may too probably be defective. All these influences, though they might not act very seriously upon the anticipated amount of the public income, I think would render it unsafe for us to make those additions to the Estimates of February which, under more favourable circumstances, I should not at all have hesitated or scrupled to recommend.

Then, starting from the revenue of February last, I have now to state to the Committee the manner in which the Government propose to provide for the charge which has just been authorized in Committee of Supply. The total of that charge is £3,800,000, taking the Votes as they stand and as they have just been sanctioned. I first set aside or deduct from that amount the sum of £500,000, which, as I have already stated, was included in the provisions of February last. I then come to the question how far the small surplus which was then estimated as likely to arise upon the revenue of the year over the expenditure remains still available. That surplus, as was to be expected, in the course of long and detailed financial discussions almost of necessity involving a variety of changes more or less important, while the measures of the year were passing through this House, has undergone some vicissitude. It is not, however, altogether disposed of. I cannot undertake to enter into very minute details with respect to the estimates of minor taxes, in regard to which great exactitude and great confidence in each particular are totally impracticable, and where the best that can be hoped is, after using every care and attention, that the general result may not be far wide of the mark. Proceeding upon that principle, I should say that we stand thus with respect to the surplus which I estimated in February last:—I then placed that surplus at £464,000; but in the estimate for the collection of the revenue which was furnished to me at that early period, and which did not take into consideration the practical effect of some of the financial measures of the year, particularly of the increase of the income-tax, there was an error which is not immaterial. That estimate of the expense of collecting the revenue was too low by above £200,000. The Committee will also remember that an important item in the general result of the revenue was made up of a variety of new charges which were about to be imposed. In the course of the discussion of those charges, with a view to mitigate their pressure, especially upon the commercial community, who were called upon

to submit to a number of minor taxes falling almost all of them directly upon the profits of trade—with a view to making those charges as little onerous as possible, various modifications were introduced which led upon the whole to a loss, as compared with the estimate which I made in February, of £180,000 a year. Taking these two items together on the adverse side, they require us to deduct from a surplus of £460,000 about £400,000. On the other side of the account, whereas it was first proposed that the abolition of the paper duty should take place from the 1st of July, it was found more convenient for several reasons that it should be postponed till the 15th of August, and the effect of that postponement was to relieve the Exchequer by a sum of about £200,000. Therefore the total loss upon the surplus estimated in February is about £200,000. After balancing the various items which I have mentioned, there remains about a quarter of a million, or to be more particular, £264,000, which is avilable in part to meet the charge of the China Vote. I come, then, now to the proceeds of the paper duty, presuming that it shall be the pleasure of the House that it should be retained throughout the financial year. If that be so, of course it will make an addition not immaterial to our resources. The loss estimated to arise upon the paper duty, as its abolition was proposed in February, would have been £1,000,000. The loss which would have arisen from abandoning that duty, according to the terms of the Bill which passed this House, would have been 800,000. I cannot say how much of that will be recovered in consequence of the rejection of the Bill. I doubt whether the whole of it will; but I think it very possible that £600,000 may be recovered. Perhaps we may take it at £700,000. That is upon the presumption that the duty remains payable until the close of the financial year; and therefore, if it is the pleasure of the House that that duty should continue to be levied throughout the financial year, a sum of £700,000, in addition to the amount which I have previously named, may be taken as available in part to meet the charges of the China Vote. The three items which I have mentioned — £500,000, £264,000, and £700,000—give a total of £1,464,000; and, deducting that from the whole sum which the House has voted in Supply—£3,800,000, there remains to be provided a sum of £2,336,000, to which I have now to invite the attention of the Committee. Out of the amount already provided—£2,664,000, a sum of £1,478,000 has been taken out of the taxes of the respective financial years, and a sum of £1,186,000, according to the statement made in February and the plan then proposed, would not have been taken from the taxes of the year, but would have been chargeable upon those extraordinary resources which Her Majesty's Government invited the House to call in aid, under the peculiar circumstances of the time. We propose to apply to the sum which we still require the same principle of a divided method of provision which we adopted in regard to the sum with which we have already dealt—that is to say, we ask the Committee to give authority for raising that sum in part by taxation and in part from sources other than taxation. In so doing, we follow the rule which is commonly applicable to war expenditure. It is the opinion of Her Majesty's Government that that is a rule which ought justly to be applied to a case like this of China—first of all, because the scale of the expenditure is such that the country can hardly be expected, especially at a period when charges are rapidly growing under other heads, to provide the whole from the proceeds of the annual taxes. I may perhaps say that there is another special reason which is certainly applicable to this case, although the value to be assigned to it may vary in the minds of different Members of the Committee. I mean that there is already an outstanding debt in hard cash due from China to ourselves, and that a further demand has been made upon China which ought to result in a further payment from her resources in aid of ours. I am not surprised that by some Members of the Committee that statement should be received in a manner which shows that they are not sanguine as to the general principle, and I confess that if there were some great middle man who would deal with us upon these terms—that we should make over to him entirely and bodily the whole of the compensation that we expect from China, both retrospective and prospective, and that he should on his part undertake whatever future charge may arise on account of the war over and above what has been stated to the House and what is known to the Government—I think that financially we might do very well to close with such an offer. At any rate, a portion of these sums is actually

due under the Treaty of Tien-tsin, and they constitute an element in the case which ought not to be put altogether out of sight. The sum which we propose to raise by taxation, out of the £2,336,000, will amount to about £1,000,000. The mode in which we propose to raise it is by an immediate addition to the duty upon ardent spirits. I will enter, I hope sufficiently for explanation, but at the same time very briefly, upon the special considerations that are applicable to that duty, and upon the present condition of that important branch of the revenue, but I will state at once that the addition which we contemplate is one of 1*s.* 11*d.* per gallon on the various descriptions of ardent spirits which are chargeable either under Excise or under Customs, and that the effect of the measure will be to make British spirits liable to a duty of 10*s.*, colonial spirits to a duty of 10*s.* 2*d.*, and foreign spirits to a duty of 10*s.* 5*d.* per gallon. These duties will be particularized in the Resolutions which it will be my business, Mr. Massey, to place in your hands. In proposing to the Committee this augmentation of the duty upon spirits, Her Majesty's Government set out from what they consider to be the recognized and established, as well as the sound and healthy, principle of taxation in regard to that particular commodity. That principle they conceive and understand to be this—that it is a commodity from the consumption of which you ought to levy the *maximum* of obtainable revenue. It differs from other commodities in this—that when you deal, for example, with tea or sugar your object is to promote consumption as much as possible consistently with obtaining the money you want; but when you approach the article of spirits the rule is precisely inverted. Your object then rather is to limit the consumption as far as possible, but always subject to the same condition which I will by-and-by consider—the obtaining the money that you want; for it is a mistake to suppose that by the mere increase of a duty you can continue *ad libitum* to increase the proceeds. The question is, how much will the article bear without defeating the purpose of the duty, first by adulteration, and secondly by illicit distillation? That is the necessary question; and under all circumstances of doubt, and of greater or less difficulty, still it is one that does not altogether defy the calculations of the prudent and experienced persons who have charge of the public revenue. The real question then is, can we get the money? Upon that subject it would be unfair, considering the difficulty of the case, to say that even the most experienced and most capable public officers can give an opinion upon which any absolute reliance can be placed; but, taking a calm and impartial view of the present state of the trades connected with the production of spirits, and endeavouring to draw every fair inference from the important experience of the last seven years, the conclusion at which Her Majesty's Government have arrived, borne out and sustained by their proper advisers, is that there is no reason why the Committee should not now proceed to that which has long been looked upon as the natural conclusion of our legislation in regard to the duty upon spirits, and at once fix it at a standard of 10*s.* per gallon. That is not the highest duty which has been levied upon British spirits. So late as 1823 a duty of between 11*s.* and 12*s.* was charged upon spirits in England. That duty was too high, and smuggling was encouraged by it. It was reduced in consequence to 7*s.*, and at 7*s.* it has remained, only subject to some successive and small modifications, rising to 8*s.* 1*d.*, for a period of forty years. But the circumstances of the country and the means of levying the duty effectively have been immensely improved during those forty years. Public opinion is now much more adverse to illicit proceedings, and the efficiency of the revenue departments is far greater than it was in 1823. What has taken place in Ireland is full of instruction—it is more instructive than the case of Scotland, because that, in point of fact, had practically been settled, in the opinions of most men, by the experience before we came to deal with the case of Ireland. In 1842 an addition of only 1*s.* per gallon to the spirit duty in Ireland was found so to stimulate smuggling that it was necessary to repeal the Act in 1843; but when a similar experiment was made in 1853, not only was it not attended with a similar failure, but it was followed by a further increase in 1854, by a further increase in 1855, and by either one or two subsequent augmentations the duty in Ireland was equalized with that in Great Britain. It now stands at 8*s.* 1*d.* per gallon. In the short space of five years, between 1853 and 1858, it was raised from 2*s.* 8*d.* a gallon to 8*s.*; and at the same time that this operation was effected, and that a considerable addition was made from

The Chancellor of the Exchequer

an unexceptionable source to the permanent revenue of the country, no stimulus was given to illicit distillation. Sir, in a matter of this kind—so far, at least, as regards illicit distillation—Ireland is naturally looked upon as the peccant part of the Empire ; and whatever apprehensions we may feel in respect to the productiveness of the spirit duty naturally direct themselves, in the main, to that quarter. The case of Ireland with respect to illicit distillation I believe to be this—that the manufacture of spirits in Ireland, as well as in England and Scotland, has immensely improved ; that more capital, more skill, and more machinery are applied to it ; that the views of those who produce the spirits are much more directed to an extended trade in spirits as a great article of merchandise, and even of export, than to a mere local and partial supply; but, above all, this important fact is to be taken into consideration in the case of Ireland—I do not speak now of those topics which are of a general character, and which, perhaps, more than any others lie at the root of the whole case, the great changes, namely, which have taken place in the social condition of the country, in the demand for labour, and the general market for produce—that whereas until the last few years we were dependent for securing the collection of the revenue in Ireland upon a very limited corps, called the Revenue Police, and under the direct superintendence of the revenue authorities, that duty has now been transferred for about five or six years to that most efficient body, the Irish Constabulary, which, with the greatest intelligence, with entire fidelity, and with a strength tenfold that of the Revenue Police, has conducted this important business on behalf of the public in a manner the most satisfactory and effective. These are the general considerations which led the Government to believe that, as far as respects illicit distillation, there is no reason in the circumstances of any one of the three countries why we should not carry forward the duty upon spirits to the point I have mentioned. There is another point which I need not discuss at length—namely, the loss which may arise from adulteration—that is to say, from dilution—which is a matter that stands in a somewhat different catergory. Dilution is, I believe, normal in the spirit trade. It would not be too much to say that in ordinary spirit shops there is hardly such a thing as the sale of spirits in a state perfectly pure as they come from the distillery. If that be an exaggerated statement, and if any hon. Gentleman, which I should not like, should feel bound to resent it on the part of his constituents, I should be sorry to deny him his privilege; but I may, at all events, say with perfect truth that dilution prevails largely, and that it has a tendency to increase in proportion as the duty upon spirits is augmented. But the proper mode of dealing with the risk, whatever it may be, of dilution is by making a fair and reasonable deduction from the probable yield of an increase of duty. But, Sir, what I think the most important and perhaps the clearest argument, if I can state it as I ought to the Committee, to show that the proposed increase of the duty on spirits is practicable and timely, and with probably the anticipated results, is that for the last three years—that is to say, both immediately before the equalization in Ireland and ever since—a further increase of duty has been confidently anticipated by the trade, as shown in the increase of the deliveries which have immediately preceded in each of those years the financial statement of the Chancellor of the Exchequer. In 1858 the right hon. Gentleman the Member for Bucks made his financial statement on the 19th of April. Between the 1st and the 17th of April, as compared with the corresponding period of the previous year, there was an increase in the deliveries of spirits, yielding an excess of duty of no less than £250,000. The spirit duty is so heavy that an anticipated delivery implies in itself a very considerable charge, and therefore it is not a measure to which traders ever would resort, unless in their opinion there was a serious probability that Parliament and the Government would be disposed to have recourse to an increase of duty which it would be worth their while to escape by an anticipated release from bond. The case of 1858 was chiefly an Irish case, because it was in that year that, by the wise resolution of the right hon. Gentleman the Member for Bucks, the duty upon Irish spirits was raised to an equality with that in England and Scotland. But in 1859 there was no such element in the case. The duties throughout the three countries were then equal, and the conclusion that the trade had then come to was, that when once equalization was established an increase would necessarily be the next step. The financial statement was made

on the 18th of July. Between the 1st and the 16th of July there was an excess of deliveries from bond, as compared with the corresponding period of the previous year, which yielded an augmentation of revenue to an extent of not less than £287,000. A still more pregnant illustration is afforded by the experience of the present year, because it shows that the fact of last year having passed away without an increase of duty by no means convinced the trade that Parliament and the Government had abandoned the idea; on the contrary, they reasoned thus—that, as an increase had not taken place in 1859, it would certainly be made in 1860. And what happened was this. The financial statement was made on the 10th of February, and in the term of three weeks, ending on the same day, there was an augmentation of delivery of spirits from bond which yielded an increase of revenue, as compared with the corresponding period of the previous year, to the extent of £554,000. These circumstances taken together appear to us to constitute a solid foundation for the measure we propose. At the same time, when I have stated that we estimate that that measure will yield something over a million in what remains of the financial year, I must remind the Committee that there are some peculiar causes of uncertainty by which it is affected—causes, I mean, special to the article, and not connected either with the topics to which I have alluded, or with the general condition of the country. The special circumstances are these:—First of all, it is only in the present year that foreign spirits have been admitted to a real competition with British spirits, and at so early a date after that change has taken place we cannot say that the two kinds of spirits have yet found their equilibrium in the market, nor tell precisely what will be the course of competition between them, which would affect the relative yield of duty from the Customs and Excise. There is, again, the competition of wine. There is not the smallest doubt that the competition of wine with spirits will stand upon a different footing from what it has hitherto done. Lastly, the competition of an article in which many Gentlemen in this House—particularly those sitting on the opposite benches, feel a lively and almost tender interest—I mean the competition of malt liquor. Whenever there is a considerable increase in the duty on spirits, it serves to a certain degree to stimulate the process of malting, and in Scotland, and more particularly in Ireland, there takes place a considerable augmentation in the consumption of beer, which is traceable, apparently, to no other cause than its greater cheapness as compared with spirits. In recent years, owing to the alterations which Parliament has introduced into the law, there are special causes which produce some peculiar uncertainty into the estimate of the productiveness of the duty; but the uncertainty is on the face of the case, rather than in the substance; because, if an increase of the spirit stimulates the consumption of another duty-paying liquor, you get on the one side of the account what you have lost on the other. I may mention, in passing, that in case the Committee should think fit to adopt the proposal of the Government, it will be necessary to introduce a small modification into the duties on wine as fixed to take effect on the 1st of January next, in order to guard against the danger of a fraudulent introduction of spirits in the form of wine; but that is a subject to which I will call attention at a future stage. I will now state to the Committee the computed produce of this duty, and it is important that the Committee should know it, because the weight of this subject is not to be estimated simply by what is added to our financial resources in the present financial year, but by the effect of the proposition in enlarging a most important branch of revenue in a permanent form available from year to year. The increase of 1*s.* 11*d.* duty on British spirits, chargeable on the whole annual consumption, taken at a fair and moderate estimate, would produce—making no allowance for diminution of consumption, dilution, adulteration, or increase of price—would produce no less than £2,252,000 a year, and that without taking into view the proceeds of the increased duty on foreign and colonial spirits. But prudence necessarily requires us to make allowance for some diminution in the total consumption of spirits, in consequence of the additional duty, which might have the effect of adding something like 20 per cent, or nearly 20 per cent, to the price. Instead, therefore, of assuming the augmentation of duty to be £2,250,000, I shall only assume the augmentation of revenue to be £1,000,000 from the increase of Excise duties on British spirits, and that sum of £1,000,000 would be—allowing for a diminution in the quantity consumed of about 10 or 11 per cent—the annual yield of this increased duty of 1*s.* 11*d.* per gallon, if we had the whole

The Chancellor of the Exchequer

financial year to deal with. But I am now addressing the Committee on the 16th of July, and about six weeks more must be added to that, because it is the practice of the Department to charge the duty in one of its six-weekly rounds and to raise it in the next. Looking, therefore, to what may come into the Exchequer before the 1st of next April in consequence of this measure of increased duty on British spirits, and assuming that for the whole of one year the increased duty would yield £1,000,000, I can only take credit for about £650,000. To this amount I am about to make an important addition by a countervailing or compensating increase from the duty on foreign and colonial spirits. That, of course, as all Customs duties are taken at ready money, would be reckoned from the time I now speak—from the deliveries of to-morrow:—and the proceeds of the increased duty, making a reasonable allowance for a diminution in consumption, would be about £400,000; making together, with the increase from British spirits, the sum of £1,050,000. That is the provision which the Government mean to make from taxation during the remainder of the present year towards meeting the charge in which we are involved by the war with China. And they make a proposal which is permanent in its nature, though the charge is temporary, because they consider this a measure which is in itself sound and salutary, which Parliament has been expected to adopt, which Parliament may very reasonably desire to adopt, and with respect to which, for some years past, the only question has been as to the precise moment when its adoption might be consistent with prudence.

Sir, I have now got rid of the formidable Vote of £3,800,000 excepting so much of the sum of £2,336,000 as is not provided for by the increase of the spirit duties; and the increased spirit duties £1,050,000 being deducted form £2,336,000, leaves a sum of £1,286,000. This sum we propose to provide for without any further resort to the taxation of the year. The balances in the Exchequer are in a state so satisfactory that probably they might well adimt the withdrawal of that, and even if necessary, of a somewhat greater sum. The surplus revenue wisely provided by the House in the arrangements of last year is, of course, available under the provisions of the law, in addition to the balances of the present, and the proper course obviously is to apply in aid those balances when the taxation of the year is insufficient, rather than to go through the operose and needless double process, first, of applying a sum of money to the extinction of debt, and then of going to the market for the contraction of new debt. I will lay shortly before the Committee the state of the balances. On the 1st of April the balances in the Exchequer—which the Committee should be aware by no means represents the whole amount of public deposits in the Bank, but only those for the Consolidated Fund and Supply—was £7,972,000. On the 30th of June the balance was reduced to £6,594,000; but that sum does not represent the real reduction, owing to the fact that the collection of the income tax is by no means equable in the four quarters of the financial year. It comes in lightly in the first and third quarters, and heavily in the second and fourth quarters; and, as we are now coming to one of the heavy quarters, I anticipate that the balance in the Exchequer on the 30th of September will, perhaps, be materially better than on the 30th of June. Looking to the demands of the public service, I feel no hesitation in saying, though of course there will be a drain from China in order to supply the Treasury chest there, that I think it quite unnecessary to take any Supply measure to meet this expenditure, inasmuch as the means actually at the command of the Government (the proceeds of last year's revenue), will enable them to defray it without difficulty. I say that if it be necessary to make the demand on the balances we could draw therefrom without inconvenience the remaining £1,286,000, and indeed the demand on the balances could be extended, if necessary, from £1,300,000 to about £2,000,000. It may be necessary for Government to make application for power to re-borrow £1,000,000 now outstanding on Exchequer bonds which would fall due in November next; but no embarrassment or inconvenience would be attended on that transaction. It is quite possible, if circumstances should be favourable, that it may not be necessary to re-borrow the whole of that sum; and, if necessary, there would be no difficulty whatever in conducting the operation, because these Exchequer bonds are in the hands of the Commissioners for the Reduction of the National Debt, and form for them a convenient and profitable investment, and with them they can remain.

This is the statement I have to lay before the Committee; and if there are any

particulars in which I have failed to convey clearly my meaning it will give me great satisfaction to answer any question that may be proposed to me. I have still, however, to state two points. The first is that it will be my duty, as on all occasions when an increase of Excise duty is proposed, to ask the Committee for an immediate Vote. The purpose of that is, of course, well understood. It is not in any degree with the view of binding the discretion of the Committee, but to secure the charge of the duty on the commodity, so that no loss to the revenue may take place pending the time when the House is considering whether or not it would be right finally to adopt the proposal. The rule, that the augmentation of Customs' duties should be immediate on the proposal, is not in itself so entirely urgent and imperative as the rule with respect to Excise duties; but in the present case it is quite plain that what we do with respect to the Excise must be done with respect to the Customs; for if we impose an Excise duty of 10*s.* on spirits, and do not impose the Customs' duty till next week or so on the competing article, there would be immense deliveries of foreign and colonial spirits, to the great injury of the revenue and of the home trade. That is what I have to state with regard to the proposals which I have submitted to-night. The further Resolutions have been long under the consideration of the Committee, and stand in a category altogether different. But in regard to the present proposal, I ask, in accordance with uniform practice, for an immediate Vote, without in the least degree binding the discretion of the House. Of course the Government will appoint such a day as may meet the convenience of hon. Members for taking the discussion on what I may call the merits of the measure, and that will accordingly be made a matter of arrangement. But as there is another subject involving a charge upon the country which has not been brought before Parliament it is right I should allude to it for a moment. It is that of the Vote for fortifications, which remains up to the present time without explanation, and with regard to which, of course, the Committee will be desirous of knowing the intentions of the Government. What I have to say upon the subject is that though it could not be conveniently combined with the very heterogeneous matter with which I have now been dealing, it is the intention of my noble Friend (Viscount Palmerston) to explain the mode in which the Government propose to apply the sum of money which has been reserved for the Vote of fortifications, and likewise to explain their views respecting the Report of the Commissioners recently laid before the House. My noble Friend will probably do this upon an evening which he will select antecedently to the day when the House will be asked to give a decisive vote upon the proposals I have now submitted. All I need now say is that, so far as the Government are concerned, if the House will accede to our proposals, it is not our intention to make any further demand in the shape of taxation upon the country for the services of the present year. Thanking the House for the attention with which it has heard my statement, I will now conclude by moving the First Resolution.

Resolution *moved*—

"That, towards raising the Supply granted to Her Majesty, there shall be charged for and upon every gallon of Spirits of the strength of Hydrometer proof which, on or after the fifteenth day of July 1860, shall be distilled in the United Kingdom, or be in the stock, custody, or possession of any distiller in the United Kingdom, or of any person in trust for him, or for his use, benefit, or account, or which having been distilled in the United Kingdom shall, on or after the said day be in any Duty-free warehouse, or on removal to any such warehouse, and be taken for consumption in the United Kingdom, the Duty of One Shilling and Eleven Pence, and so in proportion for any greater or less quantity, or any greater or less degree of strength, in addition to the Duty chargeable on such Spirits under any Act or Acts in force, or under any Resolution of this House, passed during the present Session of Parliament."

MR. VANCE said, that he fully agreed that there ought to be no limit to the taxation on ardent spirits until it reached an amount that would defeat its own object; but he thought the increase now proposed would enormously stimulate the illicit distillation of spirit—in Ireland at least—and that the consumption of duty-paid spirit would, consequently, fall very short of what the Chancellor of the Exchequer anticipated. The Chancellor of the Exchequer had seemed to draw an argument in favour of his proposed increase from the fact that the trade had anticipated his intended increase. It was only natural that the trade should entertain such anticipations, because the right hon. Gentleman had never before, as he had on the present occasion, announced that he had arrived at a final limit. But it was scarcely any inconvenience to the trade to anticipate by a month or two the delivery of spirit from bond; and he did

not therefore, think, the Chancellor of the Exchequer was using a fair argument when he said that because the trade had looked forward to what might happen, that therefore what did happen was right and reasonable. He was, however, particularly desirous on the present occasion of impressing upon the Chancellor of the Exchequer that this was a favourable opportunity of doing justice to the home trade. When home-made spirits were placed in bond the duty was eventually, upon their being taken out again, levied upon the number of gallons which the cask originally contained when it entered the Queen's stores; but when foreign spirits were taken out of bond the duty was charged only upon the actual number of gallons the cask contained. He trusted the Chancellor of the Exchequer would give his attention to this, and consider whether it was not possible to place the home and the foreign trade on the same level. Beyond this, also, another grievance relating to the home trade was that the allowance for leakage and evaporation while in store was much smaller than it actually amounted to.

THE CHANCELLOR OF THE EXCHEQUER said, that the point to which the hon. Gentleman had called the attention of the Committee was one the importance of which the Government fully acknowledged, and that they had under consideration at that moment various points connected with the more equitable adjustment of the rules of Excise in favour of the distillers. The present state of things was a natural consequence of their being subjected for the first time to a real foreign competition.

MR. CRAWFORD asked what were the contemplated changes in the wine duties as recently settled by the House, to which the right hon. Gentleman alluded as consequent upon the proposed alterations in the spirit duties?

THE CHANCELLOR OF THE EXCHEQUER said, in the event of the House adopting the 10*s.* spirit duty, there would be no change in the wine duty at the present moment. The 3*s.* duty now leviable would remain so to the first of January next without any change, because that was a duty that gave rise to no serious apprehension with regard to its affecting the amount derivable from spirits. But he thought it probable he would have to make the following propositions:—That in the 1*s.* duty on wine of less than 18 per cent proof strength there should be no change; that to the 1*s.* 6*d.* duty on wine above 18 per cent and under 25 per cent strength an addition of 2*d.* or 3*d.* per gallon should be made; and that to the 2*s.* duty on wine between 25 and 40 per cent strength an addition of either 4*d.* or 5*d.* per gallon should be made.

MR. M. SMITH said, he could scarcely comprehend what the Chancellor of the Exchequer meant by describing the Exchequer as being in so flourishing a state, when there were deficiency bills to meet to the amount of £1,500,000.

THE CHANCELLOR OF THE EXCHEQUER said, that nominally such an amount of deficiency bills were in existence, but as far as he was able to form a judgment at the present moment, he believed that no interest would be payable on such bills during the present quarter.

MR. W. WILLIAMS inquired whether any change would be made in the relative position of colonial and foreign spirits?

THE CHANCELLOR OF THE EXCHEQUER stated that foreign and colonial spirit would stand on precisely the same footing relatively as at present—the duty on colonial spirit would be 10*s.* 2*d.* a gallon, and that on foreign spirit 10*s.* 5*d.* per gallon.

SIR STAFFORD NORTHCOTE inquired whether the wine drawback had been paid out of the expenditure for the year ending March last or out of that for the present year?

THE CHANCELLOR OF THE EXCHEQUER said, that in estimating, on the 10th of February last, the probable charge on the country for what remained of the financial year, he took £350,000 on account of wine drawback. That sum was provided for out of the revenue of last year, and formed no charge on the revenue of the present year. That sum was not, however, actually obtained out of the revenue of last year before the expiration of the year, because the Government had not obtained Parliamentary authority to pay the drawback. Almost all the payments had now been made, and the result was that the whole charge on the public in respect of drawback, as the cost of effecting this great operation of the reduction of the duties, would be under £200,000, instead of £350,000, as he had expected.

LORD FERMOY said, the Chancellor of the Exchequer had very quietly availed himself of the amount thrown back upon his hands by the refusal of the other House of Parliament to agree to the Re-

peal of the paper duties. But he (Lord Fermoy) did not think the right hon. Gentleman in doing this was acting fairly to those who, like himself, did not consider the question settled. The right hon. Gentleman too was the last man in the world who ought to endeavour or appear to dispose of this question by a side wind. By availing himself of the law as it stood the right hon. Gentleman placed them in this position—that whereas if the House were disposed to send the Bill back to the Lords there was now this difficulty interposed, that the right hon. Gentleman had admitted that as financiers the Lords had proved themselves more capable than he. The right hon. Gentleman might have left the amount, which he said was about £700,000, as a surplus. It would have been better if the right hon. Gentleman had refrained from taking any active step upon the law as it at present stood. He protested against this mode of getting rid of a difficult question by a side wind. He, and those who thought with him, were prepared to face all the difficulties of the question, and he was sorry to see the right hon. Gentleman disposed to act differently.

THE CHANCELLOR OF THE EXCHEQUER said, in making this statement to the Committee he had endeavoured, as far as it was possible to do so, to avoid prejudicing any question or any proposition that the noble Lord or any one else might submit to the House. As a Member of the House of Commons, he was ready, when the question at issue with the House of Lords came to be debated, to enter into it and to assert his opinion without disguise. But he did not consider it to be his duty on every incidental occasion that might occur to refer to his individual opinion on that point. He had cautiously avoided giving offence, or taking too much responsibility on his own shoulders, for he had said that the money should be available in case the House should so please.

MR. BALL regretted that the Chancellor of the Exchequer, having got £700,000 by the paper duty, had not set that amount against the malt duty credits, and thus conferred a great boon upon the agriculturists.

THE CHANCELLOR OF THE EXCHEQUER observed that the malt growers would be rather benefited than injured by an increase of the spirit duties.

MR. DARBY GRIFFITH contended that the Chancellor of the Exchequer, notwithstanding the answer just given to the noble Lord, had, by the statement he had made that evening, precluded himself from taking that "action" which was spoken of with so much boasting the other night with reference to the rejection of the Paper Duty Repeal Bill.

Resolution *agreed to.*

Also Resolutions 2 and 3, fixing the duties on spirits imported from Foreign countries, and from the Channel Islands.

THE CHANCELLOR OF THE EXCHEQUER moved the Fourth Resolution:—

Resolution *moved*—

"That, towards raising the Supply granted to Her Majesty, the 12th Section of the Act passed in the sixth year of the reign of King George the Fourth, chap. 81, which enacts that it shall not be necessary for any person or persons to take out an Excise Licence for the sale of any foreign goods or commodities, for the sale of which in any manner an Excise Licence is required; while such goods or commodities shall be and remain in the warehouse or warehouses in which the same shall have been deposited, lodged, or secured according to Law, before payment of Duty upon the importation thereof, shall not extend to exempt any person from liability to take out an Excise Licence for the sale of any Foreign Wine or Spirits."

MR. HANKEY said, the effect of this Resolution would be to compel importing merchants—merely because they had imported some few casks of spirits in the course of the year, passing their goods through the Custom House, and having nothing to do with the Excise—to take out an Excise licence. That certainly never was understood. It was extremely difficult to follow up these Resolutions. They had been on the paper sometimes in one shape, sometimes in another; and he knew not where they were in regard to them. He was quite sure the Chancellor of the Exchequer did not intend to take any of the trade by surprise; but, having referred to the Act, he did not think it would bear this interpretation.

THE CHANCELLOR OF THE EXCHEQUER said, he was very sorry his hon. Friend appeared to object so much to the Resolution. It was within his (the Chancellor of the Exchequer's) own knowledge, that it was known and understood by those who had thought fit to give it their attention. The way in which the case now stood was this: Up to the present time there had been but a very slight competition between the ordinary established wine and spirit merchants of England, and a class of persons who went about the country as agents for various houses, and dealers in wines and spirits, which were in bond; or as canvassers for British houses, perhaps,

but always with respect to the article when it was in bond. Now, at a time when they were going to have a very sharp competition in all probability in that trade, and when there were so many new channels of supply to be opened, it was absolutely necessary to remove that anomaly, and to require that everybody who dealt in wines and spirits in bonds should be liable to pay the same tax for Excise licences, as those who dealt in wines and spirits free. Then he came to the main question—what were they to do with the West India importers of rum? He frankly owned that he had not been able to discover any satisfactory mode of exempting them from duty. They were dealers in spirits in bond; they could not get rid of that definition; but if they really thought it worth contending for, and if they had any good mode of drawing the distinction, he did not know that the House might not be willing to consider it. He could not say that he thought they had a very strong claim, or that theirs appeared to be a very heavy burthen. He begged to remind his hon. Friend, that they had got a penny more protection on their rum than they were entitled to. ["Hear!"] He could assure his hon. Friend that, owing to the way in which one arrangement came across another, it was perfectly clear that that was the fact; indeed, he was not quite certain that they had not got 3*d*. At all events, he could assure his hon. Friend that they got more protection on their rum than they were entitled to. It was the best and fairest arrangement which could be made upon the whole; and if it were looked into, it would be found that their position, on the whole, was quite as good, or, perhaps, a shade better than before. The Resolution had been some months in its present shape; and he trusted that, on the 16th of July, he should not be asked to postpone it.

MR. CAVE said, the West Indian importers did not allow that any great advantage was possessed by them over the distiller, for they had a very long voyage, and they lost a quantity of the spirits by leakage during it. There were a great many other disadvantages, too, which practically made the position of the West Indian importers very much worse than that of the distillers, who had everything under their eyes, and had not to carry their products any distance to the market. With regard to the immediate question, there was a considerable difference between an importing merchant and an agent taking orders for a foreign or British house. Although not considerable in amount, there was something entirely unprecedented in the present proposal, and he felt sure it could not be difficult to find words to exempt the importers.

MR. CRAWFORD said, as an occasional importer of spirits in bond, he should be very glad if he felt himself at liberty to claim exemption from the charge. But there were good reasons for some charge being imposed upon a class of gentlemen who represented establishments abroad, especially on the Continent. It was very evident that, if they felt it worth while to obtain orders for their wines and spirits in bond by personal solicitations, they must have an advantage in doing so, which was in competition with the regular wine merchants who paid the licence.

MR. AYRTON said, there seemed to be three or four classes of persons involved in the exemption, whose conditions were very different. First, the merchants engaged in the importation of foreign spirits; then the second class, those who did not import, but sold for consumption in this country; and then the third class, who dealt in commodities in bond; and he understood that the right hon. Gentleman wished to put the tax on the latter class, who came immediately into competition with the ordinary wine merchants. To that there could be no objection; but he trusted the proposed change would not be carried the length which was implied in the clause. The result would be that almost every general merchant of England would have to take out a licence, because in the course of the year he might have some transaction, for a constituent perhaps, to the extent of a parcel of wine. He hoped the Resolution would be confined to its legitimate object. The agents of whom the right hon. Gentleman spoke might not, under the Resolution, be taxed at all, because it was the principal who must take out the licence.

THE CHANCELLOR OF THE EXCHEQUER: The agents will not be allowed to act, unless he acts for a principal who pays the Licence.

Resolution *agreed to*.

Resolution *moved*.

"5. That, towards raising the Supply granted to Her Majesty, the time limited for payment of the Duty of Excise on Malt by every maltster or maker of Malt who shall have given security in the manner directed by the Act passed in that behalf, in respect of all Malt begun to be made on after the first day of October, 1860,

shall be six weeks in lieu of twelve weeks after the making of such account or return of Duty as in the said Act is mentioned."

Resolution *agreed to.*

Resolution *moved.*

"6. That, towards raising the Supply granted to Her Majesty, the Duty of Excise, which for the time being is or shall be chargeable on Hops growing or to grow in Great Britain, shall be payable on the first day of March, 1861, and afterwards on the first day of January next after the curing thereof."

LORD HARRY VANE said, although the hon. Member for East Sussex (Mr. Dodson) who had given notice of an Amendment for the repeal of the hop duty was now absent, he wished to say a few words on the subject. He was glad the Chancellor of the Exchequer had proposed a reduction of the duty, which, as far as it went, was a step in the right direction. He wished, however, that the right hon. Gentleman had felt himself justified in moving the total repeal of this tax, which operated most unfairly and oppressively on the hop-growers. It was only consistent with a free trade policy that this objectionable impost should be abolished, and he therefore trusted the Chancellor of the Exchequer would include its abolition in some future scheme of finance.

THE CHANCELLOR OF THE EXCHEQUER said, however dull of comprehension a Chancellor of the Exchequer might be, he was certain somehow or other to learn before he had been long in office the sentiments and the case of the hop-growers; and he had himself had full opportunity of appreciating their statements in that respect. He was glad to be able to propose a small reduction, and should have been glad had it been in his power to propose a greater.

SIR JOHN SHELLEY said, the hop-growers of this country had now come to view the prospect of free trade in hops without fear or horror, believing that they could compete with all the world. He hoped the Chancellor of the Exchequer would before long concede the total abolition of this Excise duty.

Resolution *agreed to.*

Resolution *moved.*

"7. That, towards raising the Supply granted to Her Majesty, there shall be charged and paid upon Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, grown in the United Kingdom, for every hundredweight thereof, raw or kiln-dried, until the first day of April 1861, the Duty of Three Shillings; and on and after that day the Duty of Six Shillings, and so in proportion for any greater or less quantity than a hundredweight."

Resolution *agreed to.*

Also Resolutions 8 and 9, fixing the Duties upon Contract Notes and Assignments or Leases.

Resolution *moved.*

"10. That, towards raising the Supply granted to Her Majesty, in lieu of the Stamp Duty now chargeable upon the instruments hereinafter mentioned, there shall be charged and paid the Stamp Duties following:—namely,

For and upon any Policy of Assurance or Insurance, by whatever name the same shall be called, whereby any sum of money shall be assured or agreed to be paid only upon the death of any person from, or by reason of, any cause incident to or consequent upon travelling, whether by land or water, or any accident or external violence, or any cause whatever other than a natural cause; or whereby any compensation shall be assured, or agreed to be made or paid, for personal injury received from any cause whatever; or whereby both a sum of money upon death and a compensation for personal injury as aforesaid shall be assured and agreed to be paid:—

	s.	*d.*
Where the premium or consideration for such Assurance or Agreement shall not exceed two shillings and sixpence .	0	1
And where the same shall exceed two shillings and sixpence and shall not exceed ten shillings	0	6
And where the same shall exceed ten shillings and shall not exceed one pound	1	0
And where the same shall exceed one pound, then for every twenty shillings, and also for every fractional part of twenty shillings	1	0

MR. AYRTON said, that this Resolution imposed a stamp duty of 1*d.* upon all assurances where the premium did not exceed 2*s.* 6*d.* Such a duty would press very unfairly upon a class of assurances applicable to passengers by railways, who took a ticket of assurance for a single journey, for which they paid 2*d.*, 4*d.*, and 6*d.*, according to the class in which they travelled. A charge of 1*d.* would be a tax of 50 per cent on third-class passengers, which would press very unfairly upon them. He would, accordingly, suggest that the new duty should only be leviable on premiums above 6*d.*, so as to exclude this class of assurances.

THE CHANCELLOR OF THE EXCHEQUER thought the view of the hon. Member not unreasonable. He did not believe that any new duty would be charged under this Resolution upon any instrument not now liable to duty. The Resolution ran "In lieu of the stamp duty now chargeable upon the instruments hereinafter mentioned." In case of doubt, a financial Resolution was always construed in favour of the public. The matter, however, should be looked into, and care taken to exclude these assurances.

MR. MALINS believed that the clause would have the effect of imposing a duty of 1*d.* upon railway assurances unless it were altered.

MR. AYRTON trusted that benefit societies would be exempt, in accordance with the assurances of the Chancellor of the Exchequer at the early part of the Session.

Resolution *moved.*

"11. That it is expedient to amend the Acts relating to Stamp Duties."

Resolution *agreed to.*

Resolution *moved.*

"That towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon any Promissory Note made, or purporting to be made, out of the United Kingdom, for the payment within the United Kingdom of any sum of money, the same Stamp Duty as on an Inland Bill of Exchange for the payment, otherwise than on demand, of money of the same amount."

Resolution *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER wished to explain the course which he proposed to take on the Report—and which he believed would not be opposed by hon. Gentlemen opposite—with reference to the Resolutions upon the spirit duties voted to-night without notice. A Bill regulating the sale of spirits, and containing, in fact, the whole of the law upon that subject, now stood for a third reading. This Bill would be reported to-morrow, and he should propose to recommit that Bill for the purpose of inserting these Resolutions in the Bill. The Resolutions would then stand in the Bill as a portion of its provisions, the Bill would be reported as amended, and would then stand for a third reading. The debate on the Resolutions might either be taken on the report of the Bill as amended, or on the recommittal of the Bill, and a day might be named for the debate.

MR. WALPOLE said, that the right hon. Gentleman had proposed to take a most unusual course. He proposed to insert new Resolutions in a Bill which would thus evade a discussion upon the second reading. He was not aware that in any Taxing Bill such a course was ever adopted as to insert Resolutions into a Bill that stood for a third reading, thereby saving the first two stages, and inserting new Resolutions upon the recommittal. He could not help thinking that exception would properly be taken to such a course.

THE CHANCELLOR OF THE EXCHEQUER saw great objection to any course that limited the power of the House to discuss such Resolutions on the recommittal of the Bill.

House resumed; Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 128 *agreed to.*

Clause 129 (Securities may be purchased).

MR. CAYLEY said, he thought that this clause gave unreasonable power to the Accountant General in Bankruptcy as regarded the investment of the large sums entrusted to him. This clause, in connection with the 132nd Clause, demanded, he thought, the gravest consideration.

MR. CRAWFORD said, he wished to correct some misapprehensions which appeared to exist. The hon. Members for Newcastle-under-Lyne and Kendal stated the other evening that there were in the hands of the Bank of England, on an average, gross balances exceeding £100,000, belonging to the Court of Bankruptcy, and that the Bank derived, by the commission charged for the management of those funds, a sum varying from £3,000 to £4,000 per annum. Now, he (Mr. Crawford) had inquired into that matter, and he was enabled to inform the Committee that there was considerable exaggeration in those statements. Looking at the accounts in past years it appeared there had been on one occasion a balance of £161,000 in the Bank. In the course of a week that sum was reduced to £50,000, and in another week a further considerable reduction was effected. Not long afterwards the balance was not more than £420. It was equally untrue to say that the charge made by the Bank of England for the management of those funds was £3,000 or £4,000 a year — for example, the sum charged last year was only £2,203. Out of that sum the Bank had to pay the salaries of officers employed solely in the management of this branch of the Bankruptcy Court; to pay various incidental expenses, and, in fact, to maintain the whole expenses of an establishment for the purpose. Practically speaking the Bank derived next to nothing for itself for the management of this fund.

MR. MURRAY said, the hon. Member for London (Mr. Crawford) evidently was not aware of the Return of the Accountant

in Bankruptcy, and which he now held in his hand. This Return showed that the sums received by the Bank on account of the Court of Bankruptcy in the years 1855, 1856, 1857, 1858, and 1859 exceeded £6,500,000, and the payments to nearly the same sum. The Return further stated that the average of the quarterly balances in those years was £83,700. The highest balance was in September, 1856, £166,247; the lowest in March, 1858, £26,369. In respect of remuneration, the hon. Member stated that the Bank received in 1859, £2,200; but the Accountant made it £3,160. The hon. Member was therefore greatly in error as to the amount of remuneration received for managing the account of the Court of Bankruptcy. The hon. Member for London was therefore not justified in charging himself and the hon. Member for Kendall with inaccuracy. He fully adhered to his former statement.

Clause *agreed to;* as were also Clauses 130 and 131

Clause 132 (If Securities at any Time insufficient to answer Demands, Deficiency to be made good by Parliament).

MR. E. P. BOUVERIE said, the clause provided that the funds of bankrupt estates paid into the account of the Accountant in Bankruptcy should be invested in 3 per cent consols, and as this was for the security and benefit of the creditors it was only reasonable that they should run the risk of any fall in the value of the stock. The clause, however, gave a guarantee to the creditors that the Government would be responsible for any such loss—a proposition which he thought was highly objectionable.

MR. CAYLEY characterized the proposition to saddle the public with the loss arising from an investment made for the advantage of the creditors as altogether monstrous. He was disposed to take the sense of the Committee upon the clause.

MR. VANCE contended that if the general bankruptcy fund got the benefit of the interest, as he believed it did, the creditors ought in justice to be protected from any fall in the price of the stock. And if the proposition were not agreed to, the creditors should be allowed the interest that might accrue.

THE ATTORNEY GENERAL said, the clause was word for word the same as the existing law on the subject, which had been in operation for some years. The real facts were these. The Accountant in Bankruptcy had received from day to day large sums, and consequently had always a large floating balance to his credit. The portion of it which he found it prudent to invest yielded an annual income of about £40,000. That sum of £40,000 was applied for the benefit of the Court of Bankruptcy, and was one of the chief sources of revenue which enabled him to abolish the onerous fees and impositions which were now charged to suitors. He therefore contended that as the profit was taken by the public, and applied to public purposes, the public was bound to guarantee the parties entitled to the money from the possibility of any deficiency. There was no likelihood, however, that the public would be called upon to sustain any loss in consequence of that guarantee.

MR. CAYLEY: the objection was not to investments, but to unlimited investments.

MR. E. P. BOUVERIE: None but the creditors of Estates in bankruptcy were interested in the application of the fund. It was a question in which the public had no interest whatever. He protested against entering into unlimined guarantees for the benefit of creditors in the Court of Bankruptcy.

MR. LONGFIELD said, that the Court of Bankruptcy was a court for the administration of justice in the largest sense of the word, and courts of justice should be maintained at the public expense. Since, therefore, the interest received from these investments went to maintain the court—the public really had the benefit of them, and consequently ought to bear any loss that might arise.

MR. BARROW said, that the hon. and learned Gentleman who had just spoken was mistaken. The Bankruptcy Fund and not the public derived the profits made from the investments.

MR. AUGUSTUS SMITH said, the profits never reached the public. The Bankruptcy Fund retained the profits, and the public by this measure would be bound to make good the losses.

MR. MALINS said, that in the Court of Chancery every penny invested there went not for the benefit of the public, but for those on whose behalf it was invested. With respect to the fund of the Court of Bankruptcy, there was a fund invested, of which the public had the benefit, and as it was so large, he did not believe the public would ever be called upon to pay anything towards the administration of the affairs of bankruptcy.

MR. BAGLEY said, that a more rapid distribution of funds would render investments unnecessary.

Question put, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 85; Noes 20: Majority 65.

Clause *ordered* to stand part of the Bill.

Clauses 133 and 134 *agreed to.*

Clause 135 (Released Commissioners' Salaries continued).

MR. PAGET moved as an Amendment to leave out the words "the full," and insert "two-thirds of the" in line 4, and at the end of the clause to add, "provided that in case he shall be called upon to perform any of the duties mentioned in section 4, he shall in such case, and so long as he shall be called upon to perform such duties, receive the full amount of his salary, payable in like manner." The reason why he proposed two-thirds was because he greatly objected to embarrass the fund with such heavy payments. The system was not adopted in the military profession, and he did not see why it should obtain in the legal. The system was objectionable to the country, and he thought that it was sufficient to do simple justice in the matter without conferring what would really be a boon.

Amendment proposed, in page 30, line 4, to leave out the words "the full," in order to insert the words "two thirds of the."

THE ATTORNEY GENERAL said, the rule hitherto invariably acted upon was that, if upon public grounds, it was deemed expedient to do away with a public office, they could not do so justly without giving to the officer the full value of his office. He thought it would introduce a dangerous principle, if the House of Commons abrogated any office conferred by contract on individuals for life—or *quamdiu se bene gesserint* without giving full compensation. The 4th and 5th clauses of the Bill already passed, affirmed the principle that the Commissioners were entitled to their full salaries, and the House would act inconsistently in adopting this Amendment. He trusted the House would not lay down a new rule, which he thought would be disastrous to the real interests of the country.

MR. W. WILLIAMS said, that the principle laid down by the hon. and learned Gentleman was quite new. He denied that there was any contract between the public and these gentlemen. It seemed as though lawyers were to be placed under a different rule than other men. He remembered the abolition of the Six Clerks. He proposed on that occasion that the retiring allowance of those Gentlemen should be £700 a year, but they were allowed to take away with them £6,000 or £7,000 a year from the public treasury.

MR. E. P. BOUVERIE said, that he thought the hon. and learned Attorney General put the illustration a little too high when he compared these Gentlemen's salaries to private property. But with regard to the justice of the case, the whole of these five Commissioners had been Commissioners twenty-eight years ago, and the country had had the benefit of their services for that period. They were all competent to go on performing their work, and if an Act of Parliament deprived them of their offices it was but just that they should be fully paid. In a public point of view it was desirable not to be too niggard in such a matter, or otherwise officers whose places were to be abolished for the sake of some reform would set their faces against the proposed change, and prove great obstacles in its way.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 77; Noes 43: Majority 34.

Clause *agreed to.*

Clause 136 (Salaries of Officers of the Court of Bankruptcy).

MR. HENLEY asked for an explanation of the latter portion of the clause, which provided that the annual sums now payable out of the Consolidated Fund for the use and purposes of the Court for Relief of Insolvent Debtors and the officers thereof, other than the Commissioners of the said Court, shall be paid in future into the Bank of England, to the credit of the Chief Registrar's account in Bankruptcy.

THE ATTORNEY GENERAL said, that the Insolvent Court was entitled to an allowance in aid of its funds amounting to above £4,500 annually. It was not proposed to make any alteration whatever in the amount, but to transfer the sum to the credit of the new amalgamated jurisdiction. It was but fair that, as the Court of Bankruptcy was to assume the liabilities of the Insolvent Court, it should likewise obtain whatever advantages were attached to it.

MR. E. P. BOUVERIE thought the right hon. Gentleman had been misled by some of the officials of the Court of Bankruptcy. There were no payments from the Consolidated Fund to the officers of the

Court other than the Commissioners, but sums were annually voted in Supply to make good the deficiency in the funds of the Insolvent Court. As that Court was no longer to exist, he thought there was something objectionable in voting sums of money at the outset in aid of a fund which might no longer present a deficiency, and which, should it prove deficient, would have to be made good by a Vote in Supply.

SIR FITZROY KELLY suggested the leaving out of the last portion of the clause.

After a short discussion,

THE ATTORNEY GENERAL said, he would strike out the latter part of the clause to which objection had been taken, and would bring up a separate clause, providing how much was to be taken out of the Consolidated Fund and how much was to be voted every year.

Clause, as amended, *agreed to.*

Clause 137 *agreed to.*

Clause 138 (Pensions and Retiring Allowances).

MR. E. P. BOUVERIE moved an Amendment, providing that the Lord Chancellor shall not have power to grant retiring allowances in cases of ill-health or permanent infirmity, except after twelve years' service.

SIR FITZROY KELLY thought that the limit of five or seven years was long enough.

MR. EDWIN JAMES suggested a limit of ten years.

MR. PEACOCKE suggested that there should be some smaller amount of compensation where the period of service had been short.

THE ATTORNEY GENERAL said, if the Committee thought it was necessary to insert a limit of time he would consent to insert seven years, though he thought that there might be some hardship arising even from this.

MR. E. P. BOUVERIE said, he would consent to the limit of seven years, and withdraw the Amendment he had moved.

Amendment *agreed to.*

Clause *agreed to.*

Clauses 139 to 151 inclusive *agreed to.*

Clause 152 (Abolition of distinction bebetween Trader and Non-trader).

MR. HENLEY moved an Amendment for the purpose of raising the important question whether this great change, applying the bankrupt laws to non-traders and traders alike, should or should not take place. He would state to the Committee two or three classes of persons who would be injuriously affected by it. It was most unjust by retrospective action to place some persons in a position of advantage and others in a position of amazing disadvantage, which was never contemplated when the parties contracted. A man's father might have died twenty or thirty years ago leaving an estate chargeable with various amounts, and that man, as was commonly the practice, might have raised money by mortgage on the property to pay off his brothers and sisters. It was a debt, because the man covenanted with the mortgagee to repay the money, as well as pledged the land for it; but it was a debt totally different in its nature from liabilities to his butcher or baker, because the creditor had a special security in the land for payment. A panic might arise—panics seemed to have their cycles, and appeared to come round every ten years. There was a panic in 1847, and another in 1857, when money was hardly to be obtained at all, and, if obtained, only at a most extravagant rate of interest. A person in the situation which he had described might be called upon in such times of pressure to pay off his debt. If he did not it was proposed that judgment might be recovered, and he might be made a bankrupt. He might be told that it was the ordinary case of a man against whom a judgment was recovered; but the screw in ordinary cases could not be compared with the screw of threatening to make such a person a bankrupt, to send him to prison, to seize everything belonging to him, even his most private papers, and to drag his wife into a court, which they had just heard was unfit for any one to enter. That was one class of persons, and a numerous one. A vast portion of the land of England was mortgaged under those circumstances, and it did not apply exclusively to men of high rank and station. He believed that the more they descended the scale the more was the land mortgaged, and just in proportion as they descended the scale was the difficulty of raising money in times of pressure increased—especially as the usury laws were repealed. It must not be supposed that it was a question which only affected the higher classes. It affected every man—from the Archbishop of Canterbury to the lowest cottager—and such a change ought not to be made without great and corresponding advantages. He saw no objection to there being one Court instead of two. If a man wanted to petition the Court and to be wound up, let him be

made a bankrupt and go to the Bankruptcy Court, but he saw no reason why they should include under the operation of the bankrupt law a class of persons who could not fairly be said to be insolvent debtors. Another class of cases was not unfrequent. A man had a limited estate. He could not raise money by mortgage. He had perhaps improvidently been spending more than his income. He had to incur debts to put his family out in the world, purchasing commissions or educating them for professions. These debts were usually met by borrowing money on annuities. When the eldest son was twenty-four or twenty-five years of age an arrangement was often made by which the entail was broken, money was raised on mortgage, the annuities were discharged, and the family was again placed in easy and comfortable circumstances. How would the Bill affect persons in that condition? It said that any conveyance for that purpose should be valid if the lender had no notice of any act of bankruptcy. These notices, of course, would make lenders of money very careful. It would not be an easy matter sometimes to say whether a lender had received that species of information which the law described as a "notice." The definition of "notice" often gave rise to litigation, and therefore he believed lenders of money would be very shy of dealing with persons under the circumstances he had described, who might be more or less deeply involved, and might, perhaps, have judgments against them. Then, there was a third class of cases, also of not unfrequent occurrence. He meant cases where persons, being in difficulties, assigned their affairs to trustees, very often for the purpose of raising money by mortgage to pay off other incumbrances. Sometimes a father and son joined in putting an estate under trust in that way, and their affairs were thus set right without further trouble. This Bill, however, would interfere with an arrangement of that kind, because it provided that every trust deed which did not fulfil the conditions specified in the arrangement clause should be utterly void. The case he had instanced was not provided for by the Bill, and the consequence would be that these arrangements would be rendered impossible. Men circumstanced as he had described would, therefore, be almost ruined. For these reasons he held that the clause, naked as it stood, ought not to be agreed to. He hoped the Attorney General would either agree to exclude the large class of persons he had specified from the operation of the measure, or, if not, at least to introduce such provisions as would prevent that great inconvenience which the Bill, as it stood, must necessarily cause to that class. He could not see that by the proposed arrangement the smallest advantage would be conferred on any one except the money-lenders, who, he believed, were perfectly capable of taking care of themselves. He understood almost all the hon. and learned Gentlemen in the House were against him on this occasion. ["Hear, hear!"—"No!"] He was glad there was some one to say "no," but he feared that, generally, the lawyers were against him. He believed, however, that mankind at large had little reason to feel satisfied when all the lawyers were on one side. When they were divided they fought the matter out, and so the truth was elicited; but when there was a great preponderance of them on one side, it was high time for laymen to look out. It was very desirable, no doubt, that the law should be made as symmetrical as possible; but he could not forget that there had been great lawyers in the world before the present generation, and that for some 200 years they had drawn a geat distinction between trading and other debtors. He was well aware that this distinction had been much broken down in the present century by the introduction of the Insolvency Court system; but he believed there was an essential difference between trading and commercial and non-traders debts, and he thought the distinction ought not to be demolished altogether, as the Bill proposed. In moving the omission of certain words, he did so, not under the pretence that that would be the best way of altering the clauses, but for the sake of raising discussion on the question involved. He then moved the omission of the words "debtors whether" after the word "all."

MR. EDWIN JAMES thought the right hon. Gentleman had hardly done justice to the lawyers, for during the debate on this Bill they had taken a most liberal and generous course, a number of them having voted against the enormous compensation proposed to be awarded. This clause involved one of the most important questions connected with the subject of bankruptcy, as affecting not merely the mercantile but the social relations of the country. When the Attorney General introduced the Bill he (Mr. James) stated that he would support the principle it embodied, and he in-

tended to do so. He must admit, however, that if it was to be carried out, it ought to be surrounded with a great many protections. He found that by Clause 164 every judgment creditor who was entitled to sue out against a debtor a writ of *capias ad satisfaciendum*—which could be got for a debt of £20—or to charge the debtor in execution, was authorized, at the end of one week from the signing of judgment, to sue out against the debtor, whether he be in custody or not, so long as he was in England, a summons, requiring him to appear and be examined respecting his ability to satisfy the debt. Then, again, Clause 170 provided as follows :—

"Upon the Appearance of the Debtor he may be examined on Oath, by or on behalf of the Creditor and by the Court, respecting his Ability to satisfy the Debt, and for the Discovery of Property applicable in that Behalf, and shall be bound to produce, on Oath or otherwise, such Books, Papers, and Documents in his Possession or Power relating to Property applicable or alleged to be applicable to the Satisfaction of the Debt, as the Court shall think fit, and to sign his Examination when reduced into Writing; and any Debtor who shall upon Examination wilfully fail to discover fully and truly to the best of his Knowledge and Belief all his Property, Real and Personal, inclusive of his Rights and Credits, and to produce all Books, Papers, and documents in his possession or Power relating thereto, shall be liable to be committed by the Court as in the Case of a Bankrupt."

It appeared to him that that was a very dangerous and extraordinary power to confer on a creditor, and he could not help thinking that there ought to be some distinction between a mercantile and, as the phrase was, a gentleman debtor. By the French code no one except the person trading was liable to the Bankrupt Law. But the present clause might be made the means of the greatest extortion. A young man who had contracted a debt of £40 or £50 might get into the hands of usurers, who might make the whole of his property subservient to their extortion. He had given notice of an Amendment, which he should press, to the effect that all Peers, whether Peers of Parliament or otherwise, should be equally liable to the bankrupt laws with Members of the House of Commons.

SIR HUGH CAIRNS believed that this was the first occasion on which a question had been brought before the House of Commons which had excited much discussion out of doors—namely, whether non-traders ought to be liable to the bankrupt laws. He regretted that a discussion of so much importance should come on at so advanced a period of the Session. It was to be remembered that, whatever the views of hon. Members might be as to the abolition of the distinction between traders and non-traders, such a change was not demanded by commercial circles. The question that interested them was, whether they should have those Amendments in the administration and execution of the bankrupt laws which they had demanded. The other question was not one of urgency, and was not demanded by the feeling of the country, and might have been postponed to another time. It ought not at all events to be legislated upon without a full and searching investigation. Having had occasion to consider the subject, he would frankly state his belief that, to a certain extent, an irresistible argument might be urged in favour of abolishing the present distinction between the trader and non-trader. When, however, he saw the sweeping manner in which the change was proposed to be made he felt the greatest alarm. If the clause were adopted, all non-traders would be brought under the peril of committing one of the acts of bankruptcy therein described. Let the Committee observe what these acts of bankruptcy were, the Commission of any one of which would make a non-trader a bankrupt. By the 155th Clause seven acts of bankruptcy might be committed by a debtor. One was :—"If any debtor shall, with intent to defeat or delay his creditors, depart this realm." Who was to judge of the motive for which a non-trader departed the realm? There was an all-important difference herein between a person carrying on business and one who was not. The duty of a trader was to be always at his post. If he quitted the country, it was his duty to make suitable arrangements, and to leave no engagements which his representatives could not satisfy. The burden of proving that he did not go abroad to defraud his creditors was, therefore, thrown upon the trader. But a non-trader was not bound to be in the country. He had no place of business at which he was bound to be present. Another act of bankruptcy was defined to be, if the debtor "being out of this realm shall remain abroad." That was a most astonishing act of bankruptcy to apply to a person who was not in trade. Another Act of Bankruptcy was,

"If any debtor shall suffer himself to be arrested or taken in execution for any debt not due, or shall suffer himself to be outlawed, or procure his

goods, money, or chattels to be attached, sequestered, or taken in execution, or make or cause to be made, either within this realm or elsewhere, any fraudulent grant or conveyance of any of his lands, tenements, goods, or chattels, or make or cause to be made any fraudulent surrender of any of his copyhold lands or tenements, or make or cause to be made any fraudulent gift, delivery, or transfer of any of his goods or chattels, any such debtor doing, suffering, procuring, executing, permitting, making, or causing to be made, with such intent, any of the acts, deeds, or matters aforesaid, shall be deemed to have thereby committed an act of bankruptcy."

By Clause 158 it was enacted that

"If any debtor, having been arrested or committed to prison for debt, or on any attachment for non-payment of money, shall, upon such or any other arrest or commitment for debt or non-payment of money, or upon any detention for debt, lie in prison for fourteen days, or, having been arrested for any cause, shall lie in prison for fourteen days after any detainer for debt lodged against him, and not discharged, every such debtor shall thereby be deemed to have committed an act of bankruptcy; or if any such debtor, having been arrested, committed, or detained for debt shall escape out of prison or custody, every such debtor shall be deemed to have thereby committed an act of bankruptcy from the time of such arrest, commitment, or detention."

He had read these provisions to show how wholly inapplicable they were to the state of the law that had grown up in regard to the trade of the country. The law gave the trader certain advantages, but stipulated that in return he must regulate his conduct so as not to elude his engagements as a commercial man. But these acts of bankruptcy that were framed and originated for traders were inapplicable to those who were not men of business, and had no business habits. At all events, it was nothing more than justice, if they were going to make an alteration in the law, that they should only apply it to debts contracted hereafter. Another safeguard ought to be inserted in the Bill. The Legislature might very safely permit all non-traders to be made bankrupts on their own petition. The law at present was that if a creditor were in a position to take any debtor in execution, having recovered judgment against him, the debtor might be put in prison either until he paid or until he volunteered himself to come under the Insolvent Act. It always seemed to him that when the creditor had got to the point when he might put the debtor in prison, the law might advantageously dispense with the formality of putting him in prison, and might enable the creditor to summon him before the Court of Bankruptcy, and make him subject to the operation of the Bankruptcy Law. If an alteration were made in these respects it would remove a great objection to the present Bill. By the 173rd section creditors might file an affidavit in the District Court against a debtor, and the Court might issue a summons to show cause why he should not be adjudged a bankrupt, which summons was to be returnable in four days from the issuing thereof; so that as the Bill stood a non-trader might be summoned for £40, to appear in four days, and, if he failed to do so, might be adjudged a bankrupt. Nothing could be more convenient as an engine of oppression than this. At present a summons in the case of traders was returnable in fourteen days; and even this had been regarded in mercantile circles as productive of great hardship; but to extend it to non-traders, and to reduce the time from fourteen to four days, was a proceeding unnecessarily harsh. Unless the Attorney General limited this provision to those cases in which a creditor was in a position to put his debtor in prison, or to cases in which the debtor voluntarily submitted to it, he would deem it his duty to vote for the Amendment of the right hon. Member for Oxfordshire.

MR. MONTAGUE SMITH said, he had given notice to leave out these objectionable clauses. The clause now under discussion made an absolute identity between those who were traders and those who were non-traders, and thus would effect a complete revolution in the law of bankruptcy. There had at all times been a distinction between these two classes in this country, and there was good ground for that distinction, for a man engaged in trade and commerce was bound at all times to meet his engagements, and to be ever at hand both with his person and property; but a man not engaged in trade was not expected to have his estate in a condition to be at once turned into money, to be in a place of business ready to meet his creditor, or if he went abroad, to run the hazard of being adjudged a bankrupt. The vice of the Bill seemed to be that it had many clauses exceedingly proper as applied to traders, but harsh and oppressive to an excessive degree when applied to those not engaged in trade. By virtue of a subsequent clause in the Bill. Any man might be summoned before a Bankrupt Commissioner or County Court Judge for a debt of £40, and, unless he could satisfy the Judge that he could pay not only that debt but any other he might owe, he was to be declared

a bankrupt. He doubted whether in any code, however severe, such a clause had ever been found. A man might be on the moors in Scotland, or salmon fishing in Ireland, and be summoned to appear before the Court in London or before any provincial Court, however remote, within four days, to be examined on oath as to his debts. It might be right that a man engaged in commerce should be able at once to pay everybody, but it was not necessary that every man not in trade, from the Archbishop downwards, should be compelled to appear at four days' notice, and pay all his debts, or be declared a bankrupt. There were persons who had their incomes payable only at stated periods, who had no property, and to whom credit was given on the faith that they would pay when their salary was received. But if a malicious creditor summoned such a person before the Court, and it came out that he could not at the time pay his debts, he would be declared a bankrupt. A farmer, as they all knew, looked to his crops to pay his debts; but, supposing he was summoned three or four months before harvest for a debt, the result might be that his crops would pass into other hands, and he would be ruined. He might refer to the case of officers of the army, also, whose pay came in periodically, and who, when moving about from place to place with their regiments, would be liable to be summoned for small debts. Were they to be declared bankrupts because at the time when they were summoned they were unable to pay all their debts? The distinction between traders and non-traders had always prevailed in this country, and was not an arbitrary distinction, but was founded on common sense and the habits of mankind. It might be perfectly right and proper to frame stringent laws for traders, but that was no reason why those who were non-traders should be drawn into the net with them. He believed the parentage of these stringent clauses of the Bill did not belong to the Attorney General, but to certain classes of the mercantile community. The Bill contained provisions unnecessarily harsh towards non-trading debtors, possessing property not immediately convertible, and unnecessarily lenient towards others, possessing no present property, but having expectancies which sooner or later might be realized. It no doubt contained many valuable provisions as regarded the commercial community; but those who were beyond the pale of trade had not been consulted regarding it, and he believed that they were utterly ignorant of the consequences that would follow from the adoption of the Bill as it stood. If a clear distinction was not made between traders and non-traders, the Bill, he believed, would be productive of mischiefs that its framers had never contemplated.

SIR FITZROY KELLY said, he was sincerely desirous that this Bill should pass, and he agreed with the Attorney General in supporting the principle of this clause, yet he could not help expressing the wish that his hon. and learned Friend had stated to the House the nature of the protection and safeguards with which he meant to accompany it. It might relieve some of his friends from the apprehensions which, not unnaturally, they entertained regarding this clause if they remembered that by the law of Scotland, as amended some years ago, the distinction between traders and non-traders had been wholly abolished, and he was not aware that any serious mischief, or any mischief at all, had arisen from its operation. He must say that, much as he desired to see this Bill pass, he would rather see it withdrawn than not have a distinct assurance from the Attorney General that some strong safeguards would accompany the clause now under consideration. It was impossible not to perceive that almost all the clauses which immediately followed this, for the most part excellent in themselves as regards traders, were altogether inapplicable to a number of other classes in the community whose case seemed to have been entirely forgotten. A trader was bound to be at all times ready to pay his debts—it was of the very essence of the solvency of a trader that he should, at any and every moment, be prepared with any sum of money to meet every demand that might lawfully be brought against him; but would they apply the clauses constituting acts of bankruptcy, for instance, to landed proprietors? He was sorry to say that nine-tenths, or perhaps nineteen-twentieths, of the landed proprietors of the country had their property more or less subject to mortgage. A mortgage debt, though due in point of law, was not intended to be claimed, and ran on year after year; but to apply to such a case the provisions of this Act would be to introduce a revolution in the whole state of property, and the condition in which every man in the kingdom who happened to be a landed proprietor would be placed. A gentleman possessed of an in-

come from landed property of some £2,000 a year might have some debts, though, on the whole, in easy circumstances; there might be a mortgage debt; some ill-natured creditor might issue a summons against him, and unless he was able to satisfy that mortgage debt in four days he was liable to be declared a bankrupt by the Judge in Bankruptcy. He could not agree to such a clause unless the Attorney General at once consented to render inapplicable to non-traders in general the whole series of provisions respecting acts of bankruptcy; and, as an additional safeguard, he would suggest that as to the circumstances in which a non-trader should be made a bankrupt, he should be summoned, not within a given time, for that should in all cases depend on the discretion of the Judge, but only on fair and ample notice given. The debtor should then appear, according to the circumstances of the case, to give such information respecting his affairs as might seem reasonable to the Judge; and if it should appear—but only if it should appear—that he was utterly unable to pay his debts, that he was living on his creditors, and that it was necessary the bankrupt law should be put in operation against him—in these circumstances only should he be made a bankrupt, and thus prevented from wasting the estate. It was necessary to introduce into the Bill the most careful and specific provisions with regard to the notice to all non-traders. A trader was bound to be always in presence to meet his creditors; but non-traders might be absent on the Continent for a year or two without their address being known even to their own families, and these cases could not be dealt with unless satisfactory evidence was given that the absent debtor had proper notice. Before going further with this Bill the Committee had a right to expect from his hon. and learned Friend the Attorney General a clear and specific explanation of the safeguards he meant to provide in the case of non-traders.

Mr. MALINS concurred in thinking that the question raised by this clause was one of the last degree of importance. It was one of the most valuable provisions of the Bill, providing for the assimilation of the law of debtor and creditor to all classes of the community. He thought it right that every facility should be given for the recovery of debts, and that there should be one uniform system by which those who were unable to pay their debts should have their debts adjudicated. He agreed, however, that many qualifications should be made with reference to non-traders. They should not be liable to be made bankrupts in the manner provided by the Bill; but only after judgment was obtained. The great principle which it was desirable to establish was that those who did not pay their debts should be made with the greatest facility to do so, or at least to make a *cessio bonorum* to their creditors; and that then, whether traders or non-traders, they should be restored to their original position and to the capacity of acquiring property. Did the Committee think that non-traders who were in debt should be allowed to retain possession of their property by simply crossing the Channel? He was of opinion that if a proper notice were given at the residence of a non-trader, who was abroad, and he did not within a specified time—say a month or six weeks—return and settle with his creditors, every facility should be given to the latter to obtain possession of his property. The reckless habits of extravagance now too prevalent in the upper and middle classes of society would be checked when it was found that debt could not be incurred with impunity. It was said traders were bound to be always ready to meet the claims of their creditors; but ought not non-traders to be equally so bound? By going to Boulogne a debtor could avoid his creditors, or at least could put such difficulties in their way as amounted to an avoidance of them; but this Bill would compel him either to give up all his property for their benefit, or to come home and deal with them as he must do if he were a trader. No doubt proper safeguards ought to be provided, so as to prevent an oppressive creditor from making even a trader bankrupt; but the principle of the clause deserved the approval of the Committee.

Mr. CAYLEY said, the question raised in the clause now under discussion was so important that it ought not to be disposed of summarily, and he therefore begged to move that the Chairman report progress.

The ATTORNEY GENERAL hoped the Motion for reporting progress would not be pressed. The House was then as full as he could expect to have it during the discussion of this Bill, and it would be convenient that night to dispose of the question raised by this clause.

Sir WILLIAM JOLLIFFE hoped his hon. Friend would presevere in his Motion to report progress. The subject was one of the gravest import, and came on at that

hour quite unexpectedly. It could not be properly discussed at so late an hour. He asked what could be the position of officers in the army and navy when the present clause passed? He hoped the fullest opportunity would be given for the discussion of this clause.

House *resumed.*

MR. MALINS said, that the clause now under consideration was of the very essence of the Bill, and he wished to know whether, if it was rejected, the Attorney General would withdraw the Bill. If he was disposed to do so, it would be useless to ask the House to spend several mornings in consideration of other clauses.

THE ATTORNEY GENERAL said, the clauses of the Bill might be so altered as to remove many of the objections to the principle in dispute, and many opportunities would arise in the consideration of the subsequent provisions of the Bill for discussing whether or not non-traders should be included within its operation. Although he thought it was most important that they should be included, he should not be disposed to abandon the measure if the House decided that they should not. The greater part of the remaining clauses were merely a repetition of the existing law, inserted in order that the whole of the law might be comprehended in one Act. He therefore thought there was a reasonable prospect of arriving at the end of the Bill in time for it to go to the other House, so as to be passed into law during the present Session.

VISCOUNT PALMERSTON: I think the best way will be to put the Bill for Thursday evening.

SIR HUGH CAIRNS was glad the noble Lord had fixed the further consideration of the Bill for Thursday evening, as it would be impossible to proceed with one clause before the Committee had arrived at a decision upon the principle of including non-traders.

MR. E. P. BOUVERIE suggested to the Attorney General the propriety of so amending the subsequent clauses of the Bill as to obviate the objections entertained to the clause relating to non-traders.

MR. AYRTON thought that if the Attorney General wished to pass his Bill he should limit its application to traders, leaving the question as to non-traders to be dealt with in a separate measure in a future Session.

Committee report Progress; to sit again on *Thursday.*

REFRESHMENT HOUSES AND WINE LICENCES (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. HENNESSY said, he would propose as an Amendment, that the House should resolve itself into Committee that day three months. He charged the Government, he said, with something like a deliberate breach of faith. On the 16th of February the Secretary to the Treasury, in reply to a question from the hon. Member for Montrose, stated that the Resolutions then before the House were not intended to apply to Scotland or Ireland. In consequence of that authoritative statement the Lord Mayor of Dublin countermanded a meeting which he had convened for the purpose of protesting against the extension of wine licences to Ireland, and many of the Irish Members in consequence, he was sorry to say, supported the English Bill. He thought, moreover, that the Chancellor of the Exchequer, in proposing the present Bill, forgot many circumstances peculiar to Ireland. The Irish licensing system was in many respects better than that of England. The present Bill sought to re-establish a system long since abolished. In a debate which took place in the Irish House of Commons in 1791, Mr. Grattan said it would be necessary to regulate the granting of licences, with the view of taking from the Commissioners that power and lodging it with the quarter sessions. The third clause of the present Bill provided that the power of giving licences should rest practically with the police Commissioners and not with the ordinary magistrates. The Chancelior of the Exchequer had laid down the proposition that the consumption of ardent spirits diminished as the consumption of wine increased. But the facts in Ireland did not bear out that assertion. In 1800 the number of gallons of wine consumed in Ireland was 1,200,000; of ardent spirits, 4,140,000. In 1810 the consumption of wine was 1,100,000 gallons; of spirits, 3,600,000. In 1820, the consumption of wine amounted to only 500,000 gallons, and that of spirits to 3,800,000. The relative proportions were the same in 1830 and 1840. In 1858 the consumption of both wine and spirits had decreased, which was to be accounted for by a remarkable increase in the consumption of tea.

The argument of the Chancellor of the Exchequer therefore was inapplicable to Ireland, however it might be true of England. In Ireland there was a number of refreshment-houses, in which no spirituous liquors were sold; but, as these houses would all be subject to a tax under the present Bill, the result would be that the owners would, on paying a little more, take out licences to sell liquors. All who had studied the question of intemperance agreed with Father Mathew in saying that, whenever the licensing system was increased intemperance would be increased, and this constituted the chief objection to the measure of the Chancellor of the Exchequer. The right hon. Gentleman had said that he was prepared to change the drunkenness of England for the drunkenness of France; but was he prepared to change the social life of the middle classes of England for the social life of the middle classes of France? In the larger cities of France the middle classes hardly lived in their homes, but in drinking-houses. No doubt it would be said that if some lighter drink were substituted for ardent spirits, good might be effected; but he had shown that, as the drinking of wine increased in Ireland, so did the drinking of spirits. The quarter from whence this Bill proceeded furnished the strongest argument against it. It is the proposal of a Finance Minister. His business is to augment the public revenue; and, whether he does so by diminishing public morality is not a question which seems to attract much attention at the Exchequer. He boasts that he will increase the revenue by facilitating the sale and consumption of intoxicating drinks. There have been Chancellors of the Exchequer—the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) is one of them—who might make a very different boast—namely, that they increased the revenue by raising the duty on such articles. He regretted that the present Government had not tried the experiment of still further raising the excise on spirits, instead of adopting this reckless and immoral policy of endeavouring to secure national finances by endangering that national character for temperance which, since the labours of the good Father Mathew, has been the happy characteristic of Ireland.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will upon this day three months, resolve itself into the said Committee."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL DUNNE seconded the Amendment, because the present Bill transferred the regulation of the sale of spirits from the magistrates to the Excise, and that efficient supervision over drinking houses which was desirable would not be obtained.

LORD JOHN MANNERS would not enter into the merits of the Bill, but wished to call to the recollection of the House what had passed about five o'clock that evening. The hon. Member for North Warwickshire drew attention to the state of public business, and to the extreme inconvenience of protracted debates, which were brought on after midnight. His right hon. Friend the Member for Oxfordshire had contrasted the course adopted by the present Administration, with that pursued by the Government of Sir Robert Peel, which never brought on measures that were opposed at a late hour; the consequences being that they succeeded in getting through the business in a most satisfactory manner. The Bill now before the House had stood for some time on the notice paper; and his hon. Friend, the Member for the King's County, representing one of the most important constituencies in Ireland, had given notice of an Amendment that it be read a third time that day three months; notwithstanding which the Chancellor of the Exchequer rose at half-past twelve o'clock, and moved that the Speaker should leave the chair. Lower down on the list of the evening's business was a similar measure for Scotland, notices of Amendments to which had likewise been given. His object was to facilitate the progress of public business, and to obtain for those measures a satisfactory discussion, and he therefore begged to move that the debate be adjourned. ["Oh!"] Hon. Gentlemen cried "Oh!" but Members sitting behind the Ministerial Bench had interrupted the hon. Gentleman, the Member for the King's County, with cries of "Move!" before he had half finished his short and moderate statement in support of the Amendment. He did not blame hon. Members for wishing to prevent discussion; but he blamed the Government for the pernicious and obnoxious practice of bringing on Bills which they knew would provoke discussion at so late an hour. In order that the House

might, at one o'clock in the morning, proceed to the consideration of the forty-seven or forty-eight other Bills standing on the paper, with some reasonable prospect of advancing them a stage, he begged to move the adjournment of the debate.

THE CHANCELLOR OF THE EXCHEQUER said, the noble Lord was, no doubt, sincere in his desire to forward public business; but he could not compliment him on his choice of the mode for effecting that purpose. The Motion of the hon. Member for North Warwickshire, if adopted, instead of being rejected as an inconvenient restraint, would not have applied to the present Bill, which had been taken up at a quarter, and not at half-past twelve, as the noble Lord imagined. The hon. Member for the King's County stated his arguments against the Bill, with his usual ability, and with great fairness; but it was quite evident that the natural time for opposition was to the second reading, when the Bill came on at eight o'clock, and when great numbers of Irish Members were in the House. Four-fifths of the Representatives of Ireland, he ventured to say, eagerly desired that this measure should be adopted. ["No, no!"] The momentary expression of impatience during the speech of the hon. Member for the King's County, had been provoked by his travelling over the general question, which had been largely discussed when the principle of the English Bill was agreed to. Separate Bills for Ireland and Scotland were introduced for convenience of form and procedure. He repudiated the idea that there had been any breach of faith with the House. No distinction whatever had been made between the three kingdoms in the Resolution which was adopted; and it had been distinctly made known, early in the course of the discussion on the English Bill, that measures would be subsequently introduced for the other portions of the United Kingdom.

MR. O'BRIEN had always supported the removal of restrictions from the spirit trade; but that was a different thing from the support of a monopoly. The feeling of the people of Ireland was not that which had been represented by his hon. Colleague.

MR. BLAKE believed that this Bill would do more towards promoting temperance and morality in Ireland than any measure that had been passed for many years. The Irish people were very glad to get a glass of wine whenever they could. What he meant was that they would gladly take a glass of wine in preference to a glass of spirits. This Bill would be a blessing to Ireland, and he thanked the right hon. Gentleman for it.

MR. M'MAHON had asked the opinion of several of his constituents, and had not heard one expression of dissent to the Bill, except by a teetotaller, who was in favour of a Maine liquor law.

MR. BUTT, after the immense preponderance of opinion among Irish Members in favour of the measure appealed to the noble Lord to withdraw the Motion of adjournment.

COLONEL DICKSON denied that the majority of Irish Members were in favour of the Bill, and said that, if they were polled, the measure would certainly be condemned by them. Drinking was the great vice of Ireland. This Bill would encourage drinking, and it would be fraught with great disadvantage to the people.

Question, "That the Debate be now adjourned,"

Put, and *negatived.*

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 136; Noes 38: Majority 98.

Main Question put, and *agreed to.*

House in Committee.

Bill *considered* in Committee.

In reply to Lord NAAS,

THE CHANCELLOR OF THE EXCHEQUER stated that by this Bill the obligation to pay the licence duty would apply, in Ireland, to those refreshment-houses, not being wine-houses, which were open at night.

House resumed. Committee report Progress; to sit again on *Thursday* at Twelve of the clock.

House adjourned at Three o'clock.

HOUSE OF LORDS,

Tuesday, July 17, 1860.

MINUTES.] *Sat First in Parliament.*—The Lord Heytesbury—after the Death of his Father.

PUBLIC BILLS.—1ª Postage (Army and Navy); Nuisances Removal and Diseases Prevention; Common Law Procedure (Ireland) Act (1853) Amendment; Crown Debts and Judgments; Inclosure (No. 2); Conjugal Rights (Scotland).

2ª Annuity Tax Abolition (Edinburgh and Montrose), &c.; Burial Grounds (Ireland) Act (1856) Amendment; Friendly Societies Act Amendment; Titles to Land (Scotland) Act (1858) Amendment.

ANNUITY TAX (EDINBURGH, MONTROSE, &c.) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF ARGYLL said, he rose with great satisfaction to move that the Bill be read a second time. Five or six attempts had been made to settle by legislation the disputes arising out of this obnoxious tax; but until now none of these measures had reached their Lordships' House, although more than one had received the sanction of the House of Commons to the second reading, and although it had been the anxious desire of successive Governments to settle this disagreeable, and, as far as Edinburgh was concerned, obnoxious question. To such an extent had the ill-feeling occasioned by this tax been carried in Edinburgh that the officers of justice who endeavoured to enforce payment had been assaulted, and criminal prosecutions brought against the aggressors failed from the impossibility of getting a jury to convict them. The ministers of the Established Church in Edinburgh were not, as in England and other parts of Scotland, supported out of the ancient property of the Church, but entirely by a personal tax, upon the occupiers of houses, which was imposed by an Act of the reign of Charles II. It was analogous to ministers money in Ireland, which had recently been abolished. He was ready to admit the truth of the arguments upon the other side, that property was taken subject to the tax; but the impost was growing more and more obnoxious, and the necessity imposed upon clergymen of having recourse to law to enforce payment called for immediate legislation. The Bill satisfactorily accommodated the difficulty by providing from other means the stipend of £600 a year payable to all the existing ministers of Edinburgh and to their successors, whose number was, as vacancies occurred in certain churches, to be reduced by five. As at present levied the tax was very oppressive, and but a portion of the city of Edinburgh was liable to the demand. The whole College of Justice, moreover, was exempted; so that while the lawyers, who formed a very considerable, and by no means the least thriving portion of the population of the city, had nothing to pay, the poorer classes found themselves subject to a tax of 10*d.* in the pound. To remedy this grievance, and to provide a substitute, the same sum of £2,000, at present derived from the revenues of the Leith Harbour Fund, would be retained; a new arrangement of the moneys received from pew-rents would be made, and the balance would be raised by a fixed rate of 4*d.* in the pound, which would be collected with the police tax, to obviate those conscientious scruples which certain persons might entertain. The security and permanence of the Established Church would thus be provided for, and a difficulty in the way of every successive Government would be got rid of. The magistrates and Town Council of Edinburgh, from whom the noble Marquess opposite had just presented petitions, had been active in urging on various Administrations the necessity of effecting a settlement, but they wholly neglected to suggest a substitute for the tax. Every one of the principles embodied in this Bill had successively received their sanction, and it was with regret and surprise that the learned Lord Advocate learned their determination to oppose it. The Bill had passed the House of Commons by a considerable majority, and all the Scotch Members present, with the exception of two, voted in its favour. He hoped their Lordships would consent unanimously to its adoption, as any Amendments which might now be introduced would endanger its success in the present Session.

Moved, That the Bill be now read 2ª.

THE EARL OF DERBY said, that having examined the provisions of the Bill, and watched the spirit in which it had been introduced, he was of opinion that it was an honest attempt to settle a very difficult question. For this reason, therefore, and considering the inexpediency of postponing the settlement of the question, he hoped their Lordships would not endanger the passing of the Bill by introducing any Amendments into it.

THE LORD CHANCELLOR said, he had represented the city of Edinburgh for some years, and with great pleasure to himself, except for this question of the Annuity Tax, which was the bane of his life. He, along with others, had endeavoured to come to some accommodation on the question, but unsuccessfully; and it was with great pleasure, therefore, that he now saw a Bill introduced which was likely to pass with the approbation of both sides of the House.

Motion *agreed to.*

Bill read 2ª, and *committed* to a Committee of the Whole House on *Thursday* next.

TITLES TO LAND (SCOTLAND) ACT (1858) AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the Second Reading of this Bill, said, the best mode of acquainting their Lordships with the previous history of this Bill would be to read a letter which he had received from the Lord Advocate on the subject.

"The Titles to Land (Scotland) Bill never was discussed in the House of Commons in any of its stages. It is not a party Bill, but a Bill introducing certain legal reforms in conveyancing, on which both sides are substantially agreed, and the general scope of which was the same as one prepared by the Lord Advocate under Lord Derby's Government. Any difference of opinion which ever existed in regard to it, related to incidental details."

He was glad to say that, whatever party had been in office, there was no diminution in the zeal for legal reform; and he could not but acknowledge that, in this respect, the noble Earl near him had been very fortunate in the selection of his law officers. The Lord Advocate proceeded to say:

"It was introduced on the 8th of March; it was read a second time on the 20th of March without opposition or discussion of any kind. It met with warm approval and careful consideration from the profession in Scotland. On the 7th of May it was committed, *pro forma*, to have certain Amendments of my own introduced, without a single word of discussion. It was then reprinted, as amended in Committee; a form which every Member of the House of Commons is aware does not imply consideration or discussion. As reprinted it stood for Committee, and has so remained from that time to the present without a single step of progress. It was on three several morning sittings sent with five other Bills to the same Committee; but of these only two made any progress. The rest, including the Titles to Land Bill, have not yet had a single clause considered; and not one word has been said in the House of Commons on any one of its provisions. I thus found myself, on the 9th of July, with six or seven important Scotch measures, only two of which had even entered Committee. I therefore selected the two purely legal measures which might fitly commence in the Lords; stated in my place in the House of Commons that I withdrew them with the intention of having them introduced elsewhere, and placed them next day in your Lordships' hands. They arrive a fortnight sooner than they could have done, even had it been possible to overtake them in the Commons, and will come down when the overcrowding of the orders in that House has ceased. Before I took this step, I arranged all the clauses with the town-clerks and the superiors in a way which is satisfactory to them; and the question with the local registrars, which is a very subordinate one, is the only point on which, as far as I am aware, any difference of opinion exists in any quarter. I only endeavoured, in very difficult circumstances, to prevent two important measures, which would have met with no other obstruction than fair discussion of their details, from being defeated by want of time; nor can I see that any interest, public or private, has suffered by the course I have pursued. These are the facts, and I think it right that your Lordship should be in possession of them."

With regard to the Bill itself, in the year 1858 an Act was passed for simplifying the forms and diminishing the expense of completing titles to land in Scotland; but it did not include burgage tenure; and the great object of this Bill was to extend the same legislation to that class of titles. There was a clause which gave advantages to the registration of deeds in Edinburgh, and the local registrars were afraid that it would abstract business from them; but he was happy to say that the Lord Advocate had come to a satisfactory arrangement with them.

Moved, That the Bill be now read 2ª.

THE EARL OF DERBY said, he knew nothing of the merits of the Bill. He still thought that the course adopted by the Lord Advocate was not only unusual, but highly irregular, and one that should not be drawn into a precedent. Whatever that irregularity, however, it was nothing as compared with the irregularity of which the noble and learned Lord had just been guilty; because it certainly was the first time that, in reference to any proceedings in that House, a Member of the other House had been furnished, through the medium of a Member of this House, with an opportunity of making a speech to their Lordships, and by the voice of the Lord Chancellor explaining his reasons for adopting a particular course of proceeding. Such a complication of irregularities as had been effected by the noble and learned Lord in this House, and by the Lord Advocate in the other House, he must say he never recollected in the whole of his Parliamentary experience. With that single observation he would dismiss the question of the Lord Advocate's letter. If the Bill had met with opposition at a particular stage in the House of Commons, it was solely owing to the course which had been pursued by the Lord Advocate himself. It was stated by that learned Lord that the Bill contained the same provisions as the measure of the late Lord Advocate, and which measure met with general approval, although circumstances prevented its passing last year, and it was understood that

dissoluble, the law of England and Scotland must be regarded as the same. The main object of this Bill was to prevent collusive divorces, by providing that no persons should be allowed to sue for divorce in Scotland unless domiciled there in such a manner that if they were to die their personal property would be administered according to the law of that country. It enacted further, that if a divorce had been regularly and solemnly pronounced by a Scotch Court it should be valid throughout the empire. The noble and learned Lord then laid the Bill on the table.

Lord BROUGHAM believed that the Bill which he had unsuccessfully introduced into Parliament in 1835 and 1845, forbidding marriages without a very lengthened residence, would have been a better remedy for the evils of the marriage law of Scotland than the measure of his noble and learned Friend. Nothing could be more vexatious and unsatisfactory than the present state of that law, and he sincerely hoped some amendment would be made in it.

Lord REDESDALE said, it should be remembered that there was a very wide difference in the grounds upon which a divorce could be obtained in England and Scotland. If they extended the force of the Scotch decree to England without greatly altering the Scotch law they would be only giving a wider scope to the abuse which already prevailed.

Lord CHELMSFORD said, it would be better to reserve the discussion upon the Bill until the second reading.

Bill read 1ª.

House adjourned at Half-past Six o'Clock to Thursday next, Half-past Ten o'Clock.

HOUSE OF COMMONS,

Tuesday, July 17, 1860.

Minutes.] New Member Sworn.—For Brighton, James White, esquire.

EDUCATION BILL—SECOND READING.

Order for Second Reading read.

Mr. ADDERLEY moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. PEASE moved that the Bill be read a second time that day three months. The chief clause in the Bill was the first, which provided that no children under twelve years of age should be employed in any continuous labour unless a certificate was produced from a competent master that they were able to read and write, or unless an undertaking was given that they should receive education for at least twenty hours in the month. He admitted the humane intentions of the right hon. Gentleman who introduced the Bill, but, at the same time, he believed that it would operate most unkindly and harshly towards the poor. The children who were to be brought under the operation of the Bill were not in circumstances to be dealt with as children employed in factories and mines were. Many of them were employed as errand boys, and in other such ways, and brought in their little earnings to assist their parents, though from no fault of theirs they had received no education. To come down upon these poor children and compel them to desist from their employments, and from helping their parents, would be a great hardship. He objected to the Bill on this ground, but he might add that no system of education was laid down in the Bill, and there was no machinery by which its object was to be carried out. For these reasons he hoped the House would not agree to the second reading, but that it would agree with him that its provisions were wholly uncalled for.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Sir GEORGE LEWIS said, that the Bill had in its origin a close connection with the Bill for the regulation of Mines, lately under the consideration of the House. The right hon. Gentleman who had brought in the Bill took a different view of the education clause in the Mines Inspection Bill from the view taken by the Government. The first instance of an exceptional legislation of the kind in regard to compulsory education was the prohibition of the employment of children in factories without a certificate of their attendance at school. There was a special interference of Parliament with regard to that class of children, because it was thought the children employed in factories were in a peculiar position. Parliament saw an existing evil, which could not be disputed, and applied a remedy for it in the case of a certain li-

mited class by the Factory Act, without caring for any logical objections that might be made as to the inconsistency of legislating for one class alone. Some years ago, a Bill was likewise passed for the regulation of mines; and by that measure the employment of women and of children under a certain age was altogether prohibited. That Act had to be renewed this Session, and it was thought desirable to introduce a clause providing that no child should be employed in any mine who could not read or write, and that, when so employed, he should attend school. The right hon. Gentleman (Mr. Adderley) contended, however, that this was very inconsistent, and asked why that legislation should be applied to mines and factories alone, and why it should not be extended to all classes of the community. Now he (Sir George Lewis) was not prepared to say that that argument might not gradually force its way into the minds of the community; indeed he himself concurred in the justice of it in the abstract, and he wished they were in a condition to enforce such a rule with regard to children generally. But they must look at the inherent difficulties of the case. In this country we did not in general make our laws according to the rules of great logicians; we did not act upon abstract principles, but took up particular cases as they occurred, and endeavoured to feel our way from one case to another. By this experimental mode of proceeding we were much more successful in our legislation than if we pursued a more rapid and, perhaps, more logical course. For these reasons, though he gave his right hon. Friend credit for the very best intentions in introducing this Bill, he was not prepared to vote for the second reading.

Sir STAFFORD NORTHCOTE said, it was to be expected that a Bill on education would call forth considerable differences of opinion; but he was not prepared for the sort of opposition now offered to the measure. It was admitted that the principle of the Bill was on the whole right, but it was not thought expedient to attempt to carry that principle into effect. He did not think that was a kind of opposition which should induce his right hon. Friend to withdraw the Bill. If the question involved was one of principle, let them fight the question of principle; if, on the other hand, it was a question of detail, let them go on to discuss the details. It had long been generally admitted that our system of education, and the centralized establishment of Government aid in support of schools all over this country, did not produce an amount of benefit commensurate with their cost. The cause of this inadequate result was alleged by the school inspectors to be the fact that children did not attend or remain long enough at the schools to acquire the needful instruction. Now he heartily disapproved of all the schemes which had been propounded for compelling the parent to send his child to school. The relation between parent and child was one with which the State had no right to interfere, but the relation between the employer and the child was a public relation, by means of which the parent might be stimulated to do his duty. The schemes for tempting the child to remain at school, by offering prize grants and capitation grants, were all objectionable, resulting only in the education of a few dozen pupils to a high standard. If, however, children had a right to education, it was the duty of the State to see that their education was not neglected. That would be done if care was taken, as provided by the Bill, that no employer should employ a child without seeing that he was to some extent educated. The effect of this would be to impress on parents the duty of educating their children, as it would be more profitable for themselves, and he did not believe that it would at all interfere with employment of children. Under the measure children would be employed at an age not much later than at present, but for a year or two before they went to work they would go to school instead of running about idle. To meet such cases as that of a farmer or other employer in a district where there might be no school, a provision would be inserted that the master should not be subject to the penalty, unless it could be shown that he had the means of sending the child to school, and that he refused to do so. The Bill was an attempt to promote voluntary education, and decentralisation as regarded educational efforts, and on that account he thought it entitled to the consideration of the House.

The CHANCELLOR of the EXCHEQUER said, he was sure that those Members who were not now present would be in no small degree surprised, when they found that the House had been engaged in the discussion of a measure quite as difficult as a Bill for Parliamentary Reform. The benches of the House were nearly empty, and why? It was not because no interest was felt in this question; for he

it would be reintroduced. If the Bill had undergone no discussion in the House of Commons, it was because the Scotch Members were in the habit of facilitating their business more by their action out of doors than in the House; and it was owing to the Lord Advocate having, without an understanding with the Scotch Members, introduced material alterations, that had led to the whole difficulty. Had these alterations and Amendments not been introduced, and had the Bill been carried on as it was originally introduced, no objection would have been raised on either side of the House, and it would long since have come up to their Lordships in the regular course. But the learned Lord chose to introduce a number of Amendments upon which great differences of opinion arose and objections were taken; so that at the time the Bill was withdrawn from the House of Commons, there were four-and-a-half pages of Amendments of which notice had been given. In these circumstances the Lord Advocate withdrew the measure from the House of Commons for the purpose of re-introducing it in this House, and sending it back to the Commons at a late period of the Session. He (the Earl of Derby) might have used the expression that it looked like smuggling a Bill through Parliament. The Lord Advocate rather indignantly repudiated any notion of such an intention, and he was bound to assume that no such intention was entertained; but all he could say was, that if it were desired to smuggle a Bill through Parliament, a more effectual plan could scarcely be devised than to withdraw it from the House of Commons when the Scotch Members were present, to introduce it into this House, and to send it back to the other House in the last few days of the Session, when most of the Scotch Members had left town. He was assured, however, that what had been done had been done in perfect good faith, and he did not hesitate to assume that that was the case. But the noble and learned Lord (the Lord Chancellor) was very much mistaken and very much misled if he believed that the Bill now lying on the table was the Bill which was withdrawn in the House of Commons, because the Lord Advocate had withdrawn the greater portion of his Amendments and restored the Bill to a form in which it was perfectly satisfactory to the late Lord Advocate. If the same course had been pursued in the other House, there would have been no occasion for any irregularity at all. He acquitted the noble and learned Lord of any desire to obtain an undue advantage; but he could not acquit him of irregularity in the course which he had pursued, still less in the part which he had taken to-night. But, as the Bill was amended, he had no wish to impede its progress, although he hoped in the future more regularity would be observed.

EARL GRANVILLE said, the noble Earl complained very much of the irregularity of the course which the Lord Advocate and the Lord Chancellor had pursued. There might be a certain amount of irregularity, but the letter did not refer to anything which had passed in their Lordships' House. The noble Earl himself had not only been guilty of great irregularity in describing minutely what had passed in the other House, but he was sorry to say had given an impression which was not correct. The Amendments of the Lord Advocate had not been the cause of the delay: and as to the Bill being different now, it was a perfect proof of the good faith of the Lord Advocate, because he could not wish to take any advantage when he endeavoured to put the Bill in a shape which would be acceptable to the House of Commons. He held that the course which had been pursued in regard to this Bill was very desirable and necessary for the furtherance of the public business, the present state of which had attracted the attention of the noble Earl as well as of others.

LORD CRANWORTH hoped the Lord Chancellor would consider the case of the local registrars, whose interests would be seriously affected by this Bill.

LORD BROUGHAM said, he would have been exceedingly sorry if the Lord Advocate had, from any motive whatever, even that of self-defence, written a letter to his noble and learned Friend on the woolsack, referring to any proceedings in their Lordships' House. He had listened carefully, however, to the letter of his right hon. and learned Friend, and did not catch a single allusion, even the most remote, to anything that had passed in this House. In considering the propriety of the course which had been taken, it should be remembered that, whoever objected to the introduction of Bills as now proposed, and contended that they should pass through the other House in regular course, knew very little of the manner in which business was carried on in that House. Whether it was owing to the superhuman eloquence that was now so abundant, or the

deeply interesting character of the reasoning, the House of Commons was rapidly justifying its ancient etymology and becoming a *Parliamentum*, a *Colloquium*, a place of talk, and of nothing but talk. But, whether from this, or from whatever other cause, it was certainly the case that important measures were delayed in the other House not only for days or weeks but for months, without the possibility of a single step being taken in advance, and then hurried through or thrown over in the most wholesale manner. He understood that this Bill was hung up in the Commons from the 2nd of May to last week, without the least progress being made. He believed, therefore, that the transfer of the measure to their Lordships' House was the most convenient course that could be taken.

THE EARL OF DERBY explained that he did not impute to the Lord Advocate any irregularity in referring to the proceedings of their Lordships' House. He was aware that the right hon. Gentleman had avoided any such allusions, although, of course, the letter was written entirely on account of what had taken place in this House. The irregularity consisted in the Lord Advocate, by means of a letter, practically making a speech in their Lordships' House for the purpose of explaining the course he had pursued in the other branch of the Legislature.

THE LORD CHANCELLOR said, he had hoped that after hearing the letter of the Lord Advocate the noble Earl would have apologized for the mistake into which he had fallen. He thought the facts which had been stated must have convinced the noble Earl that there was no foundation for the suspicion that he (the Lord Chancellor) and the Lord Advocate had conspired to smuggle a Bill through Parliament, and now that he was undeceived, some expression of regret was to be expected. He could not see that the right hon. and learned Gentleman had committed any irregularity whatever in writing the letter he had read to their Lordships. He had simply stated the facts, which it was indispensable should be made known for the vindication of his conduct.

THE EARL OF DERBY said, he had not charged the noble and learned Lord and the Lord Advocate with what he was pleased to term a conspiracy. He must say, however, that the facts of the case, as they came before them on the introduction of the measure, did justify him in calling the attention of their Lordships to the matter, and he should certainly make no appology for having commented upon what he believed to be a Parliamentary irregularity. He never had, and never would apologize for commenting publicly on public matters. If he had hurt the personal feelings of the noble and learned Lord or of the Lord Advocate no one would regret it more than himself; but he was not aware that he had done anything in the course of the discussion which required apology.

EARL GRANVILLE said, that the propriety of making an apology was for the noble Earl himself to consider; but he trusted their Lordships would feel satisfied that the Lord Advocate was not open to the charge of having pursued any irregular or underhand course in regard to this Bill.

THE EARL OF DERBY repeated, that he disclaimed the idea of imputing such conduct to the right hon. and learned Gentleman.

Motion *agreed to.*

Bill read 2ª accordingly; and *committed* to a Committee of the whole House on *Thursday*, the 26th *instant.*

CONJUGAL RIGHTS (SCOTLAND) BILL.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR said, he had to offer to their Lordships another Bill, which was the brother, if he might say so, of the one they had been discussing, and which he hoped would meet with a more gentle reception. It was a Bill to amend the Law of Scotland in regard to Conjugal Rights. Had this Bill remained in the other House it would certainly never have reached their Lordships' House during the present Session. The Scotch Courts of law had the power of dissolving marriages, and that power was often abused by collusive expedients being resorted to by Englishmen in order to obtain the advantages of the Scotch law. For instance, it was a common thing for persons to go from England to Scotland for a divorce who were not domiciled there. In consequence this state of things arose. A marriage contract in England could be dissolved in Scotland, and while the parties remained in that country they could marry again and their children would be legitimate; but if they crossed the Border, the English marriage still subsisting, if they married again, they would be guilty of bigamy and their children would be bastards. As English marriages were no longer in-

our only precedents are those afforded by the police restrictions of other lands. Hitherto, no doubt, we have confined ourselves to legislating on behalf of children. What guarantee have we that legislation will stop there? We are often told that some day the House will be far more under the hand of the working class, and especially of the Trades Unions, than it is now. Will it not then be asserted, plausibly asserted, that if you may interfere to protect the child from his employer, you may interfere to protect the adult. The working class will surely think that the principle of such interference has been sanctioned by such measures as the one before us. Just look at the principle upon which it is advocated. Mr. Norris, in his memorial, expressly bases it on the principle that "it is just as much the proper business of Government to maintain the security of persons, as to maintain the security of property." "Now," he says, "the former of these require protection from every Act which tends to impair the physical, moral, or intellectual happiness of any class in the community." Sir, if that principle be conceded by this House, as embodied in the Bill before us, it will be impossible at any future time to refuse to the trades unions any legislative interference between master and man which they may demand, on the ground that it would advance their moral or intellectual welfare. I shall vote against the Bill, because it would be practically useless, because its principle is false, and the precedent thus set would be full of danger.

MR. ADDERLEY said, that the right hon. Gentleman the Chancellor of the Exchequer had attempted to overwhelm him upon that occasion by one of those torrents of exaggerated eloquence which, whatever might be the question at issue, the opponents of the right hon. Gentleman had reason to dread. But neither the right hon. Gentleman nor any other Member who had taken part in the discussion had said one word against the principle on which the Bill was founded. The measure would merely apply generally a provision which the House has already adopted in a number of isolated cases. They had been told by various speakers to await the results of experience; but the truth was the experiment had been going on for twenty years. The principle of the Bill was that no very young children should be employed for their whole time without receiving at least the rudiments of education. That was a principle which had already been sanctioned by the House, and it was somewhat strange to see the right hon. Gentleman the Home Secretary, who a few weeks ago got a partial Bill passed through the House, now stand up and oppose a general measure of the very same nature. He denied that the principle was compulsory; at the utmost it was prohibitory of the absolute prevention of education. It was said to be a vicious interference with the rights of employers; but the Bill simply provided that an employer should not take a child into his service if he found him wholly uneducated without giving him the means of obtaining elementary instruction for at least five hours in the week. No employer would object to giving a child such facilities for instruction unless he was determined resolutely and of malice to oppose the education of children. The principle embodied in the Bill had been sanctioned in the case of factories and mines, and he could not see why any objection should be raised to the general application of the principle.

MR. W. EWART supported the second reading on the ground that it was a case in which the State had a right to interfere. He maintained that if in the case of factories and mines the State was entitled to step in, so it was entitled in any case of the continuous employment of children. He approved of the Scotch and American as opposed to the Continental system of education.

MR. HARDY said, he objected to the very principle of the Bill, inasmuch as it was essentially one of a compulsory character. If it were adopted by the House they ought to have for the future a State education instead of the present denominational education; they ought to have an education supported by a rate instead of an education supported upon the voluntarily principle. He was entirely opposed to such a change. He believed that by the present free system they were doing their best to educate the people for the duties they had to discharge in life; and if they were to overthrow that system they would have to provide in every portion of the country schools to which parents could have no objection to send their children. Their factory legislation had been founded on the belief that factory children were exposed to special disadvantages; that they were employed for an excessive length of time in heated rooms; and that their health was in consequence permanently in-

jured and their growth stunted. It was true that the principle of the Factory Act had recently been extended to the case of children employed in mines and collieries; but that measure also had been supported upon special grounds, and they had not yet had an opportunity of ascertaining what would be result of the experiment. He would add that he believed it to be a case in which it would be most unwise to adopt a mathematical rule to be enforced with unchanging severity.

MR. BAZLEY said, he could testify to the great practical benefits derived from the operation of the Factory Act in Lancashire—benefits to the employers, as well as to workpeople. In his own business, he had a more skilful and more dutiful race of workers now than formerly. More than 2,000 children had received elementary instruction in his schools, and he believed they had become excellent members of society; from amongst them he had been able to select overlookers, clerks, and efficient assistants in various responsible situations. The good which had been done could not be denied, and he believed the working people were less necessitous, better capable of earning their own bread, and certainly less criminal than they used to be. Among the thousands of people he had employed, he did not know a single instance in which an individual had been taken before a magistrate, and he would distinctly state that in no one case had any individual been convicted of crime. They were intelligent, they were dutiful, and he believed they would be less disposed to combine or conspire against their employers now than when they were in a state of comparative ignorance. The defect of the present system, however, was, that it did not provide for the neglected children wandering in our streets. He hoped a Select Committee on the whole subject would be moved for next Session.

MR. NEWDEGATE said, he represented a district in which a portion of the population were suffering considerable distress from the effects of the recent legislation; and he hoped the House would not aggravate that evil by the adoption of the present measure. It would be nothing less than an insult to the starving people of Coventry to tell them that they could not obtain employment for their children unless those children were educated. The Bill was an extravagant exaggeration of the principle on which the Factory Act was founded; and he was afraid that if it were to receive the sanction of Parliament it would endanger the permanence of that Act.

SIR JOHN PAKINGTON said, that the effect of the Bill had been greatly misunderstood. The Bill would not prevent the employment of a boy because he could not read or write, but only enact that in such a case the employer should be compelled to see that he learned. He must express the interest and pleasure with which he had listened to the speech of his hon. Friend the Member for Manchester, whose valuable testimony on the practical success of the Factory Act was of more weight than twenty speeches founded on mere theory. He did not agree with the opponents of this Bill, who would leave the education of the people to mere chance and charity, nor could he see any reason why they should not extend to other employments the principle they had adopted in the case of children employed in factories and in mines and collieries. He should vote for the second reading of the Bill if the Motion were pressed to a division, but he believed that there would be no use in attempting to proceed beyond that stage with it in the course of the present Session. As a friend to education, however, he would rather wait for the Report of the Royal Commission, which, he hoped, would not be long delayed.

MR. H. A. BRUCE observed that in the mining districts education was far more general, and crime less common than in the other parts of the Empire. He believed, however, the effect, as in the case of the Factory Act, would be to diminish the number of children employed. Under the Factory Act one-half of the children formerly employed were thrown out of employment altogether. By the last reports it was shown that before the Factory Act came into operation 58,000 children were employed in factories. Three years afterwards less than one-half of that number were employed, and in 1857, notwithstanding the great increase of factories that had taken place, the numbers were still within 10,000 of what they had been before the passing of the Act. He believed that a like effect would be produced under the Mines Inspection Bill, and that many children would be thrown out of employment. At Merthyr Tydvil, where he was interested in iron works, there were 2,400 children employed, and being educated; and he had been informed by an intelli-

believed if it had been made known that a matter of such vast importance was to be seriously urged upon their attention, the House would have been crowded, and at least five nights' debate would have been required before the Bill could have been disposed of. There was no want of interest in the question; but it was felt that the debate would be nothing but a simple exercitation—an occasion on which they could make abstract speeches, but that the passing of the Bill at the present moment was as much out of the question as a Bill to abolish the House of Commons. His right hon. Friend had raised most prematurely a discussion on this question. No doubt, much could be said in favour of the abstract duty of giving education to these children; so much, indeed, that many Members would be loth to be compelled to give an adverse vote on the subject. This was a difficult question that would in due time force itself upon the attention of the House. Such were the difficulties of the case; such were the threatening circumstances arising from the heavy expenditure for education that had been going on for some years, that he was not willing to interfere with, or prejudge, the right consideration of the subject by premature discussions like the present. The public mind was absolutely unprepared to deal with this question. He did not say that the subject was one which might not, with advantage, be the theme of excellent speeches at the Statistical Society, or the Social Science Association; and he was inclined to suggest that to these places the present discussion should be adjourned. But it was not the practice of that House to make its floor the floor of a debating society. It was their habit, in the course of their legislation, to proceed with reference to practical duties. They were bound to rest on this question for the results of experience. The working of the Factory Act had, no doubt, been satisfactory; but they ought to take time to ascertain the result, in the case of mines, before they proceeded to make the education of children spread over the whole community compulsory. It was utterly impossible that any practical result could flow from the Bill being pressed at the present moment; and he hoped the right hon. Gentleman would not compel Members to take the painful course of voting against a measure, the discussion of which could only have the effect of prejudging a great and important question.

MR. HENLEY argued that the House had great reason to complain of being called upon to discuss such a Bill at that time, the Bill having been brought in on the 26th of April. He had heard the speech of his right hon. Friend below (Sir Stafford Northcote) with much astonishment. The people of the country were not to be hoodwinked by a fine distinction; and when the right hon. Gentleman said that he would not consent to impose any compulsory education, they would ask him what could be more compulsory than to pass a law, declaring that those who did not acquire an education should not work, and consequently that they should not eat. He (Mr. Henley) believed that in many instances a child, when employed, and taking home his little earnings to his parents, was learning more than one who merely went to school to learn to read and write under the compulsion of the State. The right hon. Member for Staffordshire had carried his speculations rather too far in this Bill. The effect of such a measure would be to dry up the sources of voluntary effort, and to interfere most injuriously with the combined system of voluntary and State education that at present existed.

MR. BUXTON: The scope of this Bill, Sir, is to put a dead stop throughout the kingdom to the employment of any child who cannot produce a certificate from a competent master of his being able to read and write. Now, Sir, every one familiar with schools knows that there are tens of thousands of children who, either from their dulness, idleness, or obstinacy, never could obtain such a certificate from any competent schoolmaster. There are tens of thousands of children whose parents, from drunkenness, or poverty, or other causes, never could and never would give them the necessary schooling. Are all those children to starve? Are all those children to be cut off from employment? Again, great numbers of children would be certain to lose their certificates. Are those children to starve? Again, the schoolmaster is to certify to the child's acquirements. Who will certify the schoolmaster's competence to judge? These difficulties are on the surface. Furthermore, this measure is needless. Education is steadily making way. There is no need to hurry it forward by dint of legal penalties. And, if you impose penalties at all, at least impose them justly. Do not lay them on the employer whose tie

with the child is artificial, lay them on the parent who is naturally responsible for the child's well-being. But depend upon it, by thus cracking legal penalties about the ears of employers, you will chill the warm interest which most of them are now beginning to feel in the education of the children around them. Sir, it may be said that all this is theoretical, while practically such legislation has answered well. But it is not on the ground of our legislation of that kind having answered well—it is expressly on the ground that it is answering ill that we are called upon to extend it. The right hon. Gentleman told us the other day that the motive for carrying this Bill is that our legislation so far has been unjust and mischievous. In the circular that has been sent round to us in favour of the Bill the same phrase is used. Mr. Norris, in his memorial, which gave rise to this Bill, states, "that our proceedings hitherto have been impolitic as regards the children, because at the cost of much vexatious interference little or no educational benefit is obtained." He has seen a great deal of the working of that legislation in the case of print works and coal mines. With regard to the print works, he tells us "that there is little or no educational value in the result." With regard to coal mines, he says it has no effect in sending the children to school. No condemnation of our compulsory legislation can be stronger than these statements from the lips of those who plead for this extension. Sir, if the promoters of this measure had argued on its behalf that similar legislation with regard to factories had been successful, as I believe it has, that argument might have seemed plausible. It would not, however, have been valid, because factories are under most exceptional conditions. In factories it is possible to have relays of children. In factories it is easy to maintain a minute system of inspection. Our success, therefore, in that peculiar case, would give small promise of success elsewhere, as, indeed, we see in the case of print works and coal mines. However, that is not the plea of the right hon. Gentleman. His plea is not that our legislation has succeeded, but that our legislation has failed. It puts one in mind of the surgeon in *Gil Blas*, who, when he had bled his patient to death, said that what was wanted was a little more bleeding. I doubt the soundness of that logic. No doubt its meaning is, that where your legislation is partial, it merely throws the untaught children into other channels of employment; but that if all were closed, the children would be driven from all employment into school. Sir, that is a vast enterprise. To dam up every channel of employment throughout the kingdom to every child that cannot bring a certificate of education from a competent schoolmaster is a huge undertaking. One naturally asks what is the machinery by which it is to be carried out. Sir, the Bill provides no machinery at all. What success this species of legislation has had has been mainly owing to a system of minute supervision by inspectors with annual Reports, and so forth; but the promoters of this Bill, in the memorial to the Home Office, openly acknowledge that, "to cover the country with a system of inspection, such as now prevails over the small area of the factory districts, is out of the question." And, accordingly they sit down content with the strange illusion that the bare existence of such a law would be enough to induce employers every where to reject uncertified children out of simple reverence for the law of the land. Sir, I put it to the good sense of the House whether the people of this country are fools enough to look upon us or our decrees with such awful devotion as to put themselves to serious loss and inconvenience, simply because we had desired them to do so. The plain truth is, that in 999 cases of 1,000, this law would be a dead letter. In the thousandth case it might be enforced. It might be enforced where some informer had a spite against an employer. It would only be enforced so rarely, so capriciously, that it would do nothing towards promoting education. But, then, it may be said, if it does no good it will do no harm. Sir, it will do great harm; no legislation is more hurtful than penal legislation, which can only be executed rarely and capriciously. It lulls men into false security, and then, at the instigation of some spiteful informer, it makes a criminal of an individual who is no worse than his neighbours. Again, those more scrupulous men who subject themselves to the law, because it is the law, are put at a disadvantage as compared with those who disregard the law. But further, I look with alarm at the increasing tendency of the House to extend legislation beyond its natural province. We seem, step by step, to be introducing a system of minute surveillance over the private interests of the people, for which

Majesty, representing that the House had learned with regret that many of Her Majesty's subjects in Ireland were prevented by conscientious objections from availing themselves of the benefit of the funds voted by the House for the promotion of national education in Ireland; and praying Her Majesty to direct inquiries to be made whether such changes might not be made in the rules under which that grant was distributed as would enable all classes in Ireland to enjoy the advantages which that grant was intended to secure to the Irish people. The question involved was whether Ireland was to be treated in the same manner as this country, and whether an educational system which had grown up to gigantic dimensions was to be administered in deference to or in disregard of the feelings of a large portion of the population of that country. Towards the support of the system inaugurated by the Earl of Derby the grant in 1831 had been £30,000, in 1851 it had increased to £100,000, and in 1858 it had reached £270,000, and for this year it stood at the same amount. £30,000 was spent upon what were called model schools; nearly £20,000 upon agricultural schools; and the sum spent upon education generally throughout the country was £131,000. Here was a Board appointed by the Crown administering a revenue gradually approaching in amount the aggregate of the stipends received by the parochial clergy of the Establishment. The Board possessed great power, and controlled absolutely the education of the lower classes in Ireland. He was sure that such a system was not within the spirit of a free Government; and that if it were introduced into England it would be strongly protested against. But what he wished to call attention to was, that in Ireland a considerable number of the Roman Catholic population refused, from conscientious motives, to avail themselves of the assistance offered them by the State for the education of their children. Almost the whole of the Protestant population repudiated any connection with the system also from conscientious motives. Was that, then, he asked, a state of things that ought to be encouraged? About five years ago the right hon. Member for the University of Cambridge (Mr. Walpole) brought forward the case of the Protestant population of Ireland in reference to the system of national education in a speech marked by much eloquence and argument. He (Mr. Butt) cordially subscribed to that admirable sentiment with which the right hon. Gentleman opened his speech on that occasion—namely, that when the State voted large sums of money for the education of the people, they had no right to exclude any one class from its benefit. The Roman Catholic prelates however alleged that system was not adapted to the Roman Catholic population, and every Protestant clergyman who partook of the grant said he only accepted of the system in the absence of any other—that it was simply a choice of evils, either to accept the system of education that was offered, or to leave the children under his charge without any education at all. The system was based upon toleration, but in its action it was most intolerant. Unless a person submitted to the rules of the Commissioners he could not be permitted to share in the advantages. A system was called national, to which the whole nation was opposed.

In 1831, when the system was introduced into Parliament by the present Earl of Derby, it was stated that its main object was to protect parental authority, and to give every opportunity for the education of children without requiring the sacrifice of the slightest principle of conscience or the cherished convictions of the heart. It was also established as one of united education; and upon that ground alone could the rules which had been established by the Board, and the sacrifice of religious action which was required from the various denominations, be justified. Had the system, then, succeeded as one of united education, under which the children of parents of different religious denominations should be educated in the same school? Quite the reverse. He might be told that it educated so many Protestant and Roman Catholic children; but that fact did not prove it to have succeeded as a combined system of education. Now, he had not been able to obtain a statement showing how many Protestant and Roman Catholic children were mixed together in those schools in Ireland. He knew, however, that in more than 2,000 schools or more than one-half there was no admixture of children whatever; that those schools were administered by Roman Catholics, and the pupils were all Roman Catholics; and in the few schools that were administered by Protestant clergymen there were no Roman Catholic children. The returns obtained by Lord Clancarty in a Committee of the House of Lords, moreover

showed that in the few schools in which there was an admixture of Roman Catholic and Protestant children the proportions of the former were immense as compared with the latter. It was, then, generally admitted that as a mixed system of education it had utterly failed. In Youghal, the borough which he had the honour to represent, there was a large population of Roman Catholics; there was also a considerable Protestant population, consisting principally of artisans, who would be glad to avail themselves of any system of education for their children which they could conscientiously share in. There was a large number of zealous clergymen in that part of the country, and yet there was not in Youghal a single school receiving sixpence out of this large grant of public money. The Protestant clergymen said that the national system called upon them to exclude the Scriptures from their schools, and they would not consent to such a condition. The Roman Catholic clergymen said that the system of education in these schools was inconsistent with their conscientious feelings, and they could not accept it. So that both parties raised voluntary funds from the population for the support of their respective schools. The same principle was adopted in many other parts of Ireland. There was a large number of the Government schools connected with convents and monasteries. Surely it never could be supposed that in such schools there could be anything like a mixed education. He had before him the evidence of officers of the Board in reference to these convent schools. The secretary of the Board said that those schools, like all others under the national system, must be *bonâ fide* opened to children of all denominations, but that, on account of the peculiar and distinctive character of those particular schools, no Protestant children attended them. The secretary further observed that he had always considered those schools as exceptional, and that none but Roman Catholic children attended them. It was his (Mr. Butt's) opinion that no Protestant could conscientiously send his children to them. Now, in making these observations, he must say he should consider it a great misfortune if the aid were withdrawn from those convent schools. He would confess, that when he made inquiries into these institutions he approached them, like many other persons, with some degree of prejudice; but, like others, he had soon satisfied himself of the extreme value of the services which the nuns rendered to the cause of female education and was highly gratified by the neatness, efficiency, and order that prevailed in their schools. He was anxious, therefore, to bear his unbiassed testimony to their value. At the same time he should contend that they proved a departure from the principle of the system administered by the Board. He might mention one fact as illustrative of the inequality and injustice of the system. In the town of Youghal there was a convent school in which nearly 400 Roman Catholic girls received education. An English Protestant woman, who happened to be residing there whilst her husband was in the Baltic during the war, sent her two children to this school, where, unfortunately, they learned how to bless themselves. The mother was astonished at finding that they were receiving a Catholic education, and made a formal complaint upon the matter. An inquiry was instituted, and it was discovered that in the school, intended exclusively for Roman Catholics, the teachers were in the habit of reading during work hours some religious book. Thereupon, for no other reason than because two Protestant children had accidentally found their way into the school the Board put a stop to the reading of religious works, except during the hours set apart for religious instruction, and thereby, as he thought, interfered with the right of Roman Catholics to a free education. Similar incidents were occurring day after day in Ireland, and they were far from being calculated to promote goodwill among Protestants and Roman Catholics. Under the care of religious ladies observances were mixed up with what he would call the poetry of children's existence, which gave birth to the most sacred feelings. But if by accident a little "heretic" should find its way into such a school, suspicion and mistrust were sure to follow, and ladies who devoted themselves to the education of their poorer brethren were alarmed and vexed by the visits of Government officials asking them why they dared to commit the abominable crime of having the *Ave Maria* inscribed upon their walls.

The condition on which the Board gave assistance was that religion should not be mixed up with the education of the children. The Protestants objected to that exclusion. It was not so much the Pro-

gent agent that a visible improvement had taken place in the district, and that there was not one-tenth of the drunkenness that formerly prevailed. He had himself when in the district found the people better able to understand and appreciate arguments than formerly, and altogether a great improvement had been effected. Believing that the Bill before the House was based on a right principle, he should vote for the second reading.

MR. WHITESIDE said, he could see no objection to the Bill; on the contrary he believed that it proceeded upon a right principle; and he trusted that that principle would yet receive the support of the Chancellor of the Exchequer, and of other Members who had that day opposed the measure. The money and the labour of the State were employed in punishing crime; and there could surely be no reason why the State should not endeavour to secure for children that education by which crime might be prevented. When at Vevay he had been informed by a Swiss gentleman that in Switzerland when a parent neglected to educate a child they took the child from him—*nolens volens*—and instructed him against the parent's will. The gentleman added that they could not exist as republicans in Switzerland with an ignorant people. He cordially supported the Bill of his right hon. Friend.

MR. BAINES said, he believed the Bill to be perfectly unnecessary. It was compulsory and not needed, and was contrary to the spirit of the free constitution of the country. The course of education was great and rapid, and people were doing voluntarily what many benevolent persons sought to compel them to do. In the course of that debate they had heard what great things were being done for education in the rural districts, in the Potteries, and in the mining and manufacturing districts. All classes were alive to the value of education, including both employers and the employed; and such were the agencies at work, that he believed they could not prevent the people from being educated if they desired to do so. He maintained, then, that compulsion was not required, and it was a nobler thing to be educated in accordance with the spirit of freedom than according to a system of universal compulsion. Religion was the best thing of all, but they did not make religion compulsory. Sunday schools had done a great deal of good, but they did not compel the children to attend. To carry out the principle of compulsory education they must have recourse to compulsory religion, and to compulsory attendance at places of worship. He believed the people would be educated, and that there was a universal feeling in favour of it, but let the right hon. Gentleman take care that while he was endeavouring to bring in a law to his aid that could not be executed, he did not make the people disregard the law. On that account the right hon. Gentleman should check his zeal, and by leaving the people to themselves the great end he had in view would be accomplished.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 51; Noes 122: Majority 71.

Words *added.*

Main Question, as Amended, put, and *agreed to.*

Bill *put off* for three months.

THE TENPENNY INCOME TAX.

QUESTION.

MR. WHALLEY said, with reference to the Grant to Her Majesty of tenpence in the pound on Property and Incomes, he would beg to ask the First Lord of the Treasury how he proposes to carry out the financial arrangement submitted by Her Majesty's Government to this House, and on the faith of which such Grant of tenpence in the pound was made? In the absence of the noble Lord, perhaps some other Member of the Government will answer the question.

SIR GEORGE LEWIS: Sir, the only answer I can give to the question of the hon. Member is that the Act for the provision of the Income Tax of tenpence in the pound, having been passed by both branches of the Legislature and received the assent of the Crown, has become the law of the land, and it is the duty of the Commission of Inland Revenue to carry it into effect in the same manner as previous Acts for the same purpose.

MR. WHALLEY said, his question did not refer to the Income Tax, but to the financial arrangements (of which the Income Tax formed part) that had been submitted to the House by the Government.

SIR GEORGE LEWIS: I do not know how I can answer the hon. Gentleman's question more directly than I have done, but he heard the statement of my right hon. Friend the Chancellor of the Exche-

quer the other night, who gave a full exposition of the views of the Government with respect to the supplementary Ways and Means necessary for the rest of the year. I have nothing whatever to add to that exposition, and I apprehend that if the hon. Member repeats this question as to the financial arrangements of the year, either to the First Lord of the Treasury or the Chancellor of the Exchequer, they can only adhere to that statement. I understood the hon. Gentleman to refer to the Income Tax. If that was not the subject of his inquiry, then I apprehend the full and very clear statement of my right hon. Friend would furnish a complete answer to his question.

PAPER DUTIES REPEAL BILL.

QUESTION.

LORD FERMOY said, he wished to ask a question which involved a point of order. He was anxious to know whether the Motion he had put upon the Paper would entitle him to precedence. That Motion was to the effect—"That the rejection by the House of Lords of the Bill for the repeal of the Paper Duties is an encroachment on the Rights and Privileges of the House of Commons, and it is therefore incumbent upon this House to adopt a practical measure for the vindication of its Rights and Privileges."

MR. SPEAKER: A question of privilege to be entitled to precedence must refer to some matter that has recently arisen, and which calls for the present interposition of the House. Now, it cannot be said that the subject-matter of the noble Lord's Resolution has recently arisen, because twelve days ago the noble Lord the First Lord of the Treasury proposed Resolutions to this House on the same subject, which were adopted by a large majority. While the House reserves to itself on every occasion the power of at once proceeding with any matter which may appear urgent, still it does not admit the claim of hon. Members to precedence, unless the prescribed requirements are all fulfilled. It certainly seems to me that in the present instance those requirements have not been fulfilled, and I do not think the noble Lord is entitled to precedence.

HOSTILITIES IN NEW ZEALAND.

QUESTION.

MR. ADDERLEY said, he wished to ask the Under-Secretary of State for the

Sir George Lewis

Colonies, Whether any accounts have been received of the people of the provinces of New Zealand, not immediately threatened by Maori hostilities, volunteering for the assistance of their fellow-colonists at Taranaki; whether any intimation has been received from the Colonial Govenment of its intention to propose to the Colonial Parliament any Vote for the purpose of contributing to the expense of the Civil War; or whether it is the intention of Her Majesty's Government that the whole expense should be defrayed from the Imperial Treasury?

MR. CHILDERS said, he also would beg to ask whether any offers of assistance in suppressing the insurrection in New Zealand has been made by the people of the Australian Colonies, and particularly by those of Victoria?

MR. CHICHESTER FORTESCUE said, in answer to the last question he could state that the Government were aware that very liberal and gallant offers had been made by the Australian Colonies, and particularly from Melbourne, whence the volunteers were ready to proceed if necessary to New Zealand to assist their fellow-countrymen in their struggle. He was not, however, aware that any of these offers had been accepted, or that any of those volunteers had actually gone to New Zealand. With respect to New Zealand itself, they knew that the inhabitants of Auckland had been active in regard to the raising of volunteer militia for the defence of their own neighbourhood should it unfortunately be attacked; but, as far as the Government were aware, they had not proceeded, and were not likely to proceed to Taranaki. The Government had not heard of any proposition on the part of the Governor to submit such a Vote as his right hon. Friend's question referred to the Colonial Parliament, which had not yet met; but they had no reason to believe that it was the intention of the New Zealand Government to call upon the Imperial Government to defray the expense of the efforts made by the colonists in the way of raising volunteers and militia. It would be premature now to announce what would be the arrangements of Her Majesty's Government in respect to defraying the cost of the hostilities still in progress.

NATIONAL EDUCATION (IRELAND).

ADDRESS MOVED.

MR. BUTT said, he rose to move that an humble address be presented to Her

occasion I stated on the authority of the Bishop of Ossory that a clergyman who referred to one of the Commandments in the school was corrected by the schoolmaster, who said he had no right to remark on the Commandments of God, except at particular hours. This question was considered by the Bishops of the Church, and I can answer for it that in their celebrated manifesto they spoke not only the sense of the Episcopate, but that of four-fifths of the clergy of the Reformed Church. The House may remember that a petition was presented to the House of Lords by the Archbishop of Canterbury, signed by 4,514 of the parochial clergy of England, in which they stated that in their opinion the clergy of the Reformed Church in Ireland discharged their duty in resting on the Scriptures as a part of education, and further that they only acted up to the letter and the spirit of their ordination vows. Now, this is not a question of whether the Irish Secretary is of a different opinion. He would, perhaps, recommend them to adopt the advice of our sarcastic and incomparable Dean Swift, who, in pointing out to the clergy of his time how to rise, observed that a man's conscience was of no manner of use unless it stretched with the occasion. The conscientious clergy of Ireland will not support the National system, and, although a deanery or a bishopric might be the reward of their adherence, yet the highest reward which Ministries can bestow has made not the slightest impression on the bulk of the working clergy of Ireland. Such as they have been they are, and such as they are they will continue to be. Every one will admit that the rules of such a system ought to be few, simple, intelligible, and just; but, on the contrary, all the witnesses whose evidence fill the two large volumes now on the table of the House admit that they are evasive, lax, unintelligible — some say unintelligible— liable to be interpreted in every way, in order if possible to meet every case, and to be fixed by no principle whatever. At one time, when the National Board are asked whether religious education can be given in the schools, they reply "Oh yes!" At another time they say, "Not at all; no allusion must be made to religion, or to morality if blended with religion, from ten till three, but before or after school, if you can catch a lad"—and he can't be much like an Irish lad if you do catch him at such a time—"you may talk to him then of religion and morality." The other day a curious correspondence appeared between the Rev. Canon Dalton and the National Board. The Rev. Mr. Dalton wrote the following letter to the Board :—

"For seven years I have had the charge of the parish of Kilbryan, diocese of Elphin, as vicar.

"The gross tithe amounted, per annum, to £14. Lately the Ecclesiastical Commissioners for Ireland were enabled to grant a slight augmentation, which raised the annual income of that vicarage to the net value of £70 a year.

"I have maintained a school in that parish. The struggle to pay a teacher, supply requisites, and repair the school-house with so small an income, and the scant aid which the Diocesan Church Education Society could give, may well be imagined.

"The re-opening of the education question by *The Daily Express*, especially the statement of the editor in this day's paper, induces me to apply at once to the Commissioners of National Education in Ireland for decisive information.

"Will you, then, favour me with a distinct and direct reply to my query on one point on which I really cannot form a clear conclusion from the 'Rules, &c.,' as now propounded in *The Daily Express*.

"It is simply this :—

"If I place this school in connection with the Board as a non-vested school, may I make use of any reference, remark, observation, elucidation, example, enforcement, precept, quotation, rebuke, or comment out of the Holy Scriptures during the existence of the school in its integrity in 'school hours.'

"In plain terms, may I, then, as patron of that school, walk into my school-room at any time during school instruction, and, if I deem it needful, use the Word of God, the Holy Scripture, in any manner ancillary to the subject-lesson at the time being taught ?

"I earnestly beg a clear, candid reply, whether I may or may not take up one of the school Bibles, or my pocket Bible, quote from it, and thus refer to it, and make use of it, unfettered by conditions; or, if not, by what conditions binding my free use of it, as a minister of the Gospel—the 'Word of the Lord which endureth for ever.'"

In reply to that letter, Mr. Dalton received the following reply from the Secretaries :—

"We have laid before the Commissioners of National Education your letter of the 11th ultimo, in which you request a distinct and direct answer to your query on one point – namely :—

"'If I place this school in connection with the Board as a non-vested school, may I make use of any reference, remark, observation, elucidation, example, enforcement, precept, quotation, rebuke, or comment out of the Holy Scriptures during the existence of the school in its integrity in 'school hours ?'

"In reply, we are directed to state that the Commissioners have found it necessary to decline answering questions of a hypothetical nature regarding the rules, but that they will always be ready to afford full explanation of the principles

and rules of the National system, should a difficulty arise in their application in the case of any particular National school.

"We are also directed to forward to you a copy of the rules and regulations of the National Board, and to call attention to the fourth section of part the first, containing the regulations respecting religious instruction.

"We are further to observe that there are various National schools in Dublin, and its vicinity, open to you as a visitor, in which the Commissioners' rules will be found practically exemplified.

"Should you, on consideration, resolve to place the school to which you allude in your letter in connection with the National Board, we shall be happy to send you the forms of application, with the necessary instructions for filling them up, &c."

The writer of that letter is somewhat skilled, I think, in the science of evasion, for certainly the question put to him is a very plain and distinct one, and his answer is no answer at all. Mr. Dalton then wrote to the Secretaries as follows:—

"Sirs,—I have to acknowledge the receipt of your letter of the 1st instant, in reply to mine of the 11th ultimo, enclosing a copy of the rules, &c., and calling my 'attention to the fourth section of part first, containing the regulations respecting religious instruction.'

"I have carefully read the same, and my interpretation of them is, that if I subscribe these rules I consider that I could not honestly make any use of the Holy Scriptures, under any circumstances, while all the school is in attendance during school hours.

"Indeed I am informed, upon excellent authority, that this is the interpretation put upon these rules by the Commissioners of National Education in Ireland themselves.

"If I am correct in this my interpretation, I cannot place the school referred to in connection with the Board. Should I not be correct in this interpretation, I shall thank you to forward to me the 'terms of application,' &c., to fill up.

"In case I do not hear from you I shall take it that this interpretation of these rules is the correct one."

The Secretaries replied thus:—

"Sir,—Having laid before the Commissioners of National Education your letter of the 3rd inst., we are directed to inform you in reply, that the use of the Holy Scriptures during the hours of secular instruction, when children of the different denominations attending the school are required to be present, is incompatible with the rules of the Board of National Education, and that religious instruction can take place only at the times and under the conditions laid down in those rules."

Now, it is impossible for a body of clergy who conscientiously believed that they ought to instruct their children out of the Scriptures, to give their adherence to such a system which acts on the principle contained in this correspondence. It is said that the clergy of this country are not so unreasonable, and would feel no difficulty in comprehending the rules. Now, I have shown that correspondence to a friend of mine, well known as a learned man, Mr. Girdlestone, the rector of Stourbridge, and a Fellow of the University of Oxford, and I asked him to say without any prejudice or leaning in favour of the Church or clergy of Ireland, what he, as a gentleman, himself engaged in the work of education, thought of these rules laid down by the Irish Education Board? The rev. gentleman replied as follows:—

"You ask me what I think of the rule laid down by your Irish Education Board, as recently stated in the letter of the Secretaries to the Rev. George Dalton (February 20). I have no hesitation in replying that no amount of Government aid would induce me to comply with any such condition, however great the difficulty of finding funds to maintain efficient schools in this populous parish. In debarring the schools, of which I am manager (above 600 children in all), from the free use of the Bible in school hours, not only should I deprive them of the only infallible text-book in moral and religious training, but I should do violence at once to my own conscientious convictions, and to those of my parishioners in general. The subscribers to the schools, the parents of the children—nay, the very scholars themselves—would be apt to think meanly of a compromise which, for money's sake, or even for peace sake, would put a ban upon the Scriptures, and tie the tongue of the teacher from so much as, even in school time, quoting the Word of God as an authority in faith or practice. And in thinking meanly of such a compromise, they would cease to respect their pastor if a party to it. Indeed, unless my standard of morality were lower than theirs, I should, in such a case, despise myself."

That letter contains a representation of the convictions of the great bulk of the parochial clergy of Ireland. It has been said that the rules are not what they have been represented to be, but even Mr. Cross, the Secretary to the Commissioners, stated to the House of Lords that the rules were vague and difficult of interpretation, constantly leading to conflicting judgments, and he recommended that their Lordships should prepare or suggest a mode of preparing a code to make the matter clear and certain.

Let me now draw the attention of the House to what was stated by one or two witnesses about these rules. Mr. O'Hagan was asked whether he understood these rules; and he replied that he thought there ought to be some fixed principles laid down for the guidance of the Commissioners. At present the National system was without a fixed system; with a central school that was a shifting model? Mr. Stapleton was asked the same question,

testant clergyman that objected to it as the parents who now asked him (Mr. Butt) to claim for them the aid of the State in the education of their children without being called upon to sacrifice their religious convictions. They had been taught to venerate the Bible, and they wished it to be interwoven with every moment of their children's education. Was that a feeling so unreasonable that they must be called on to give it up? That was the case of the Protestants of Ireland. The Roman Catholics said exactly the same thing in other words. They did not regard religion as a thing that ought to be relegated to a particular hour of the day, but they wished it to be mixed up with every portion of the education of their children. Both the great religious denominations in Ireland were dissatisfied with the policy pursued by the National Board in granting aid to schools. The Earl of Derby, then Lord Stanley, in a speech delivered in the House of Commons in 1839, contended that religion should be mixed up with the whole system of education; and upon that principle assistance was given to schools in England. Every denomination in this country was allowed the privilege of educating their children in their own faith; why, then, should such a privilege be denied to the people of Ireland? The Roman Catholics, as well as Protestants, were placed in a worse position in this respect in Ireland than they were placed in England. The Roman Catholic in Ireland had not less regard for his faith than the Roman Catholic in England, nor did the Irish Protestant venerate his Bible less than his English co-religionist. The National system in Ireland was not a united but a separate education. In the county of Cork 80,000 Roman Catholic children received education in the National schools, and only 740 Protestant children. For the sake of those 740 Protestants the Board interfered with the religious rights and free education of the 80,000 Catholics. What reason was there for that? Could not the Board protect the Protestant children without interfering with the right of the Roman Catholics to a free education? Again, when a Protestant parent said he conscientiously objected to send his child to a school in which the Bible was not interwoven with the whole education of his child, why did the Government seek to coerce his conscience? The present Earl of Derby, when Mr. Stanley, in 1831, wrote a celebrated letter, in which he announced the formation of the National Board in Ireland, and the principles by which it was to be guided. The language of the writer was decisive upon this point. He would ask his right hon. Friend the Chief Secretary for Ireland whether he might not write an exact paraphrase of the letter in respect of the present system of National education? Ought less to be done now to meet the conscientious objections of Protestants than was done at the time the letter was written to meet those of the Roman Catholics?

He was entitled to assume that which every witness before the Lords' Committee testified to—namely, the entire failure of this system as combined education—that is, as combined education in one school; and what he would suggest was that in every place where the people themselves wished for a school based on purely Roman Catholic or purely Protestant principles aid should be given to such school, provided that the managers were willing to submit it to the inspection of the National Board. He did not wish to compromise on matters of such moment as religious principles. He believed they would make men better Christians by sending them out in the world with a deep conviction of the truths of Christianity brought home to their hearts, by instruction in their own religion, than they would by sending them out after an education conducted on the principle of a false conciliation. Protestantism, if true, as he believed it to be, would then have a far better chance than by educating the child according to a method of compromise. Let a child be educated in the religion in which the parent desired the child to be educated. However, the Motion he should submit to the House did not pledge any one to any particular view of the question, but merely declared that many persons in Ireland were prevented by their religious convictions from availing themselves of the funds voted for the promotion of National education. He asked the House to state that truth, and to address the Queen to institute an inquiry on the subject. He trusted that a Royal Commission, which might devise some means for removing the objections of the Roman Catholic Prelates and of the Protestant people, would be issued, and that a system would be founded which, conciliating the feelings of all classes, might be called a National system. The Irish people of every class and section were not in favour of the present combined

system of education, and such being the case, he asked whether it was consistent with the free spirit of the institutions of this kingdom, or fair to the population of Ireland, that there should be this power of interfering with the prejudices and feelings of the nation. It was by letting the feelings of individuals freely develope themselves that every nation became great, but by imposing restrictions on persons, and by binding them down to peculiar plans, their energies were deadened, and that was the system applied to Ireland. In the name of freedom and of truth, he desired that such rules in respect to education in Ireland might be adopted as would enable every one in that country to enjoy the advantages of education without doing violence to their conscientious convictions.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, representing that this House has learned with regret that many of Her Majesty's subjects in Ireland are prevented by conscientious objections from availing themselves of the benefit of the funds voted by this House for the promotion of National Education in Ireland; and praying Her Majesty to direct inquiries to be made whether such changes might not be made in the Rules under which that Grant is distributed as would enable all classes in Ireland to enjoy the advantages which that Grant is intended to secure to the Irish people."

MR. WHITESIDE: I have the honour to represent a very different constituency than that which returns the hon. and learned Member, and yet I find it my duty to give him my cordial support. Of course, it will not be necessary for me now to trouble the House by proposing the Motion on the same subject of which I had given notice, or to trespass on the attention of the House when the Irish Education Vote may be brought forward, as the question, as far as I am concerned, may be disposed of on the present occasion. About this time last year the right hon. Gentleman the Secretary for Ireland was called on to express his opinion on this important subject, and he fairly stated that his then brief tenure of office and comparative unacquaintance with Ireland at that time disabled him from giving any opinion on the most critical part of the question, but he undertook to consider it, and to be prepared on a future occasion to state to the House what course the Government meant to pursue. The first question is whether the objection to the existing system is taken by the Church. Now, I avow frankly that while the hon. and learned Gentleman (Mr. Butt) has spoken for the nation, I set forward mainly the objections of the Protestant clergy and laity to the system as it stands. Well, the first question to consider is, are those conscientious objections? The other day we heard the hon. Member for Leeds (Mr. Baines) say that against a particular measure of the Government he, and the respectable party with which he acted, had an instinctive feeling and a conscientious scruple. That scruple was attended to. In spite of the sarcasms of the right hon. Gentleman the Home Secretary the intended legislation was altered, and the conscientious objections of the English Dissenters were respected. I claim, then, for a body of persons equally respectable and equally conscientious, the same tender consideration. An hon. Member of this House (Mr. Buxton), who was examined before the Committee of the House of Lords, was asked whether he believed that the scruples of the Irish clergy were conscientious scruples. He stated that he had gone to Ireland rather prejudiced in favour of what is called, but miscalled, the National system, but after the inquiries he had instituted he said his conclusion was that the objections to the system were conscientious ones. Another witness, Mr. Stapleton, being asked the same question, replied, that in his judgment clergymen of the Church of England had adopted a very wise and right resolution, and that, in fact, they could hardly conscientiously have adopted any other. Other witnesses who were examined stated that they did not give their adherence to the rules of the system, because if so they felt that they would be departing from the principles of the Reformation. An illustration is sometimes worth more than a great deal of argument, and here is one:—The Rev. Mr. Campbell, one of the witnesses, was asked his opinion on the subject, and he mentioned that in his school on a certain occasion he rebuked a child who had committed a theft, and he gave admonition and instruction suitable to the occasion. But, he said, had his school been under the National system, he could not have given the instruction then, because it was not the hour in which to give it. This gentleman objected to being bound by the law to keep his mouth closed for any portion of the day; he would not allow himself to be prevented from imparting religious instruction in obedience to the command "in season and out of season." On a former

and he said he could not say that he did understand the rules. He had tried, but found it was an impossible task to make himself master of them. He understood a few of the most important, but only a few. The right hon. Gentleman may say that such is not the opinion of the inspectors and the paid officials; but I find that Mr. Macready, the head inspector, and therefore one who it is natural to suppose would comprehend them, if comprehension be possible, states that there are rules which admit of some latitude of interpretation, and about which there are sometimes difficulties. There is a rule as to religious instruction, as to what parties shall be present, and circumstances which may render their attendance proper, and the wording of that rule sometimes gives rise to misunderstanding, and it is difficult to say when it is observed, and when it is not. The Board laid down a rule, and said that they would consider it violated if any influence, either direct or indirect, were exercised over a child to induce him to remain during the period of religious instruction. There arose a controversy as to what was indirect influence. The Roman Catholic clergy not unnaturally said that you must not give any religious education in a school where there were any Roman Catholic children, because, if you put them out, the exclusion was a sort of indirect compulsion. I may be told that lawyers may understand the rules. Now, there is Master Murphy, a friend of my own, a very able gentleman, one of the Commissioners, and he says:—

"Every day, I may say, we are pressed to violate some rule or other, or to explain or interpret a rule. If the rules were made clear and plain, and it were understood that we could not modify or relax them, it would be simply necessary in such cases to call attention to the particular rule."

In addition to these witnesses I may quote the Archbishop of Dublin, Dr. Whately, who is one of the competent judges of the meaning of words. He had a dispute with the other Commissioners as to the meaning of the rule under which he said certain books, the *Evidences of Christianity*, and *Lessons on the Subject of Christianity*, might be made part of the combined religious education. A majority of the Board held another view, and were of opinion that, if any one child out of 500 objected, the books must be put aside. "That," said the Archbishop, "is not the interpretation upon which you have been acting for many years." There was a long correspondence, debate, and argument, and the books were got rid of, but the Archbishop, feeling that faith had been broken with the public, communicated his opinion to the Lord Lieutenant, and getting no redress in that quarter he withdrew from the Board, an example which was followed by several of the gentlemen. I submit, upon the evidence I have quoted, that the rules are in a condition which makes it impossible to administer satisfactorily this system.

I admit there is a question, when you talk about education which must be dreaded, and although you may attempt year after year to evade it, must at last be decided by this House. That question is, can you have education without any religion? There are few men who are more clear in their views than the Archbishop of Dublin, and he says in his own forcible style:—

"We might have an anti-Christian system; we might go against Mahomedanism, Hindooism, and against Christianity altogether; we might try instruction out of 'Æsop's Fables.' But one thing is clear, that Education without religion is impossible. Because, supposing a boy were to ask his teacher whether Jupiter was a real god, or was there any other God, or to tell him who was the true God to worship, what would be the result? Therefore it is absurd to suppose that ever education can exist apart from religion."

The Archbishop was the first man to support the Board; he stayed with it as long as he could conscientiously, and then when it departed from its principles he left it. There are some things about it which I do understand. I understand they have three or four great fundamental rules. The first is that united education is to be regarded. When I look to the evidence I find that nothing can inspire the Commissioners with more alarm than an application from persons who differ in religion to establish a school. There happen to be about thirty schools out of 5,400 which are managed by patrons of opposite opinions, and they give more trouble than 3,000 other schools. The witnesses say you cannot get the priest and the parson to agree, and that fact is to the credit of both, because, if both are sincere and conscientious, they of course take opposite views. Now, one of the rules is, that every school under the national system shall be open to inspection, and when Mr. Stapleton visited Ireland he went to a convent school with that object. On his presenting himself at the gate somebody came and, opening a little wicket, asked him what he wanted? "To inspect your schools" was the reply. "Do

you mean the Roman Catholic school?" "Yes."—Then I must tell you that we never admit anybody to inspect it without a letter from the Roman Catholic clergyman." "But," said Mr. Stapleton, "I was under the impression that all the schools under the National system were open to inspection." "Well, then," was the answer, "if you come back in three-quarters of an hour you will be let in." Mr. Stapleton, however, thought it better to decline the offer, conceiving that in three-quarters of an hour any little arrangements that might be thought expedient could be made, and walked away.

I would now beg to call the attention of the right hon. Gentleman opposite to the fact that when the National system of education was originally instituted it was not intended that it should apply to the parochial schools of the Church of England at all. The attention of the Chief Commissioner, Mr. M'Donnell, than whom there could be no better authority on the subject, was drawn to this point, and he was asked what he thought of the passage in the Report of the Commissioners of 1812, from which it appeared that the parochial schools were regarded as institutions which were to be permitted to exist as they stood, save so far as related to the improvement of the secular education which they administered. Mr. M'Donnell's reply was that, in his opinion, the Commissioners must have meant that the parochial schools should remain very much in the same position as that which the schools of the Church Education Society occupied at the present day, and that the supplementary schools should be looked upon somewhat in the light of the existing schools connected with the National Board. Now, this is a point which appears to me to be of considerable moment in the prosecution of the inquiry in which we are engaged; for, while one of the modes in which justice may be done to Ireland on this question may be to allow the patron of each school to have such religious instruction communicated to the children who attend it as he may deem right, something may be done also in the same direction by leaving the old parish schools attached to the old parish churches to give instruction in the Scriptures to all who enter them, as has been the practice from time immemorial. The Scripture schools, I may add, are attended by 80,000 children, of whom 14,000 are Dissenters, and 8,000 Roman Catholics, the rest being Episcopalians; and I am perfectly ready to admit that the rule is that a portion of the Scriptures should every day be read in those schools without note or comment.

I now come to consider how the great principle of the National system—that the schools under its operation should be equally open to all classes—is carried out in practice. In dealing with that point it is necessary that I should draw a distinction between vested and non-vested schools, and my argument is, that in the latter the principle which I have mentioned is at an end. So long as the Board kept schools vested in itself or in trustees they were its own property, and it had, perhaps, a right to prescribe the course of education which should be carried out in them, but the moment it established the distinction between vested and non-vested schools the principle of an united National system of education was overthrown. Moreover, it is in evidence on the authority of the secretary to the Board, that when the Presbyterian body gave in their allegiance to that system they did so on the express condition that the distinction which I have mentioned should be observed. His words were—

> "This is, perhaps, a suitable opportunity of stating that when the Presbyterian body gave in their adhesion to the National system it was made an express stipulation as to the distinction between vested and non-vested schools. I am persuaded that neither clergymen of the Established Church nor Presbyterians would accept aid from the Board unless on the condition that they should not be required to permit any religious instruction of which they disapproved to be given in the school."

I may further observe that I feel assured very few clergymen of the Established Church, or belonging to the Presbyterian body, would accept aid from the Board on the condition that they should permit any religious instruction to be given in the schools under their superintendence of which they disapproved. The late hon. Member for Newry used to argue in this House with great force and clearness—and in my opinion the argument was never answered—that the moment the Board established non-vested schools it put an end to the National system. I may adn that our sturdy friends in the north of Ireland—for whom I have a profound respect—when they saw the rules of the National Board said, "We will never join you on those terms," and sent a deputation to Lord Stanley stating what their own rules prescribed. His answer was

that he never could recommend the adoption of rules that were calculated to strike so completely at the principle of his system. Lord Ebrington, however, went over as Lord Lieutenant to Ireland, and took occasion to mediate between the Presbyterian body and the National Board. The Presbyterians were firm, energetic men, wedded to their belief; and when earnest conscientious men are opposed to yielding Commissioners who are depending merely upon rules of lax construction, if they press hard they will squeeze their own terms out of them; and they did so in this case. Then, how can you, after conceding the demands of the Presbyterians, refuse to grant what we ask for? The Presbyterians plainly and boldly stated the objections which they entertained, going, as it seems to me, to the root of the whole principle of the National system. The Synod of Ulster, after much debating, ultimately adopted resolutions declaring that the Ministers and people of that Church, without the necessary concurrence of the ministers or the members of any other Church, should enjoy the right of applying to the Board for aid to their schools. This disposes at once of the fundamental principle of the Board that the application shall proceed jointly from members of different religious persuasions. They further declared that it should be the right of parents to require the patrons to set apart a convenient portion of the study and school-hours for the reading of the Holy Scriptures, and that these should be daily read, but that no compulsion should be resorted to to make children remain during that period. The Presbyterians, moreover, said, "our schools shall begin with prayer, and we will have the catechism taught when we think proper; we will not inflict a penalty for non-attendance at these religious exercises, but we will not undertake that the children whose parents may object to them shall leave the school, nor will we provide a place for them to retire to." The result has been, and I rejoice at it, that the children do remain in school to hear the Scriptures read; naturally, in a moist climate they do not like to go out; they have nowhere to retire to, and therefore they stay where they are. As to the rules of the National Board, they no more put them up in Presbyterian schools than they do the rules of the Divan. Dr. Cooke, in his own racy style, denies that they are bound to put up "a showboard" signifying that religious instruction is about to commence, that order having been issued years after the arrangement with the Presbyterians was made, and he states that "he would not put up a showboard for all the Archbishops and Lords that compose the National Board." You have no right, he maintains, to warn children off the premises when the word of God is about to be read. Yet, every Roman Catholic or Protestant clergyman who may join the Board is obliged to define the period of religious instruction by a notice publicly hung up in the school. What is the use of asserting, contrary to the fact and to the evidence, that this is a system of mixed education? Dr. Henry, in his evidence, says the present system is a loose one, which leads to abuses, and he distinctly states that he should prefer a system which should allow religious education to be given in accordance with the wishes of the people.

I come now to the Roman Catholic schools, and I will take first the schools of the nuns. Now, Dr. Kiernan states that what reconciled the Roman Catholics to the system was the admission of the nuns' schools into the system of the National Board. The rule of the Board, however, is that schools are to be open to children of all religions, but it is notorious that these schools are entirely exclusive. It is a rule of the Board that there shall be no emblems in the school, and nothing in the outward appearance of the teacher to mark any distinctive religious faith. These rules are openly violated in the nuns' schools. The garb of the nun is a violation of them, the emblems in the school are violations, and the school itself is generally within the walls of a convent. All this, no doubt, is very proper, but still it is in violation of the rules of the Board. I am not asking you to take a penny away from these schools, which the witnesses state are very efficient; for, though I have my feelings as a Protestant, I hope I have some common-sense as a politician. One of the rules of the Board is that all the teachers shall be trained at your central establishment, but of course the ladies who teach at these schools are not trained there. Another rule is that the teacher shall be paid by an annual salary according to proficiency; that, of course, cannot be carried out in the nuns' school, and a new rule, or rather an exception, has been agreed on with regard to them, and the payment is regulated according to the

number of pupils at each school. These are all infractions of the rules of your Board, and are in direct violation of the principle of the National system. The object of paying the teachers is, that the teachers should be under the control of the Board. There are, however, no teachers under the control of the Board in these schools. The nuns walk into the school-room in the middle of the day, they find on the table all kinds of books—books which the rules of the Board exclude—and they use the books in teaching the children. If I am asked whether I consider they are right in doing this, I must answer that I think these ladies are quite right. They are acting according to their vows, under the direction of their superior; they are fulfilling the objects of their corporate existence, and they are quite right in paying no more attention to your rules than to the rules of the Grand Turk. In the monks' schools these rules are still more openly violated. There is a clause in the Emancipation Act with regard to these monks, the object of which the right hon. Gentleman opposite, the Secretary for Ireland, will probably understand much better than I, as he is the executor of the eminent person who proposed it. I suppose its object was that, while the parochial clergy got a good education, the "regulars" should be got rid of out of the country altogether. Theoretically, therefore, they have no right to be there, though I do not think they have much to fear practically. The rule of the Board, however, is in accordance with the statute law; and it says that "no clergyman of any denomination, and no members of any religious order, can be recognized as teachers of a National school." But it is notorious that, while clergymen of the Established Church are excluded, monks, who have taken the vows of a religious order, are openly employed in teaching these schools. From what I have said it is apparent that the cases of the Presbyterians, the nuns and the monks make it impossible to regard this as a united National system of education, and I should like to hear an explanation from the right hon. Gentleman opposite.

Parental authority is said to be the fundamental rule of your system; but that principle is respected when it excludes the Scriptures, and is set aside when the Scriptures are included. I will refer the House to the great model school in Gardiner Street, within fifty yards of which is the school of Archdeacon Gregg, and within a few more yards another school. The model school contains about 800 scholars; but the parents of 400 children send them on Sundays to the school of the Archdeacon, where the Scriptures are taught, and there are 250 scholars on week days in the same school. One single minister of my church has 400 children sent by their parents to his school, where they receive a secular education and hear the Scriptures also; and yet it is said that in the National schools we must succumb and conform to the opinions of those parents who wish to exclude the Scriptures, but that we must not attend to the opinions of those parents who are desirous of including the Scriptures in the course of education. How is this to be answered, according to your theory of yielding to parental authority? My case is this, that you should provide for the Roman Catholics fully, fairly, and freely, but that you should not press the clergy of the Reformed faith to proceed on principles which are odious to their faith and repugnant to their consciences. I know that the right hon. Gentleman may say that this reasoning is all very well in the case where the Protestants had schools, and the priests had schools too; but what is to be done in places where there is only one school? My own opinion is that every school should be open to every child, but upon the condition I have indicated.

Let the House look at the absurd condition in which the schools are placed in regard to books. The *Evidences of Christianity* were passed by Archbishop Murray, and the book was received and read; but it was afterwards rejected, so that you bind people to the system of reading a particular book, though the system may be changed the next day. What, however, puts an end to all idea of this being a united system of education are the Statutes of Thurles. Mr. Cross, the Secretary to the Board, said he had read those statutes with very great pain—and, indeed, the truth is, that the statutes pronounced against the system formally and ecclesiastically, and that decision has been confirmed by the opinion of the Pope and of the Papal legate. Archbishop Cullen, in his Pastoral, states the opinion of the Church in these terms:—

"As, therefore, the doctrines and practices of the Catholic Church must be continually repeated and inculcated in order to make them productive of good fruit, you will easily perceive, dearly beloved, that your children cannot be properly educated under any system from which religion

excluded, or by persons professing opinions hostile to the teaching of our holy Church. Hence, mixed education, which unites in the one school teachers and pupils of every creed, and professes to teach the religious doctrines of no Church, must be looked on as unfit for Catholics, and calculated to promote scepticism and infidelity; and you cannot with safety send your children to schools or colleges where the teaching is Protestant, and where the masters, oftentimes without knowing what they are doing, imbue the minds of their pupils with most fatal errors on religious subjects.

"There is evident danger that Catholics, who in their youth have received this sort of mixed instruction—neither Catholic nor Protestant—or who have been brought up in Protestant Colleges or Universities, will frequently, in after life, betray the grossest ignorance of Catholic discipline, broach opinions contrary to Catholic doctrine, and scandalize the faithful by their want of respect for their holy Church. Protestant or infidel teaching cannot produce any other effect on the tender mind of Catholic youth. It may, indeed, be said that mixed education in Protestant Colleges and Universities will occasionally bring with it great temporal advantages; but recollect the words of our Divine Redeemer:—'What doth it profit a man if he gain the whole world, and suffer the loss of his own soul? Or what exchange shall a man give for his soul?'—(Matt. xvi., 16.")

That opinion is authoritative, and, I believe, sincere. That being so, I may be asked how could any schools patronized by Roman Catholics possibly have been put under the Board since? There are nearly 3,000 schools of which the priests are the patrons. The priest is subject to the Bishop, and the Bishop to the Legate, who is the Vice Pope, and subject to the Pope. The Statutes of Thurles now bind the Pope, the Legate, the Bishops, and the priests, and the priests must carry out the principle of the statutes, which is to put an end to mixed education. The evidence shows that wherever the patron is Roman Catholic the religion is exclusively Roman Catholic; and wherever the patron is Protestant the religion is Protestant. And all I say is that, under the Statutes of Thurles, it is impossible for any Roman Catholic priest to allow mixed education to exist if he can prevent it. It is a vain thing to proceed in the course you are pursuing. The wise and manly course is to do one of two things—either to grant the same practical exception which is allowed to Presbyterian schools, nuns' schools, and monks' schools, to the schools of parish ministers, or else to establish the broad principle that the State will give a good secular education under inspection, and by masters trained and qualified for the duties, and not interfere with the religious education which the patron may think fit to instil. I hold that it is impossible, after the Statutes of Thurles, to carry on mixed education in Ireland.

A meeting of Protestants—at which I was present—recently addressed a letter to the Government, in which their views are temperately stated. The answer to that letter was that no concession could be made with reference to their conscientious objections; and therefore it is for the House now to say whether the decision of the right hon. Gentleman can be justified or not. If this Motion be carried, and the clergy of the Established Church be one and all induced to join the Board, your secular education will be carefully, sincerely, and usefully carried out in 1,600 or 1,700 schools, and you will put an end to disputes and dissensions on this subject in Ireland. If any one could have carried his point it was the Primate. But a great meeting was convened, a meeting of the laity. They held by their original opinions—namely, that religious instruction, the Bible was that by which they should abide; they separated, and they were more resolute now than they were before that letter was written. It comes, then, simply to this—a great principle is at stake. Let each patron carry out his own system of religious instruction while adopting your secular system. Roman Catholics ought not to object to this at our request, for they know that their Protestant brethren are sincere. There are no penal laws now on the Statute Book; if there be any penal law which is objectionable to them I abjure it; but they must be prepared to encounter discussion, the light of knowledge, and of truth. They must be prepared for the full current of education, and I have no fears of the result. I believe, as it has been said, that truth is strong, next to the Almighty. She requires no policies nor stratagems to make her victorious. These are the shafts that error uses against her power, therefore I am satisfied, if we can have free access to truth, and a right to spread the truth. But you must be mindful of this—and I say it in no spirit of bigotry—the question is whether the Protestants as a nation are to be allowed to read the Bible. Remember what was effected for you by those who restored the Bible to you. From that time to the present the unfettered use of the Scriptures has made you free, wise, religious, and happy. You send your missionaries to every clime to bring home the knowledge of the truth to those who have it not, and

by what right do you then turn round upon those who desire to read the Scriptures in the parish schools, and say we will embarrass, annoy, and vex you, not for the purpose of conciliating Roman Catholics, but for the purpose of establishing some grand principle of centralizing authority, hoping thereby to control the feelings and affections of the human mind, which is an impossibility? While I am willing to make every concession which is reasonable and just to the Roman Catholics of Ireland, I will not consent, on the part of my own Church and the laity, of which I am a member, and whose opinions I speak, to give up that which is our birthright, and I commend the cause which I have but too feebly advocated, to the mind of every true Protestant in this House and country.

MR. CARDWELL: Sir, thirty years ago this House withdrew its support from the system of education then followed in Ireland in consequence of the total failure of the efforts which had been made in pursance of repeated inquiries instituted under the highest auspices and prosecuted with all the power and influence of the British Government. During the thirty years which have since elapsed there has grown up in Ireland a system which, as scarcely any one can be found to deny, has conferred upon the whole people of the country the greatest benefits that ever were bestowed by any system upon any country in the world. I say scarcely any one can be found to deny this, because, while many criticise the details of the system, while one objects to this provision, and another to that, yet the universal testimony of fact and of opinion coincides in this—that the most signal blessings have been conferred on Ireland by the system of education which has now been in successful operation for thirty years. The generation which has grown up under this system is different from any which has preceded it in the power it exercises for compassing its own material prosperity, and that of the country; but that is the least of its benefits, including, as they do, every social, every moral, every religious advantage which the population of a country can enjoy.

Let me proceed, with the patience of the House, to trace out in some detail the progress of the system which has thus grown up. In 1806 there was a memorable Commission, which reported in 1812, and which laid down those broad principles of liberal education for Ireland which from that period to the present Parliament has been endeavouring to establish and promote. After the experience of twelve years the result of the first experiment proved unsatisfactory, and again a Royal Commission was appointed to inquire into the cause of its failure. That Commission reported in 1826, and a Committee of this House recommended in 1828 the adoption of the principles it enunciated. That recommendation was again confirmed by another Committee in 1830, and in 1831 issued that memorable letter with which the name of the Earl of Derby will be for ever honourably associated, and which constitutes the charter and foundation of the system of education in Ireland. During the time which has since elapsed the progress of that system has been as follows:—In 1833 there were 789 schools and 107,000 pupils; in 1843, ten years afterwards, the number rose to 2,912 schools and 355,000 pupils; and in 1853 to 5,023 schools and 550,000 pupils. Since 1853 we have been told it was impossible that the system could flourish and progress after the decree issued by the Synod of Thurles. But has it withered from that or any other cause? In the last Report of the Commission, at this time at which I speak, the number of schools in Ireland under the system of national education is 5,496; and the number of pupils, 570,000. But it may be said that the system is partial in its operation, that it is not fully extended through the country, that it showers its benefits here, while it withholds them there. Let us see, then, what is the distribution of the system through the four provinces of Ireland—provinces differing widely from one another in many of those respects which constitute the main features of a question of this kind. In Ulster there are now 189,000 pupils, in Leinster 142,000, in Munster 154,000, in Connaught 84,000. This shows, I think, that the benefits of the system are equally and generally distributed throughout the country. But any one who has listened to the speech of the right hon. and learned Gentleman (Mr. Whiteside) will not fail to conclude that in another respect at least the system is partial in its operation, and withholds its benefits from various classes of the community. Let us look at the facts of the case. If we take the pupils according to their religion, we find that the pupils belonging to the Church of the great majority of the people, the Church

of those whose circumstances render it most necessary that the State should be solicitous for their benefit and carry education to their door—the pupils of that denomination numbered in the year just expired no fewer than 478,000. The pupils connected with the Established Church were 29,000, with the Presbyterian Church 59,000, and with other Dissenting bodies 2,500. The evidence contained in the blue-books of 1853, from which the right hon. Gentleman quoted, is in some degree answered by the fact that conspicuous as were the growth and progress of the system before that time there has been nothing since which at all tends to discourage the confident expectations of those who advocated and sustained it. Compared with that period the increase in the number of Roman Catholic pupils has been 54,000; the increase in the Presbyterian pupils 19,000; and in the pupils of the Established Church 4,400. Well, I say, when you appeal from argument to fact, when I am told that this system is alien from the feelings of the nation, I answer by showing that there has been such a continuous history of progress, such a gradual advance in the popular acceptance and influence of the system, as is certainly unexampled in our records, or, I believe, in the records of any other country.

But it will be said, "You can exhibit an increase in regard to other churches, but there has been a remarkable falling off in regard to the Established Church." I will examine that part of the case. What has been the progress of the system in respect to that body in behalf of which the right hon. and learned Gentleman made his animated appeal? From 1852 to the close of last year the increase of Protestant pupils under the national system, has been from 67,000 to 91,000, being an increase of 36 per cent and of pupils belonging to the Established Church, from 24,684 to 29,105 being an increase of over 17 per cent. In the meantime the Church Education Society, which in 1854 had a total of 95,000, has now only a total of 78,000; while of Established Church pupils they had, in 1854, 60,000, and five years afterwards only 52,000. Then, if you take another test,—one of the most important and conclusive to which the popular acceptance of any system of education can be subjected—and ask, "Has the whole of this been attained by the expenditure of money generously given by this House, or has there been on the part of those who have enjoyed these advantages a growing desire to contribute to the maintenance of the system?"—in that respect, too, you will find equally remarkable and satisfactory evidence of the growing influence of this system over the popular mind in Ireland. In 1852 the local contributions raised towards the system amounted only to £26,000; whereas in the year just expired they nearly reached £44,000, being an increase of 62 per cent. Then, I say, whatever may be urged by those who criticise one part of the system or raise objections to another, the evidence of fact is clear and irresistible—and I believe that those who endeavour to ascertain for themselves by personal experience what the general feeling of all classes in Ireland is, will arrive at the same results—the evidence is clear and irresistible that it commands the respect and wins the affections of the community which it is destined to serve.

But let us apply still wider and larger tests. Do you know any country in the world the education of which will bear a comparison like the one to which I am about to expose that of Ireland? Taking the whole population of Ireland at 6,000,000, you will find, according to the calculations usually made, that one-fourth of that entire number will consist of young persons between the ages of five and fifteen, or about 1,500,000 of the Irish population. If you take one-half of that number as the *bonâ fide* proportion of pupils attending school you will still keep close to the calculations commonly made in such cases. Now, notwithstanding the discouragement this system has had to encounter, not the least of which is the unfortunate opposition it has long experienced from those whom the right hon. and learned Gentleman has declared himself specially to represent, and who have had under their care a number of pupils not far short of, and sometimes even exceeding 100,000, you find that Ireland presents the remarkable fact that you have a population now under education nearly corresponding with that which you would expect by the ordinary calculation to be in attendance at school. Remembering, too, that all this is due to a system established only thirty years ago upon the failure of preceding systems, which for nearly an equal period had been striving with all the power and wisdom of the State to promote national education in Ireland, I think it cannot be —I believe it will not be—denied that it

does present, upon the whole, one of the most gratifying instances of success to be found in the history of public instruction in Europe.

But it is said—and the right hon. and learned Gentleman dwelt very earnestly on this part of the case, while the hon. and learned Mover even thought it too manifest to condescend to adduce proof in support of the assertion—it is said "You may have a widely distributed education, but you have totally failed in establishing a mixed system." Now, is it true that it has failed as a mixed system? In the first place, I differ from the right hon. and learned Gentleman, who thinks you attain no important end if you offer to a people a system of instruction which is in its nature suited for a mixed assembly of pupils,—whether it be actually attended by a mixed assembly or not. For what is an exclusive system, but one in which the tendency of each individualized and particular opinion is to grow and develope in the particular school, whereas in a system like that established in Ireland there is a tendency, by giving the same education, from the same books, to enlarge the general nature of the whole, to expand its principles, and produce a disposition even in pupils who may have been trained in different schools to mix in after life in the business and intercourse of society with greater facilities, greater freedom, and mutual adaptation, and with greater advantage to the public. But the case does not stop there. The system is actually that which it is intended to be, a system of mixed education. Where the population is not mixed of course the attendance at school is not mixed. And as in large parts of Ireland there is no mixture of the population, and as where there is there have been other schools maintained for the express benefit of the minority, who have naturally been attracted to them, of course it is not to be expected that the statistics should exhibit any great and favourable result in respect of mixed education. But if you examine the figures you will find that in Ulster, where the mixture of the population is greatest, 84 per cent of the schools are mixed schools; in Leinster the proportion is 41 per cent; in Munster 34 per cent; and in Connaught 49 per cent. Could anybody, then, looking to all the obstacles with which the system has had to contend, have anticipated a larger measure of success than that which has really been attained? Again, do you think a comparison would be unfavourable to Ireland between the 570,000 pupils educated under the National Board there and the 820,000 last year educated under the Privy Council in this country? Looking to the population and wealth of the two countries, and comparing them with the means and the end to be obtained, can it be said that the result is unfavourable to the system of education in Ireland? What has that system been? The right hon. and learned Gentleman, when we discussed this subject last year, invited me to abstain from drawing hasty conclusions from blue-books. He has not on this occasion entirely observed the advice he gave me, but since he gave me this advice I have endeavoured by personal inquiries, rather than by reference to a blue-book seven years old —and that is a generation in a system that has only been established thirty years —to ascertain the real state and circumstances of the system now in operation in Ireland. The right hon. and learned Gentleman has extracted the answers to a number of inquiries made to witnesses who were subjected to an ingenious and searching cross-examination before a Committee of the other House, which answers appeared to him to furnish the best materials for the case he was endeavouring to establish. But, in examining a system like that under consideration, you must first draw a distinction between those rules which are essential and cardinal, and which cannot be departed from by the managers except by a breach of principle, and those other rules which are merely ancillary in their nature, and which any reasonable man would mould and modify to meet the varying circumstances of the country, and the particular case with which you have to deal.

The system of national education that has been established in Ireland for thirty years has two cardinal rules—first, that the education given to pupils during ordinary school hours shall be of that—I will not say secular—but of that comprehensive character that it may be offered equally to the pupils of all the Christian Churches into which Ireland is divided. The second rule is, that the patron of any school may give religious instruction in other than school hours according to his own distinctive tenets, provided that no child shall be required to be present at any religious instruction which his parents and friends disapprove. Under great discouragement these principles have been

and are still maintained, and when the right hon. and learned Gentleman says that these rules have been infringed for the benefit of the sturdy Presbyterians and in other cases, I must join issue with him, and say that neither in the one case nor the others are these cardinal rules set at nought, either by the managers of the system or by the Government. I wonder, indeed, it did not occur to the right hon. and learned Gentleman that his complaint is an answer to itself, and that the rules that are applied to one are also applied to another. He says that no offer has been made to the Church body of an adaptation of these rules. Certainly no offer was made to the Church of a compromise of these cardinal principles, and no such offer will, I trust, ever be made with the sanction of this House. But in answer to the very friendly memorial of the Church Education Society a plain statement of the rules of the National Education system was returned, with an intimation of the desire felt both by the Government and the Commissioners that the system should, if possible, and without interfering with the integrity of its rules, enjoy the great advantage of the support of the Church Education Society.

The right hon. and learned Gentleman has descended into details of such antiquity, that I cannot attempt to follow him, but at the same time I cannot avoid answering some of the points he has brought forward. He must surely have forgotten that the Presbyterians have now been included in the system for twenty years, and that the greater part of the growth of the system, during which it has comprehended more and more new pupils drawn from the whole population of Ireland, has taken place since the time of which he spoke. Does the right hon. and learned Gentleman mean to say that the rules are not binding, and that they are systematically infringed for the benefit of one class of the population in Ireland? If he says that, I must meet him with an express denial of the accuracy of his statement, and I invite him to bring instances before the notice of the Government in order that they may be redressed. He says there is one rule for Presbyterian schools under the Board, and another rule for missionary schools in remote parts of Ireland. Of course there must be one rule for schools in which the managers are bound not to make a proselyte, and in which it is not alleged that they ever made a proselyte, and another rule for schools established for another object in different parts of Ireland, and which are excluded from the aid of the State because they decline to submit to the rules of the Board. So it will be found that, where a school maintains itself with the aid of the Church Education Society, it retains its independence as a missionary school; while the increasing number that seek a connection with the Board derive the great advantages which this House so liberally offers through the Commissioners of Education. It is also charged that the managers in some cases allow these schools to be used as chapels. The rule on which the Government acts in such cases is broad and plain. Any services of a sacramental character are prohibited in the schools, but if ordinary meetings are proposed to be held the inspectors do not inquire into the objects of those meetings. From no quarter has any complaint reached me of any compromise of the rules for the benefit of the Presbyterians. The right hon. and learned Gentleman spoke in terms of just and merited respect of the great value of nuns' schools to the rising population of Ireland, and said it would be a great calamity if anything should prevent the mothers of the future generation from receiving the education thereby given in many parts of Ireland; but the right hon. and learned Gentleman has been told that the rules to which I have referred have been violated in these schools, and that Protestants have declared that they would not intrust their children to nuns' schools. This statement of an unwillingness on the part of Protestant parents to intrust their children to these schools I do not dispute; but it is not that with which we are concerned. The right hon. and learned Gentleman's argument was that, as the rules were violated for the Presbyterian schools so also they were violated for the Roman Catholic schools. On the authority of the resident Commissioner I can state as a fact that in no instance have the Commissioners sanctioned a violation of the rules in the case of these schools. What does the hon. and learned Gentleman who made the Motion say? The right hon. and learned Gentleman complains that the rules of the Board are so slippery and elastic that he cannot describe them, but the hon. and learned Member who opened the debate said that they were of so rigid and Procrustean a character that they cramp the mind and character of Ireland. Both these complaints cannot be well founded, and my

opinion is that the truth, as is usually the case, lies between them, and that the Board of National Education pursues a middle course, which, while requiring an adherence to cardinal rules and fixed principles, admits a certain amount of relaxation of minor regulations in order to meet the exigencies and requirements of the time. The right hon. and learned Gentleman asserted that in respect to nuns' schools all rules and principles were abandoned; but in the case of the nunnery at Youghal the hon. and learned Member for that borough (Mr. Butt) stated that when there had been an infringement of the rules in the school connected with it the Commissioners sent down a Protestant inspector, who examined into and reported upon the circumstances. That is a conclusive answer to the charge of the right hon. and learned Gentleman. With regard to the monks I hope to give an explanation which will be satisfactory to the right hon. and learned Gentleman. The Commissioners have decided that the rule which prohibits Presbyterian and Roman Catholic clergymen and clergymen of the Church of England from being teachers in schools shall, by parity of reasoning and equality of principle, apply also to monks.

MR. WHITESIDE: When was that decision come to?

MR. CARDWELL: I cannot inform the right hon. and learned Gentleman as to the exact date, but, although most of his information is seven years old, he will allow me to proceed upon that of a more recent date. The Commissioners have decided that although a monk is not necessarily a person in holy orders, he shall be held to be so for the purposes of this system; and, that although those already upon the establishment may be continued in their employments, no more monks shall be received as teachers. The system then is quite as much a system of mixed education as, under the circumstances, you can reasonably expect. And with regard to the quality of the education, I might call into court as a witness the right hon. and learned Gentleman himself who last year, in advocating the claims of the Church Society to a participation in the benefits of the National system, pronounced, in terms of just eulogium, his opinion upon the teachers and books of the National Board.

I now come to the question what is the demand that is made upon the House, what is the practical step that you are called upon to take? The hon. and learned Gentleman who brought forward the Motion called upon you to extend to Ireland the system which he thinks works so well in England. I must remind him that among many differences between the circumstances of the two countries there is this great one—that, while in England the greater portion of the expense of education is paid by local contributors and the smaller portion by the State, in Ireland the reverse is the case, and education there is carried on almost entirely by means of the grant. The right hon. and learned Gentleman insists that the conscience of the giver shall be the rule according to which each gift shall be administered. What is that demand? Is it a demand for denominational education? Why, the Church Education Society very recently published a statement, in which, speaking of denominational education, they said,—

> "There is hardly any measure which the Church Education Society would contemplate with deeper regret than that which would partition off the responsible management of the public funds given for educational purposes to the several denominations of which the people are composed. They are convinced that the result of such a measure would be seriously to retard educational progress, to foment strife and the bitterness of party spirit, and to place the Church of the country in a grievously false position—that of being only one denomination among a number equally recognized by the State."

That is the opionion of the constituents of the right hon. and learned Gentleman, and last year, when I was daily assailed with arguments that what was good for England must be good for Ireland, and ought therefore to be extended to that country, the right hon. and learned Gentleman, who was abroad, nevertheless determined there should be no mistake as to his opinion, and wrote to the Irish newspapers to say that denominational education had in him no champion and no supporter. But if we do not have denominational education, what are we to have? The right hon. and learned Gentleman proposes to break the rule in favour of the Church Education Society, and to give to their schools State support, although the pupils therein are required to receive instruction which Roman Catholic children cannot receive without offence to their consciences. If the rule is broken in favour of the schools of the Church Education Society, can it be maintained with regard to those of any other denomination; and if it is not observed, do you not arrive at that very result which is condemned

both by the right hon. and learned Gentleman and by those whom he represents? The answer of the Government now will be the same as that given by Sir Henry Hardinge in 1834 after the accession to power of a Government which was supposed not to be favourable to this system, that the Imperial policy upon this subject was settled and fixed, and that, although there had been a change of Ministry there would be no change of policy. Again, in 1852, there was a change of Government. Did that change of Government afford to those who desire the overthrow of the National system any consolation or comfort? The right hon. and learned Gentleman said my hon. Friend the Member for Newport (Mr. Buxton), went over to Ireland prejudiced in favour of the system, and, with the candour which becomes an honest inquirer, he returned prejudiced against it. But Ireland was visited in 1852 by a more distinguished man even than my hon. Friend the Member for Newport: I mean the Lord-Lieutenant of Ireland under the Government of the Earl of Derby. He went over to Ireland prejudiced against the National system; but he frankly admitted in the House of Lords that he returned convinced of its inestimable benefits, and determined to take no step which should be adverse to it. [Lord NAASS: Hear, hear!] The noble Lord cheers me, and confirms with his high authority the statement I have made. Years rolled on, and there was another change of Government. The voluminous blue-book, to which the right hon. and learned Gentleman has made so much reference, was not in the possession of the Government of 1852, but it was in the possession of the Government of 1858. If those long extracts which the right hon. and learned Gentleman read to us tell with such effect against the system of national education in Ireland, why did they fail to make a similar impression in 1858? I wish to be just to the right hon. and learned Gentleman. I believe that as far as the personal convictions of the right hon. and learned Gentleman were concerned, those extracts did produce the effect which he describes. It was stated in the debate last year that the Irish Government did propose a modification to the Cabinet of the Earl of Derby; but to the immortal honour of the distinguished nobleman who inaugurated the system, he has not left behind the fatal reminiscence that he was prepared to subvert and overthrow it.

We are now in 1860, and what are the circumstances which in the present year should lead us to destroy the National system? If we have been firm and resolute during so many years of adversity, what is there in the circumstances of 1860 which should dispose us to yield to the pressure of the right hon. and learned Gentleman? The right hon. and learned Gentleman told us last year that, though the sturdy Presbyterians had connected themselves with the National system, yet the Wesleyans and the Churchmen were excluded. Where are the Wesleyans now? Have they not joined the system? Have they not given to it all the sanction which their known adherence to Scriptural education must necessarily convey? Why is it to be argued that rules which are not too rigid to exclude Presbyterians and Wesleyans are yet too rigid for the consciences of those whom the right hon. and learned Gentleman represents? Who in the long years of adversity was the head and heart of the system of which the right hon. and learned Gentleman is the advocate if not the venerable Primate? But on the authority of one who so long and worthily represented the University which the right hon. and learned Gentleman now represents—I mean Mr. Napier — the venerable Primate, in the words of the Bishop of Ossory, has in his recent letter "surrendered the whole principle of the question." Do not let me be told, therefore, that the rules of the National Board are too rigid to exclude Churchmen when the venerable Primate himself has abandoned all opposition to them. I have said that the Wesleyans have joined us. Has nobody else joined us since the publication of the letter of the Primate? Has the right hon. and learned Gentleman heard of no large proprietors, no men of the first rank and influence in Ireland, who have already placed their schools under the National Board? The Duke of Manchester told me recently that he had placed his schools, or was about to place them, in connection with the Board, and in the short period which has elapsed since the publication of the letter of the Primate no fewer than forty-eight Church schools have applied to be incorporated with the National system, the applications being made in twenty-eight cases by clergymen, and in the rest by laymen. I suspect the right hon. and learned Gentleman will find that his firm phalanx of 1,600 schools will not long continue to fight a battle of which the people of Ireland are

already weary, but will take refuge in a union which I think is consistent with their conscientious feelings, and tends largely to promote the great cause they have at heart. The silent, but very perceptible, very intelligible, and almost irresistible force of public opinion which was manifested in Ireland in 1859 has also tended to confirm and strengthen to a degree that can scarcely be appreciated the influence of the National system of education in Ireland. To every proposal for breaking down the cardinal principles of that system, to every proposal for establishing denominational education, to every proposal for giving a separate grant to those who insist upon instruction during school hours which is not available for pupils belonging to all Christian Churches, Her Majesty's Government are prepared to reply in the emphatic words used by Sir Robert Peel in 1845:—

"I cannot, of course, question the perfect right of those who conscientiously dissent from a certain plan of public education to withhold their countenance from it, and establish another more in conformity with their own principles. But it is my duty to inform you that to that other plan so established Her Majesty's Government cannot lend their sanction. . . It would soon be discovered that we must take our choice between the upholding and encouraging of a single system of instruction, founded on the principles of that which is now receiving the sanction of Government, and the granting of public aid to at least three different societies in Ireland—by each of which secular instruction should be combined with religious instruction in the particular doctrine of each religion; one in connection with the Established Church, another with the Presbyterian, and another with the Roman Catholic religion. In such a case all hope of mixed education must be relinquished, and a line of demarcation would be drawn between the children of different religious persuasions, more marked than has hitherto existed at any period. Her Majesty's Government deprecate this result as a great public evil."

Can you imagine a public evil more calculated to inflict permanent injury upon Ireland? What is the great aim and object of Her Majesty's Government and indeed of every one who labours for the good of Ireland? Not to diminish the sincere convictions of the members of any Church, but to secure that, while the private convictions of the Members of all Churches are allowed free play, in the intercourse of practical life, of business, of society, of pleasure, in duties public and in duties private, all classes of the community shall live together as one united people. Who can tell the effect, not merely upon the education, but upon the peace and prosperity of Ireland, which has been produced by the principles of Government which were inaugurated thirty years ago? If it be true, as Sir James Mackintosh and other writers tell us, that the great power of the British people is due to the freedom of their institutions, how much of that great development we have witnessed in Ireland during the last thirty years is due to the improved Government of which the national system of education has been often and truly called the greatest part?

Let me ask a question of the right hon. and learned Gentleman. Upon what grounds is it that he of all persons comes forward to oppose the existing system of education? He filled with honour to himself the office of Attorney General for Ireland under the Government of the Earl of Derby. Is it in that capacity that he seeks to subvert a system with which the name of the Earl of Derby will be for ever associated? Does he make the attempt as the representative of the Church Education Society in Ireland? I find the very same men who as private individuals or dignitaries of the Church cannot reconcile it to their consciences to adopt the principles of the National Board, yet, as members of the Clare Street Board, are not only adopting the identical rules, but forcing them on remonstrant clergymen. Then, I ask, does the right hon. and learned Gentleman make the attempt as the representative of Trinity College? If so, has he ever read the pamphlets and letters in the newspapers by tutors and eminent members of the College, stating that the principle of the National Board has been for more than half a century the principle of Trinity College itself? This morning I received a pamphlet which the late Member for Dublin University, the late Lord Chancellor of Ireland, was kind enough to send me, and in it there is the following passage:—

"The case of Trinity College, though not at all parallel in degree, yet, as to this objection of complicity, seems to be decisive. After the Act of 1793 and the King's letter of 1794, the Board was bound to remove every impediment which stood in the way of a Roman Catholic taking his degree in Arts, and for this purpose to dispense in his favour with every rule of the system as to that part of the course of education in which it would be against his conscience to participate."

And in another passage it it stated:—

"Although there is no express rule subscribed, there is, under the statute, the Royal letter, and the system of the University, a restriction as morally binding upon every tutor as if it were set

forth in the words of the rule of the National Board, and subscribed under hand and seal."

I am glad to have on my side the Primate of Ireland and the late Lord Chancellor. The right hon. and learned Gentleman opposite has not paid his learned Friend, the late Chancellor of Ireland, the compliment of reading his pamphlet, because he said that so far was this reservation about interfering with religious instruction carried, that if a gentleman went into a school, he must not remonstrate with a child whom he found stealing, lest, by referring to the Eighth Commandment, he should infringe the rule of the Board. The House will not expect me to enter into such an argument, but in the Appendix to Mr. Napier's pamphlet, the right hon. and learned Gentleman will find his observation answered. The right hon. and learned Gentleman (Mr. Napier) says that he has taken pains to ascertain how far religious instruction is included by the rules of the National Board. This is the case with respect to that matter—

"The school may be opened with prayer; there may be a daily Bible class for all children whose parents consent that they should attend, and none need be deprived of a careful daily instruction in the Word of God, except those whose parents object."

With respect to religious instruction in the schools, it is supposed by many that the education is wholly of a non-religious character; but it is a great mistake to suppose that to be the case even in the schools which most completely reflect the system of the Board. I have before me a paper which has been furnished to me by the Bishop of Derry relative to the books provided by the National Board, and he says they are the best books to be found in any of the Irish schools. I am told that the books sanctioned by the Board are read in all the 5,500 schools connected with this system of education, and never was there a time when there was less of irreligious feeling among the growing youth of Ireland than at present; while not a single instance of proselytism in these schools during the last twenty years is alleged. Being desirous to learn what was going on under this system of education by personal experience rather than from books, I followed the advice of the right hon. and learned Member and attended, wholly unexpectedly, the examination at the model school in Belfast. Dr. Willock and Mr. Anderson were examining the Church of England children, under the superintendence of the Bishop. All I will say with respect to the examination is this, that if the examination had been at Oxford, I might have supposed that the book of examination was the *Horæ Paulinæ*. The Bishop was educated at Eton. I had a friend with me who had received his education at Rugby, I myself was educated at Winchester, and on comparing notes the observation we made was, "Well, this may be an education from which religion is excluded, but we cannot remember that at a much more mature age, when we were at the great public schools of England, we could have passed so stiff an examination in the "*Horæ Paulinæ*," as these little children in the Belfast school were passing under the examination of Dr. Willock and Mr. Anderson. Proceeding into another room, we saw the Roman Catholic pupils and the Presbyterian pupils, who I believe are in a majority, in all 1,000, guided by a Roman Catholic master, engaged in singing hymns together, exhibiting the most gratifying evidence of the merits of the mixed system, as the other case did of the separate system. After this I can well believe that the challenge of Dr. Willock would be verified, and that if those whom the right hon. and learned Gentleman represents will produce children from the Church Education schools to compete in Scriptural education with children educated by the National Board, the latter will not be afraid to sustain such a competition and abide by the comparison.

Sir, the step which the House is now called upon to take is one of the most important, and, if taken, it would, in my opinion, be of the most destructive character. But I believe that as the House of Commons have been firm and steadfast in their adherence to the system of National education in times of difficulty, they will not fail to support it in the days of its comparative success. I believe that they will not allow its leading rules to be compromised. Though not at all unconscious that we have still great difficulties to contend with, I maintain that the system has proved successful in point of numbers and in point of results; that it has conferred the greatest benefits upon Ireland, morally, socially, and politically, as well as materially; that it has done more to raise the character of Ireland than any other institution or than any other system, and that it has, therefore, been of the greatest advantage, not to Ireland only, but also to this country. When

the Primate has given his concurrence to this system, when the late Lord Chancellor of Ireland has become an advocate for it, when in the north of Ireland public opinion has been exhibited so markedly in its favour, and when throughout the whole country there exists, though not unanimously, the same irresistible feeling, I confidently believe that, while due concession may be made to reasonable objections and just suggestions, the cardinal principles of the system, which have been steadily upheld by successive Governments and by successive Parliaments, this House will not permit to be infringed.

Mr. LEFROY said, he felt it his duty to express, as shortly and as clearly as he could, the opinions of those with whom, together with his right hon. and learned Friend below him (Mr. Whiteside), he fully concurred on this question. He regretted that the subject had not been discussed at an earlier period of the Session, and still more that it should then be discussed under the pressure of other equally important business. He had never shrunk to express his regret for the course pursued by the National Board. He had felt that it could not be satisfactory to Ireland, and still less satisfactory to the ministers of the Established Church in Ireland, whose views he particularly represented on this occasion. He had never, since he had the honour of a seat in that House, hesitated to express that opinion; nor had he, on the other hand, hesitated to say that the system recommended by the hon. and learned Gentleman opposite (Mr. Butt) would equally fail to give satisfaction. The ministers of the Established Church asked for no teaching but that which might be properly, and should be, taught in a Christian nation. They asked to have the Scriptures read in their schools, and they properly declined to take part in those schools where the Scriptures were practically excluded. If nuns' schools, if the schools of Presbyterians, if the schools of Wesleyans, were supported by National grants, surely the same advantage ought to be conceded to the Church of England. He therefore regretted that the Government had not taken steps to extend the National system in a manner which would enable all to partake in it, or that the right hon. Gentleman the Chief Secretary for Ireland could hold out no hope that such a modification in the system would be adopted.

Mr. HENNESSY moved the adjournment of the debate. There were many hon. Gentlemen who wished to speak, and as there was another important Motion on the paper he thought it was not right that the whole night should be occupied by Irish Members.

The O'DONOGHUE seconded the Motion.

Mr. BERNAL OSBORNE said, he thought the hon. Member could hardly be serious in moving the adjournment. Here was a Member of an Irish county, who was constantly making complaints that Irish business was not properly carried on, when a debate upon a most important Irish question had commenced in good earnest, absolutely moving its adjournment. He (Mr B. Osborne) had considerable interest in this question, perhaps more than the hon. Gentleman, as he contributed to more schools. He had come down to hear the debate, and he thought the people of Ireland and the constituents of the hon. Gentleman could hardly feel satisfied if it was adjourned. It had been well conducted on both sides, and the House ought to have the opportunity of arriving at a decision upon it.

The O'DONOGHUE said, he had not the least apprehension of meeting his constituents on this question; he hoped his hon. Friend would persevere with the Motion.

Viscount PALMERSTON said, he hoped the House would not agree to the adjournment of the debate. The discussion had been well conducted on both sides and ought to be brought to a conclusion that evening. He would remind the hon. Gentleman who moved the adjournment that his Motion, if carried, would only be a mode of getting rid of the subject.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 66; Noes 177: Majority 111.

Mr. HENNESSY said, the right hon. Gentleman the Chief Secretary for Ireland had referred to a document transmitted to him by the Irish Bishops. As the subject of Irish education with special reference to the allegations in that document was to be brought under the notice of the House a few weeks hence, he should defer his remarks on the general question till that opportunity. All that the Motion of the hon. and learned Member for Youghal asked for was inquiry into a system in support of which £270,000 were annually expended, and which did

not accord with the consciences of the people. The right hon. and learned Gentleman (Mr. Whiteside), who, with so much ability and success, represented the Protestant party, had clearly showed that the National Board failed to conciliate the Protestants of Ireland; while the protests more than once forwarded by all the Catholic prelates sufficiently proved that they were equally dissatisfied. It was remarkable that the House of Commons, which refused to sanction educational Votes in England, unless they were granted in connection with some religious denomination, adopted a wholly different course in Ireland. The necessity of associating education with religion had been recognized and enforced by every English statesman. The principle had been extended to the Colonies, and, with the solitary exception of Ireland, it was maintained in every portion of Her Majesty's dominions. In that country, however, where the three religious bodies, Presbyterian, Protestant, and Catholic, equally dissented from the Government plan, a narrow-minded system of mixed education was forced upon them by those very Liberal Members who talked loudly in the House and elsewhere of toleration and the liberty of the subject. The right hon. Gentleman the Chief Secretary, furnished, doubtless, with statistical fallacies from the portfolios of Dublin Castle, said that in these schools many thousands of Protestants and Catholics would be found, but he had altogether failed to show that those Protestants and Catholics were mixed. As an illustration of the fallacy of the argument thus put forward, he might mention in the county of Cork alone there were 67,000 children in attendance on the national schools, but of these 700 only were Protestants. He hoped the House, by the division that was about to take place, would mark its sense of the necessity existing for inquiry. It was not, however, a mere question of inquiry into statistical results. The people of Ireland came to Parliament asking for that which the wisdom of Parliament had repeatedly sanctioned. They asked for a system of public instruction in which religious teaching might be to erated. They declared that they had conscientious scruples which were outraged by the secular policy of the so-called National Board. A political party that boasted of its Liberal principles forced that secular instruction on the people. In these days it would seem that the definition of a Liberal was a man who endeavoured to force his own particular opinions on those who differed from him. The Liberals will not tolerate real liberality. When they say, "We believe in mixed education, and insist upon having no other," the Irish people reply, "We are ready to accept that system for any persons who may prefer it; but we desire to have, in addition, a system of religious instruction for any others who, in their consciences, deem such instruction advisable: in a word, we desire Freedom of Education."

MR. BUTT in reply said, the national system had been forced upon the people of Ireland; but, in the Motion he had made, he did not wish to upset the National Board of Education, and it was merely for an address for inquiry. The right hon. Secretary for Ireland alleged that the Primate of Ireland had withdrawn his objections; but the fact was that his Lordship had been shamed into submission by the impossibility of getting education for the Protestant children on any other terms. If the mixed system was good in Ireland, why was it not adopted in England? There had been no justification offered for it by the right hon. Gentleman the Secretary for Ireland; and, as none of the arguments he had offered in support of his Motion had been answered, he must divide the House.

Main Question put.

The House *divided*: Ayes 62; Noes 196: Majority 134.

PAPER DUTIES REPEAL BILL.

RESOLUTION.

LORD FERMOY: Sir, I feel that I owe an apology to the House for introducing to its notice a subject of such importance at this late hour of the evening; but, perhaps, the best way in which I can show my gratitude to the House, if I am listened to, will be to make my statement as brief as possible. If this were to be the only occasion upon which this most important question was likely to be discussed in this House, I would not take on myself the responsibility of introducing it at this late hour; but my belief is, that so important is this question, that for the remainder of the Session you will find it springing up in almost every question, and at every stage of your proceedings—and, therefore, as I am performing what I believe to be a duty, namely, asking the House to give its opinion upon a question which I believe to be of very great importance, I am not

shutting out other hon. Members, if they choose, from bringing forward, on subsequent occasions, other Motions in reference to this subject. In bringing this subject before the House, my vindication is this, that whatever may be the feeling of the House on this question, there is outside its walls a strong feeling of indignation at the conduct of the other House of Parliament. ["Oh, oh!" *from the Opposition.*] Of course, I do not expect that hon. Gentlemen opposite will acquiesce in that statement. But let me make this remark in answer to the indications of dissent shown by the hon. Gentlemen opposite, that while we can point on our side to numerous meetings held all over the country, calling upon this House to vindicate its rights and privileges, the hon. Gentlemen opposite cannot point to one single meeting in which the opinion was pronounced that the Lords, in the course they took, were right. Now, in the first place, in support of the proposition which I have ventured to lay down, I evidence the meetings which have been held all over the country, and I evidence to you, also, the petitions which have been presented and laid upon the table, signed by over 100,000 persons, all praying that this House may take steps to vindicate its rights and privileges. We had besides that the other day, a meeting held in this Metropolis of delegates from all the large towns in England, at which resolutions were passed calling upon this House to vindicate its privileges. That meeting of delegates consisted of gentlemen from Manchester, Liverpool, Birmingham, Glasgow, Warrington, Norwich, Newcastle-upon-Tyne, Oxford, Ipswich, Rochdale, Ashton-under-Lyne, Leeds, and a number of others, amounting altogether to fifty of the principal towns. Now, what was the unanimous opinion expressed by those gentlemen in meeting assembled? Their first resolution is as follows:—

"That the House of Commons having affirmed by Resolution that it rests with itself to impose or repeal taxes, in the opinion of this meeting that House would be degraded by giving assent to the base policy of inaction suggested by Lord Palmerston—a policy tending to the surrender of the dearest rights of the people, and one which ought to be denounced as an act of treason against the Constitution."

The next resolution is to this effect:—

"That no Government deserves the support of the Liberal party that is not prepared to vindicate the privileges of the Commons, and to secure the rights of the people; and that it is the duty of every Liberal Member of Parliament to urge upon the Government to act up to the spirit of its own Resolutions, and if defeated, to dissolve Parliament and appeal at once to the country."

The next resolution is to the following effect:—

"That this meeting tenders its thanks to the Right Hon. W. E. Gladstone for his able defence of the Constitutional rights of the House of Commons, and relies with confidence on his promise to do everything that is within his power to secure those rights unimpaired."

The last resolution is to this effect:—

"That this meeting calls upon every Member of the House of Commons to use any means that its forms allow to prevent the passing of Supplies, or Bills for the appropriation of Supply, until the aggression of the Lords has been defeated and their illegal Vote rescinded."

Now, that is an indication of feeling, and no doubt a very strong feeling upon this subject, coming as it does from Gentlemen deputed from fifty of the principal towns of England. They have declared that to be their opinion, and as such we are bound to respect it. Then, again, if I refer to an event which has taken place within the last few days—I mean the election for Brighton; the only polling booth opened since the aggression of the Lords, I find the people have there, in a constitutional manner, evinced their opinion in regard to this question. If that be not sufficient vindication for my conduct upon the present occasion, I have only to refer to the declarations which have been made from the Treasury Bench, and made by the right hon. Gentleman the Chancellor of the Exchequer and by the noble Lord the Foreign Secretary. That being the case, I feel that whether I look to the feeling out of doors of the people generally, in public meeting assembled, or in sending delegates to meetings, or I look to the result of the only election that has taken place since the aggression of the Lords, I am warranted in saying that whatever may be the fate of the present Motion in this House, outside the House a large majority of the people will give it their sanction and support.

Now, having made these few remarks in vindication of the course which I have thought proper to take, let me come directly to the point. What I propose to establish, if I can, are these two propositions—"That the rejection by the House of Lords of the Bill for the Repeal of the Paper Duties is an infringement on the rights and privileges of the House of

Commons—and that it is, therefore, incumbent upon the House to adopt a practical measure for the vindication of its rights and privileges." With regard to the first proposition, I can promise the House that I will not weary them with going into precedents. I think that has been already fully, amply, and satisfactorily settled in this House. We have had, first and foremost, a Committee chosen from among the most experienced men in this House, for the purpose of searching for precedents bearing on this subject, and that Committee having reported, three Resolutions framed upon their Report were submitted to the House by the noble Lord the First Lord of the Treasury. Those Resolutions were unanimously adopted by the House, and I, for one, do not regret the step which I then took to procure their unanimous adoption. These Resolutions are based upon your investigations into the precedents, and I base my argument to-night upon the first and third of them. If I can prove my case by a reference to them, I shall have no necessity, nor is it my intention, to refer at all to the precedents. I take the first Resolution proposed by the noble Lord, which lays down clearly and comprehensively enough to satisfy me as to the extent of our rights and privileges. The first Resolution says :—

"That the right of granting Aids and Supplies to the Crown is in the Commons alone, as an essential part of their constitution; and the limitation of all such Grants, as to the matter, manner, measure, and time, is only in them."

Let us see what has been the history of the Bill for the Repeal of the Paper Duties in this House, and of the Budget of the Chancellor of the Exchequer. In that Budget there were introduced two questions, to which alone it is necessary that I should now refer. One was the repeal of the paper duties; the other the addition to the income tax. We assented in this House to the repeal of the paper duties. He proposed to us, and we adopted, to make up the gap in his Budget, an additional penny in the income tax. In that way we sent the Budget up to the Upper House. We repealed the paper duties because we considered them to be an impediment to trade and commerce, and a tax upon knowledge. But no matter on what reasons we did that, and in that way we sent the Budget up to the Upper House. What was done there? The Lords adopted the addition to the income tax, but rejected the Bill which was to relieve the consumers of paper of a million and a quarter of taxation. I say that was a manifest and a clear interference with our rights and privileges. Because I ask how it can be said now that the right to grant Supplies is in the Commons alone as an essential part of their constitution, and that the limitation of all such grants, as to matter, manner, measure, and time is also in them. How can that be said, when, not only as to the matter, but as to the manner and the time, the Lords have interfered and altered a measure referring to the taxation of the country?

There is another point which ought not to be overlooked. Our proposition not only shifted the burthen of taxation from one set of shoulders to another, but altered the form and character of the tax, because for an excise duty on paper, which was a permanent tax, we substituted a penny income tax, which is a terminable tax. Therefore, in that respect, the Lords have interfered not only in the matter, but in the time and the specialty of the tax, as well as with the amount of the exemption. The Act of the House of Peers thus completely invaded and deranged our privileges and rights, even as laid down in the first Resolution which we passed unanimously within the last fortnight.

The next question then—and a very reasonable and natural question—is as to the remedy which is to be proposed. To that question I do not shrink from giving the best answer I can. But before doing so, I may be allowed to repeat what I said last night, that a considerable, although not an insuperable difficulty, has been placed in our way by the manner in which the right hon. Gentleman the Chancellor of the Exchequer has, since the aggression of the Lords, dealt with the taxation of the country. It is quite clear, however, that if the rejection of the Paper Duties Bill by the Lords is an aggression upon our rights and privileges, the best way, in my mind, if not the only way, to redress it is to send them back the Bill again. The third Resolution, to which I have already alluded, points out, although perhaps not very clearly, the proper manner of doing so. It is this :—

"That, to guard for the future against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over Taxation and Supply, this House has in its own hands the power so to impose and remit Taxes, and to frame Bills of Supply, that the right of the Commons as to the matter, man-

ner, measure, and time, may be maintained inviolate."

As I read that, it means that for the future,—for I admit that it only deals with the future while asserting a principle which can apply to the present—if you think the Lords are about to interfere unfairly or unjustly with your rights and privileges as regards taxation, you can so draw your Bills and frame them, that the Lords shall not be able to touch them. The meaning of that I take to be, that you can incorporate with a Money Bill the repeal of the paper duties. I may be unfortunately suspected of being rather disposed to propose strong measures upon a subject of the kind, but I am merely giving my own opinion, and the Resolution which I propose does not bind anybody as to the means to be adopted. If the Resolution were carried by the House, the proper persons to carry it out and to prepare the fitting measures to the House would be Her Majesty's Government. I merely give my own opinion because I do not wish to shirk the question. What I should do would be this. We know by experience that the Lords have not always been right upon other questions. It has been usual in the history of the country, when the two Houses differed upon any important political question—when this House adopted a particular line or a particular Bill, and the other House rejected it—to give the House of Lords a *locus penitentiæ*, and send up again the Bill they have rejected. One of the best features of the manner in which the Lords dealt with this question was, that when they rejected this Bill they believed the feeling of the country was with them. That, I repeat, is so far a very good and cheerful feature. Now, suppose we can show, after a full and fair discussion of the question in this House, and out of it, that the feeling of the country is strong against the Lords, not on the question of finance, but as respects their dealing and interfering with our rights and privileges in reference to taxation—why, then, I say, by sending back the Bill again pure and simple, you may give the Lords an opportunity of passing it, as they passed the Reform Bill, the Catholic Emancipation Bill, and the Jewish Relief Bill, after many previous rejections of those measures. That is the constitutional course, and I, for one, should feel disposed to adopt it.

If it be said that the Lords would not pass it, we can then go, if needful, the further step, and incorporate the Bill with some Money Bill which the Lords cannot touch. But I repeat that it is not my business to show what the Government ought to do; all I have to do is to show that I have a policy and opinion of my own. Unless something be done the three Resolutions, which are good enough for the future, as an assertion of our rights and privileges are perfectly useless on the present occasion. I hope, and indeed I assume, that I shall have the sanction and support of the right hon. Gentleman the Chancellor of the Exchequer. Upon all subjects he has the happy gift of speaking forcibly and clearly, but if there was anybody through the whole length and breadth of the land who spoke clearly and boldly upon the subject it was the right hon. the Chancellor of the Exchequer. He told us, in words to which I cannot refer now, that it was the duty of this House to take action. He expressed a desire to know under what form of constitution we were living when we submitted to this aggression of the Lords. I repeat, then, that if we do not take action, we complicate the matter very much, for it will be a precedent against us hereafter. The Report of the Committee recounts the Paper Duties Bill as one of the very Bills which the Lords rejected, and unless we take active means to restore our position on the constitutional ground, this will be pointed at as a precedent hereafter.

I may be told that the course I am taking is not a politic one. That is unfortunate, but I am not to blame for it. The question is, whether what I am proposing is clear, and a straightforward and a fair way of dealing with the question. I believe that on this, as on all other occasions in life, the best policy is honesty. Therefore, although I may not be successful to-night, or this Session, I hold that it is the duty of us who are the popular party in this country to take the course which we believe to be just to preserve and vindicate our rights, and if we fail, then let the responsibility be upon the shoulders of those who, although professing in principle the same views, will not go into the lobby with us upon this question. If this policy be bad, I say that they have made it bad by their pusillanimity. Therefore I repudiate the language held as to the policy of the Motion which I, as a very humble individual, am bringing forward upon the present occasion. There is nothing so essential to the greatness of

England and the durability of her representative institutions as that public men should keep faith with the public. I want to know, for one, whether Her Majesty's Government are satisfied with the present state of things. I want to know from the Treasury benches whether, looking back to the occurrences of the last month or two, beginning with the aggression of the Lords, and the rejection of the Paper Duties Repeal Bill, and going down to the adoption of the three Resolutions, they are satisfied that the House, as regards their rights and privileges, are placed in as satisfactory a position as before the rejection of this Bill by the Lords. I say, for one, that my belief is that it is not. I say that your three Resolutions do nothing to redress our position. It is a great deal, I admit, to have got that first Resolution by a unanimous vote in this House. It was never my fate to be present before in this House at a unanimous vote on a great question, and, therefore, I voted on that occasion with great pleasure. But, to use the words of the Chancellor of the Exchequer, "You must take action." Unless you do that, you will have done nothing as regards the present case. Now, Sir, I promised the House that I would be short in my address. Had I been fortunate enough to have got up earlier in the evening, I might have been more diffuse; but I say this, in concluding, that I believe out of doors you will find that the people every day are turning their attention more and more to this subject. My belief is, that every day it is gaining importance in the public mind. They will soon see that which is patent to the minds of, at least, every man near me, that the rights and privileges of the people of this country and of this House are identical. Our forefathers suffered to maintain the rights of this House against the aggressions of the Crown. Happily, we live now under a Monarch who will never make an aggression upon the rights of the people or of the Commons; but there is another aggression which has been made by the hereditary branch of the Legislature. It is our duty to walk in the steps of our forefathers, and, if necessary, to make sacrifices, as they made them, to vindicate the rights and privileges of the Commons of England.

MR. WHITE seconded the Motion.

Motion made, and Question proposed,—

"That the rejection by the House of Lords of the Bill for the repeal of the Paper Duties is an encroachment on the Rights and Privileges of the House of Commons; and it is therefore incumbent upon this House to adopt a practical measure for the vindication of its Rights and Privileges."

VISCOUNT PALMERSTON: Sir, I hardly think that my noble Friend could seriously intend to call upon this House to enter upon the large and important question to which his Resolution relates,—beginning, as he did, at half-past eleven at night. My noble Friend, no doubt, was anxious to record, in a manner more formal than he thought fit to do on the debate on the Resolutions I had the honour to propose, his opinions and sympathies on the question between the two Houses of Parliament. I do not quarrel with my noble Friend for taking this opportunity of recording his individual opinions; but I would humbly submit to the House that, after the grave and serious discussion which took place on this great and important question on a former occasion, it is not desirable to stir again in the matter at the present moment. The House, I think, may be well content to rest on the Resolutions it has adopted. Moreover, I would venture to submit that the first proposition of my noble Friend is little more than an echo of that which the House has already affirmed; while his second proposition points to a result which my noble Friend is not himself prepared to indicate. It is not enough for my noble Friend to say that if the House agrees to his Resolution, he throws on the Government the responsibility of discovering what he intended to suggest, and of carrying into effect his undefined and unexplained intentions. I beg to decline, on the part of Her Majesty's Government, the task which my noble Friend wishes to impose on them. As I stated on a former occasion, in answer to a question, I am well satisfied to rest on the Resolutions which the House has affirmed. I believe those Resolutions sufficiently record our opinions as to our own rights and privileges, and point out for the future the means to which we may have recourse, if necessary, to assert and make good those privileges and those rights. I shall not enter now into the subject, or detain the House longer from coming to a decision on the matter. I shall at once move the previous question, being of opinion that my noble Friend has not shown his usual judgment in introducing this subject on the present occasion; and that it is fitting the House should decline to enter further

on the discussion of the question. Sir, I beg to move the Previous Question.

Whereupon Previous Question proposed, "That that Question be now put."

SIR JOHN TRELAWNY said, he could not compliment the noble Lord on the speech he had just addressed to the House. It seemed to him that in the crisis of a revolution which the Conservatives had originated, the noble Lord had not shown proper respect to the House in dismissing a grave and important subject like this in a few sentences, and condescending to use as an argument against the Resolutions the late hour at which they were introduced. He wanted to know whether it was come to this, that the head of the Government, the leader of the Liberal party, could afford to treat the gravest interests of the House of Commons in this jaunty manner, as if of no consequence whatever. They had passed Resolutions which had met with the cordial acceptance of the right hon. Gentleman opposite—the leader of the country gentlemen of England—and which manifestly conveyed a censure on the House of Lords in the course they had pursued. Yet no action had been taken to indicate the rights of the Commons, and to resist the imposition of a heavy tax against their will. He complained of almost everybody in the House. [*Laughter.*] That might sound very ridiculous, but such was his feeling. He complained of himself as well as of the rest. He blamed himself for having let the China Vote go two nights since. They were never told whether that money was for the first China war or for the second, or for the Persian war. The accounts had not been made up for some years, and the Government could not or would not reveal the object of the Vote. That was only another sample of the treatment the House received. He had often heard it said in private that the noble Viscount was a Tory, and he had done what he could to defend him from that accusation. But whether the noble Viscount were a Tory or a Radical, it was clear that a serious aggression had been perpetrated on the liberties of the country and the privileges of the Commons, with impunity as far as the noble Lord was concerned. He had a right, too, he thought, to complain of the right hon. Gentleman the Chancellor of the Exchequer. At his instigation they voted a most unpopular tax—a 1*d.* of addition to the income tax, when their constituents expected a reduction of at least 3*d.* They consented to do that in the hope that they would at least effect the removal of an objectionable tax, which could not exist longer without giving rise to litigation. The noble Lords in "another place" rejected that measure which the Chancellor of the Exchequer recommended, and they all heard the right hon. Gentleman come down to the House and denounce the proceedings of the House of Lords in language on the verge of revolutionary—language almost as strong as any that was used at Chartist meetings out of doors. Their feelings were aroused by his eloquent invective; they sympathized with his demand for "action." But to what a lame, impotent conclusion had the matter been brought, when the right hon. Gentleman came down to the House last night, and swallowing his indignation and putting his tail between his legs, accepted the act of the House of Lords? He entertained a sincere respect for the noble Lord the Member for London, but he regretted exceedingly that he was not out of office at this time. If the Conservatives had been on the Treasury bench, and the Liberals in Opposition, what an eloquent vindication of constitutional privileges and denunciations of the conduct of the Lords would they not have had! He could not possibly overrate the importance of the present crisis. He could not disguise from himself that something had gone out of them—that some privilege, some power had been lost, and yet this only roused the mirth of hon. Gentlemen opposite. Was it come to this, that the loss of a valuable right, which would influence the destinies of their country for all time, was only cause for laughter? He did not scruple to say, and he said it with premeditation, that he would rather the French occupied Yorkshire at that moment than that this had happened. If the French were in Yorkshire, they might look with confidence to their being very soon removed; but he had no hope that the precedent laid down by the House of Lords, and acquiesced in by the House of Commons, could be as readily got rid of. An eloquent writer on the Constitution of England said, that what to-day was a fact to-morrow was a precedent, and the next day a law. They had gravely set to work to make a law of this proceeding of the Lords, and he could not compliment them on their handiwork. Though little was said about this matter out of doors then, the day would come

when they would hear more of it. He could not compliment hon. Gentlemen opposite on their logic when they cheered because it was mentioned that there was not much feeling in the country, as though the House of Lords must be right on that account. Suppose the House of Lords had many years ago by an Act abolished the corn laws as far as they were concerned, would that circumstance alone have induced hon. Gentlemen opposite to acquiesce in such a proceeding? It might be all very well for those who wished to make things pleasant to pass this question by; but that would not do for those who were not represented in that House. They were now very much in the position of France before the Revolution, when she had a narrow suffrage and general corruption. The people out of doors were aware of this, and believed there was scarcely a public contract which was not in some way dealt with as a job. Men asked whether things would be worse if they had a larger suffrage. And though, perhaps, no very definite mode of action was perceived, the day was not far off when there would be a great disturbance arising out of these affairs. He sincerely believed he was acting as a true Conservative in recommending the House of Lords as soon as possible to retrace their steps, for now they would stand responsible for every calamity of a financial character that might happen to this country. Yes—he repeated that by interfering as they had done with the management of the finances, the House of Lords had made themselves responsible for every disaster which might follow from their meddling. They ought, therefore, to come down in sackcloth and ashes to retract their unjustifiable proceeding.

MR. CLAY said, that the hon. Baronet objected to the position of this question as furnishing a precedent for the course taken by the House of Lords. It was precisely on these grounds that he (Mr. Clay) deeply regretted the Motion of his noble Friend, not that he took a lower estimate than did the noble Lord of the importance of the subject with which that Motion dealt. It was the most important which had agitated the House since he had been a Member of it—not that he felt less keenly than the noble Lord, or than any man in the country, the position of humiliation in which the Commons rested under the attack and premeditated insult of the House of Lords; but because he was convinced that the blow aimed by the noble Lord would be weak and impotent, would fall short of the object he wished to strike, and would be the increase and the record of their shame. The traditionary power of the House of Commons depended on the support of the people whom they represented, and it was useless to conceal the fact that in this matter the people were not heartily with them. The majority out of doors believed that the refusal of the House of Lords to repeal the paper duty was financially wise. This was not his opinion. He gave his adhesion to the wisdom of that repeal; but it was the very general belief. Popular opinion never took nice distinctions, and in this case the people refused to separate the question of the financial sagacity of the House of Lords from that much more important question the violation of the spirit of the Constitution. Had his noble Friend never heard the Scotch motto which taught him to "bide his time"? He (Mr. Clay) was content to bide his in the confident assurance that no distant time would bring the opportunity, when, with the support of an enthusiastic people, the House of Commons might recover the position which for a time it had lost. Meanwhile, he considered the Motion of his noble Friend was in every way mischievous. It damaged the question of paper duty repeal, for repealers on the opposite benches would on this occasion naturally vote against his noble Friend, and the division list would be no accurate indication of the number of hon. Members who were in favour of the repeal of the Excise duty on paper. Still more did it damage the position of the House of Commons in its quarrel with the House of Lords. For what was this position? At present the Resolutions which they had passed were a protest—weak and insufficient it was true—but a protest, more or less, that the House of Lords had violated the spirit of the Constitution, and, at least, there was no confession on their records that a majority in the Commons was not of this opinion. But the defeat of the Motion of the noble Lord—and its defeat was certain—made history and a precedent, and it would stand for ever and a day recorded on their Journals, that in 1860 a large majority of the House of Commons had decided that the House of Lords, in its rejection of the Bill for the repeal of the paper duty, had not "encroached on their rights and privileges." Was it not madness to invite such a record by this unhappy and ill-advised

Motion. But there were other grounds on which also he objected to it. The most careless observer suspected that this unfortunate quarrel had caused difficulties —it might be differences in the Cabinet. Was it wise in hon. Gentleman below the gangway, by such a Motion as this, to increase those difficulties, probably most keenly felt by those Members of the Cabinet who more especially represented and sympathized with the opinions of the Radicals? If these difficulties were to become insuperable — which he, and many others on the same benches, would sincerely deplore—did not the Radical party owe to these right hon. Gentlemen to leave them the judges of the manner and the time when these differences should be insisted on, rather than to challenge them to a vote, which they might have some —though he hoped no invincible—scruple in avoiding, although they must feel it to be most inopportune. His noble Friend would perhaps say, what matter if the Government does break up. The fall of the Government might not very seriously matter to the Radical party; but it did matter seriously in what way the Government fell. Let hon. Members below the gangway remember for a moment the origin of the present Government. It was an experiment to try whether an administration, fulfilling the conditions of strength and permanence, which the country in the present state of Europe imperatively demanded, could be formed by a union of all sections of the Liberal party. It must be confessed that up to the present time that experiment had not been a very happy one. If he was asked where was the fault, he would say that which it is safe to state of all domestic quarrels, that there were faults on both sides. The Radicals complained that there was some want of the sympathy and consideration on the part of the Government for their position and opinions, which they had a right to expect. Should he give an instance? The Home Secretary, when he gave up the obnoxious clause in the Census Bill, might have done it with a better grace, and might have spared them a speech which, though clever and amusing, smacked too much of the lecture of a college Proctor to be very palatable to grown-up men. A few days before this, the first Minister, in answering a question on this same subject, might have conveyed his answer in some twenty courteous words, rather than in a dozen of very scant courtesy. But more than this, when the noble Viscount introduced his celebrated Resolutions, he might surely, out of consideration for the strong views entertained on the subject by his Radical supporters, have given to his speech some of the vigour which those Resolutions wanted. The effect of that speech, on the contrary, was most unhappy on the Liberal Members, and whatever little starch there was in the Resolutions was effectually washed out of them by the speech of the noble Lord. On the other hand, they, the Radicals, were much too ready, when the Government did not agree with them, to jump up with their denunciations that the Whigs—to use an Unparliamentary phrase — were "throwing them over," and to remind them, somewhat ungenerously, that they kept their places solely by Radical support. These differences were small and undignified, therefore they were the more easily reconciled. The measures of the Government had been on the whole as liberal as they could fairly expect, and he must remind his Friends that if they believed that the compact between themselves and the Whigs was to be carried out by the Whigs turning Radicals, they looked to a one-sided bargain very little creditable to their sagacity to hope for—still less creditable to Whig honesty to have performed. The motto of their union should be, "Bear and forbear." If, then, the Government fell from the open attack of legitimate foes on the opposite benches, it would matter little to the interests of the Liberal party — they would be as united as ever—at least as ready to renew a league which would not have been proved to have failed. But if, on the other hand, the breaking up of the Cabinet arose from differences among the different sections of the Liberal party of which it was composed, it would be taken as a confession that the experiment of union had failed; that the Whigs and Radicals could not lie in the same bed, and the demand of the country for a strong and permanent Administration would be supplied by a new combination of parties, which would inevitably be unfavourable to the advance of Liberal opinions. For the reasons he had given he should upport the Previous Question.

THE CHANCELLOR OF THE EXCHEQUER: I entirely concur, Sir, in the propriety and wisdom of the course which has been proposed by my noble Friend near me (Viscount Palmerston), and I like-

wise join in the regrets that have been expressed with regard to the conclusions to which the noble Lord the Member for Marylebone arrived when he thought it his duty to submit this Motion to this House, and to submit this Motion upon a subject of such gravity and importance, when the hand of the clock was approaching the hour of midnight. But, Sir, I cannot refuse to state the reasons why I shall support the Motion of my noble Friend, after the allusions which have been made to me by the noble Lord. When the noble Lord, feeling I dare say the difficulties of his position, which are not to be dissembled, was disposed to throw the responsibility for a portion of those difficulties, on the statement with respect to the financial demands of the public service which I made last night, I must say I think it would have been most improper on my part, both as respects the one side of the House and as respects the other, if I had not made it my sincere and honest purpose, in submitting that statement to the House, to leave the great constitutional question that has been opened within the last few weeks precisely as I found it. I do not think it my duty—I think, on the one hand, it was entirely at variance with my duty—to use that occasion for the purpose either of taunt or accusation against any man or body of men. I think, on the other hand, I should have been wrong if I had placed that statement in such a form as to weaken the position of the noble Lord and others with whom in principle I agree. I therefore think undoubtedly it was right to state, what I could not have avoided stating without absurdity, that a sum of money was in the Exchequer, in consequence of a vote of the House of Lords, and available for the services of the year—the estimate of which I made as nearly and as faithfully as I could. But, lest I should be unjustly accused of having receded from the opinions I had expressed, and which I conscientiously entertain, I spoke of that sum of money proceeding from the paper duties, and of the question of the repeal of the paper duties, as a matter dependent—which I believe it to be dependent—upon the pleasure of the British House of Commons. Now, Sir, that was the position in which I sincerely and humbly sought to leave the question without prejudice; and therefore, do not let the noble Lord state that he is placed in any difficulty because of expressions used or proposals made last night.

With respect to the Motion of the noble Lord I concur entirely in the opinion that it is not fitting for this House to pronounce an opinion on the matter; and for these reasons. As has been stated by my noble Friend near me, the first portion of the Motion is but a repetition, in a form slightly more combative, of that which, as he thinks, and as I think, the House has in substance already assented to. With regard to the second part of the Motion, I confess I entertain to it more serious objections. The second part of that Motion suggests that it is incumbent upon the House to adopt a peculiar measure for the vindication of its rights and privileges. Now, Sir, to what does that declaration amount? It amounts to so many words and to nothing more than words. It does not advance the House one inch towards any practical solution of the question, but it goes to the country at large on the principle of being in earnest without any real pledge or guarantee for our sincerity or our Resolutions upon it. Sir, so far as words are concerned, it appears to me that upon this occasion we have used them in sufficiency. The words proposed by my noble Friend (Viscount Palmerston) in his third Resolution—words which were adopted unanimously by this House—were well adapted for the purpose, and being well adapted for the purpose ought not to be loaded with surplusage. It is no slight matter for this House to take new steps on a subject of this gravity. We ought not to proceed to accumulate Resolutions upon Resolutions. We have said all, in my opinion, that we can safely say. What remains is the question, whether we can safely proceed to action? If we can proceed to action by some measure for which we think the House is prepared, or on which we can induce it to act, then let that issue be raised; but do not let us give new promises of action which, after all, are mere declarations, and with respect to which I would even say they are scarcely honest promises so long as we speak of action vaguely in the abstract, instead of pointing—which would be difficult to do—to some positive and practical method of proceeding, whereby this House might bring to an issue the question on which its attention has been engaged. It is all very well for the noble Lord the Member for Marylebone—it sounds very well in the House; it will read very well to-morrow morning in the newspapers; and I have no doubt it will continue his

popularity—for I have, indeed, no doubt of the public sentiments on this subject—in the important borough he represents, when it is found that, at all events, there was one chivalrous Gentleman who stood up in this House and said that, for his part, he thought, in difficulties in policy, honesty was the best policy:—

> "My voice is still for open war,
> Of wiles more inexpert I boast not."

But still, Sir, the test to which every Motion made in this House, and every speech ought to be brought, is its tendency to advance the public interest according to the conviction of this House and of the hon. Members who make it. I cannot say that it appears to me that, to pass a further Resolution on the subject where we have already resolved everything that the subject requires, would in any degree advance the public interests. We have, as is well said by the hon. Gentleman who has just sat down, made a temperate but deliberate statement of what we conceive to be constitutional doctrine on this subject. I agree with him it is open for any one to put his own construction on Resolutions in which he has concurred. We have no authoritative expositor in this House who has a right to bind the rest. We have agreed to a constitutional protest against what has been done by the other House, and if that protest has been made in terms of which the noble Lord did not disapprove, it will not be desirable and will not maintain the real dignity of this House to multiply protests of that character. The only choice, in my judgment, that now remains to us is to choose between action on the one hand and silence upon the other. On that account, Sir, I entirely concur in the Motion of my noble Friend near me, which, not pronouncing any opinion on the abstract merits of the proposition of the hon. Gentleman, relieves the House from the embarrassment in which it would be placed by being compelled to record a judgment on that proposition. I do not think it is an occasion upon which it is my duty to enter upon the merits of the question. On a recent occasion I expressed in warm and in strong language what I feel upon that subject. There is much more which upon a fitting occasion might be said, for all that has been said does not, in my opinion, express half of the difficulties, the dangers, and the practical embarrassments of the vote which, under the name and notion of financial wisdom, was lately passed by the House of Lords. It is not my duty to enter unnecessarily upon topics of an irritating character, at a period when it is impossible for us to discuss them with the hope of arriving at any practical result. Therefore, simply reserving my personal freedom to state again what I think to be the constitutional, and, as the hon. Baronet (Sir John Trelawny) has said, emphatically, the Conservative doctrine with regard to this matter, I think that our proper course now is to decline a multiplication of these verbal declarations, which, if multiplied out of place, degenerate into mere verbiage. The Motion of my noble Friend is excellently suited for that purpose, and I heartily concur in and shall cheerfully support it.

The Chancellor of the Exchequer

Mr. BERNAL OSBORNE: If I understand the speech of the right hon. Gentleman the Chancellor of the Exchequer aright it amounts to this, that, after having excited the noble Lord to move this additional Resolution, after having called the proceedings of the House of Lords a gigantic innovation, he is willing when he finds himself pressed for money to put all this in his pocket and to defer all considerations of constitutional necessity. I am in this position—I concur neither with the right hon. Gentleman, nor with my noble Friend the Member for Marylebone. The right hon. Gentleman now defines the difference between silence and action; but who was it that, forgetting the silence that was imposed upon him, got up and urged the House to action? It was the Chancellor of the Exchequer who, in a speech which we all remember, called for immediate action. If not for immediate action, at least for action; but now he adheres to silence. He is now, forsooth, performing that military movement which all hon. Gentlemen connected with the army know—marking time. How long that marking time is to continue he alone knows. At any rate, I know that I have been astonished at the speech he has made. I think it is a complete answer to the statement of the hon. Member for Hull (Mr. Clay), that there are chances of differences in the Cabinet. I think my hon. Friend will be convinced that there are no such chances. At all events, the right hon. Gentleman the Chancellor of the Exchequer is content to remain in office and mark time, and wait until the occasion for action arrives. Having said so much, I must add that I never felt more satisfied at abstaining from any vote

than I do at my abstinence from supporting the repeal of the paper duty after the speech of the Chancellor of the Exchequer last night, because I think he convincingly proved that at the time he moved the repeal of that duty he was totally ignorant how the finances of the country stood. I say so much in justice to my own views, which from the first were opposed to the repeal of the paper duty. I make this complaint against the right hon. Gentleman, that he has placed me in this awkward position, that, agreeing with those who opposed the repeal of that duty, I am against my own will placed in conflict with the action of the House of Lords upon this question. I think that the House of Lords acted correctly and prudently, but I think that they acted unconstitutionally. That is not a position in which any Member of this House ought to be placed by a Minister of the Crown. But—what is more—this House acted wrongly upon that occasion, because I am well aware that there was a great majority of its Members who were opposed to the repeal of the paper duty. And when hon. Members talk about lowering this House—what lowered it was the House abstaining from coming to a direct vote upon that question. Many hon. Members stayed away. They threw the responsibility upon the Lords, and now they come forward and abuse the Lords for accepting it. We have been told that "honesty is the best policy." I believe that a man most advances the character of this House by telling the truth upon all occasions, and by acting upon the proverb which has been so aptly quoted by the noble Lord the Member for Marylebone. So much for the speech of the right hon. Gentleman.

I now come to the Resolution—it is nothing more than a Resolution—of my noble Friend. On the same grounds on which I objected to the three Resolutions of the noble Lord at the head of the Government, I object to the fourth Resolution of my noble Friend. To be sure, I give my noble Friend this credit—that his Resolution is expressed in intelligible and grammatical language; but it is nothing more than a Resolution, and in moving it, at the same time that he talks of practical measures for the vindication of the rights and privileges of the House, he tells us that each Member may put any gloss that he pleases upon it. He has no more intention of acting upon this Resolution than the noble Lord the First Minister had of acting upon his. My noble Friend represents a highly important, wealthy, and intelligent constituency. I repeat it—there are few constituencies so noble, so informed, and so wealthy as Marylebone; and I have no doubt that the noble Lord is giving expression to the sentiments of many of his constituents; but, with great consideration for him and for them, I must say that his Motion is singularly ill-timed. For what was the course of the noble Lord upon a recent occasion, and I think the most proper occasion for the expression of his views—that on which these Resolutions were moved by the noble Lord at the head of the Government? The hon. Member for Finsbury (Mr. T. Duncombe) had given notice of an Amendment in these terms:—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased not to Prorogue the present Parliament until a Bill passed by this House for the Repeal of the Excise Duty on Paper has been submitted to Her Majesty for the Royal Assent."

I do not know what the noble Lord's idea of a practical measure is, but if there could be a practical measure that was one. What, however, did the noble Lord do? He had been chairman of a meeting of what was called the great Liberal party, and I am informed by those who were there that the great Liberal party on that occasion amounted in number to twenty-two. He got up and asked the hon. Member for Finsbury to withdraw his Amendment. The hon. Member for Finsbury, with that good sense which always characterizes him, withdrew his Motion, under the impression that it was really at the request of the great Liberal party; but what happened then? My hon. and learned Friend the Member for Plymouth (Mr. Collier), in a speech which even those who differed from him must admit to have been one of great merit and ability, moved a most temperate Amendment—an Amendment which might, I think, have been supported with perfect consistency by the noble Lord and those who agree with him. He was requested to withdraw that Amendment. It was supposed that we must all be what the noble Lord called unanimous, and I do not see what we have gained by our unanimity. But there is another Member for Marylebone besides the noble Lord, and one who has as sound views upon the constitution of the country as any man in this House. He had placed upon the paper an Amendment in terms stronger than those of the Motion

of the hon. and learned Member for Plymouth, but he was not allowed by the Chairman of this great Liberal party, which met in the tea-room, to move it. I was amazed at all this. I had come down to the House to support the Amendment of my hon. and learned Friend the Member for Plymouth, or that of my hon. and learned Friend the Member for Marylebone (Mr. Edwin James). But what do I find now? I find that after the lapse of ten days my noble Friend, actuated, no doubt, by the best and the most patriotic motives, moves this Resolution—moves it, I am ready to admit, in a temperate, well argued, and good speech; but why did not he make that speech on the former occasion? Has the distinction between silence and action appealed to his feelings too! Why did not he support the Amendment of the hon. and learned Member for Plymouth, or that of his hon. and learned Colleague? In what a position we are placed! We have got nothing but these four Resolutions,—those three miserable Resolutions which were agreed to the other night, and this fourth one, upon which its Mover tells us that we may put what gloss we like. Under these circumstances, having voted against the Resolutions of the noble Lord at the head of the Government, I cannot support that of my noble Friend. We who voted in the minority upon the previous occasion should, if we supported this Motion, place ourselves in a most miserable and contemptible position. I can well understand the Motion of my hon. Friend the Member for Tavistock (Sir John Trelawny). That goes to the point. I can understand it, although I cannot agree with the speech which he has made to-night. I think that he made a great mistake with regard to this House, and was unjust to the character of public men in this country, when he adduced the instance of the French Chamber. Whatever electoral corruption there may be in this country, I take it upon myself to say that the character of public men on both sides of this House is above impeachment and above the breath of slander. I much regret that my hon. Friend should have adduced that example, because I believe that, whatever may be the faults of our constitutional system, no man, either in or out of this House, can say that any breath of slander can attach to any public man in this country. To go back to the material question before the House, I must say that I am placed in a most awkward position. I have heard the speech of the right hon. Chancellor of the Exchequer. His action is deferred; he is evidently standing at ease. I do not know what we are to look to from him, but I cannot vote for the proposition of my noble Friend the Member for Marylebone. I wish he had left things as they were or voted for the Amendment of his hon. and learned Colleague. As it is, I think, he is placing us in a ridiculous position, and to avoid that I am obliged to fly to that general refuge, the Previous Question.

Mr. CONINGHAM said, that whatever might be the opinion of the House with reference to the proposition of the noble Lord the Member for Marylebone, he could not but think that in the opinion not only of the House, but of the country, attacks upon the right hon. Gentleman the Chancellor of the Exchequer came with a bad grace from the part of the House in which he had the honour to sit. He was one of those who had deliberately recorded his vote in favour of the repeal of the paper duty, and he had seen nothing which induced him to change his opinion as to the expediency of that vote. The right hon. Gentleman the Chancellor of the Exchequer, when he brought forward his great and comprehensive Budget—the soundness of which would be vindicated by time—brought it forward in a speech of unanswerable logic, and throughout loyally supported it. He could not say that the support which it received from the right hon. Gentleman's colleagues was equally cordial. If the two noble Lords who were well known to exercise a dominant influence in the Cabinet had as loyally supported their colleague as he had loyally vindicated his opinions, he ventured to say that the third reading of the Bill would have been carried by a quite sufficient majority to prevent the Whig followers of the noble Lords from encouraging the Tory party to reverse the decision of the Representatives of the people. He ventured to say that the repeal of the paper duty would have been an infinite benefit to the people of this country; that the Peers, acting as they had done, had excited a very angry feeling in the minds of the people, and, if the House ventured to interpose between the people and the privileges of the irresponsible part of the Legislature, they would incur the angry vengeance of their constituencies when they again looked to them for support.

MR. DISRAELI: Sir, the House is placed in a somewhat embarrassing position by the two Motions which have been made from the benches opposite. The hon. Member for Hull (Mr. Clay) has given us an interesting account of the general state of feeling which pervades those benches. There is a proverb familiar to all of us, which I shall not quote, as to the locality where one should wash one's dirty linen. There might be a controversy whether that operation should take place in private or in public; but I think there can be no doubt that our political dirty linen should, if possible, not be washed in the House of Commons. I heard with great regret the causes of those misunderstandings between the two sections opposite, which hitherto have only been the subject of rumour. Now, that they have been mentioned I would suggest that instead of bringing them under our consideration, there should rather be some meeting held at some other place sufficiently public, where an arrangement might be made to the general satisfaction of the supporters of the Government. Let there be another meeting, for example, at Willis's Rooms. I did not myself expect that in the course of one short year a repetition of such an assemblage would have been necessary; but though annual Parliaments are out of fashion, these annual assemblies appear to be necessary to the maintenance of party discipline among the supporters of the Government. It is to be observed that it is not from questions of high political importance, which concern the public interest and which affect public opinion, that these unhappy misconceptions seem to arise. There is some diminished confidence on the part of the Gentlemen below the gangway, who always style themselves, and I suppose are entitled to be called, the "great Liberal party." There is some diminution of confidence on their part towards Her Majesty's Ministers, not because the question of Parliamentary reform has not been carried to a successful issue, not because church rates have not been abolished, not because that promising programme of administration which was held forth to the admiring gaze of the country a year ago has not been accomplished,—no, it is not in such great questions that these deplorable misunderstandings appear to have their origin, but rather in the absence of that interchange of courtesy, and that general blandness of demeanour to be expected by those who support the Government from those whom they retain in office. In these days, Sir, when an Emperor has not been ashamed of confessing that he is a *parvenu*, I am sure the "great Liberal party" will permit me to remind them, without offence, that they themselves are of a rather modern origin, and that, like all great Powers in similar circumstances, they are gifted with a peculiar sensitiveness and a prompt susceptibility which, with a view to success in life, it would be wise on their part to curb. But, whatever may be the cause of the position in which we are placed to-night, I must remind the House that the question before us is a very serious one, and that much depends upon the manner in which we encounter it. We are asked to decide upon the conduct of the House of Lords with respect to a recent transaction upon which I need not dwell, and we are invited to do so in no measured language, and in a Resolution which lays down a very distinct and definite policy. I have listened with great attention to the speeches of both the Ministers who have addressed us in this debate. The noble Viscount the Prime Minister only made a suggestion, by which he himself and his friends might be extricated from an awkward position; but the right hon. Gentleman the Chancellor of the Exchequer gave reasons why we should support the suggestion which was made by his chief. The suggestion of the Prime Minister was, that the House should give no opinion upon the Motion made by the noble Lord the Member for Marylebone; but the speech of the Chancellor of the Exchequer in support of that suggestion was, in fact, a speech which offered a variety of reasons why we should oppose the Resolution before us. What is that Resolution? We are asked to declare in the most formal manner:—

> "That the rejection by the House of Lords of the Bill for the Repeal of the Paper Duties is an encroachment on the rights and privileges of the House of Commons; and it is therefore incumbent upon this House to adopt a practical measure for the vindication of its rights and privileges."

That subject, Sir, has been already under the solemn consideration of the House. The leader of the House proposed three Resolutions upon it, which it is his pride and boast were unanimously supported. Why? Because this House must have thought that they were Resolutions which dealt adequately with the subject. That, at least, was the impression that in-

fluenced me in giving my vote, and I believe every hon. Gentleman on this side of the House. Those Resolutions asserted the privileges of the House in a manner so complete that even the noble Member for Marylebone says he is perfectly ready to rest his description of our privileges on the language of the first Resolution. Why, then, does he propose another? The Resolution of the Prime Minister asserted our right to originate Supply in this House. The Resolution of the noble Member for Marylebone asserts "That the rejection by the House of Lords of the Bill for the Repeal of the Paper Duties is an encroachment on the rights and privileges of the House of Commons." But what was the second Resolution of the Prime Minister? It was an acknowledgment of the right of the Lords to reject such Bills. The Resolution of the noble Member for Marylebone proceeds to say that it is incumbent on us to adopt a practical measure to vindicate our rights and privileges. Sir, I maintain that we have taken adequate and proper measures to assert our rights and privileges, and, therefore, I cannot agree to the Resolution of the noble Member for Marylebone on either of these heads. What is the course we have been counselled to take under these circumstances? On a previous occasion I supported the noble Lord at the head of the Government in the line he recommended, after, of course, due consideration with his colleagues, the House to adopt; and if I were to support a Resolution like the one now before the House, I should stultify everything to which I agreed previously; for, were this Resolution carried it would counteract all the effect of the Resolutions we passed at the instance of the Prime Minister. But what is now recommended by the Government? I was here, and every Gentleman who sits on this side is here, to support the Government in the policy which they had themselves counselled the House to adopt, and which this House, in a generous and confiding spirit, unanimously adopted at their instance; but is that constitutional, and, as I think, adequate settlement of the question, and all that we have done, to be erased and blotted out because an intemperate Resolution is proposed by the noble Member for Marylebone, and because it may suit the convenience of some Member of the Cabinet not to meet the Resolution by a direct negative? Sir, I think that the honour and dignity of the House of Commons—I will say the honour and dignity of the Ministry—require that we should stand by the three Resolutions which we passed as an adequate and constitutional settlement of the question in controversy; and that we should not weaken the position we then assumed. If, indeed, the Government were acting on that unwise counsel given some days ago, and were prepared for "action," then we should have, of course, their proposition before us, and we should consider the measure they might recommend; but I thought, after what occurred last night—after the temperate and wise measures which the Government then brought forward—that the Government had felt on due counsel that it was not for them to reopen a controversy which at one moment was menacing, and that they were satisfied that they had taken that temperate and constitutional course which had recommended, and still recommends, I believe, their conduct to all men of moderate and sound opinions in the country. I think that there is no other course to take but a straightforward one in the present instance, and disapproving the Resolution moved by the noble Member for Marylebone, I feel bound to meet it with a direct and unhesitating negative. We occupy no ambiguous position, which may render it necessary or convenient to us to take refuge in the shabbiest of all Motions that can be made. There are, no doubt, occasions when the Motion of the "Previous Question" may be convenient to the House; but when a question of constitutional interest, concerning the privileges and attributes of both Houses of Parliament, is before us—which question has been recently discussed in all its branches—I think we should be taking a course which the country would never approve, if on this occasion, influenced by none of those reasons which may exercise an influence on other individuals, we take refuge in tortuous conduct and ambiguous language, and did not now uphold that policy which we have hitherto maintained on this question, and offer to the Government, if they are willing to meet the Resolution of the noble Member for Marylebone, that direct support that we have extended to them throughout the whole of this controversy. We ought not to mix ourselves up with a course which, I am sure, the country will never approve, and which no man of spirit, who thoroughly disapproves of the Resolution of the Member for Marylebone, can in his calmer mo-

Mr. Disraeli

ments look to with any feelings of satisfaction. I am far from wishing that any division should take place which should give anything like a party triumph to Gentlemen on this side on account of the unfortunate dissensions which I trust will now soon pass away, among Gentlemen opposite. There is no reason why the noble Lord at the head of the Government should persist in this Motion of the "Previous Question," which under the circumstances is unusual and unjustifiable, and which, on reflection, I think, he can hardly himself sanction. I feel persuaded that there is at present in the House an overwhelming majority which will support him, if with consistency and spirit he maintains the principles with respect to this question of privilege which he has himself appealed to the House of Commons to assist him in upholding. I trust, therefore, that the noble Lord will drop that unfortunate proposition of the "Previous Question," and meet the Resolution of the noble Member for Marylebone with a direct negative.

SIR GEORGE GREY observed that the right hon. Gentleman (Mr. Disraeli) had placed a construction on the Motion of his noble Friend (Viscount Palmerston) to which it was not justly liable. The right hon. Gentleman assumed that his noble Friend wished to evade the question, and leave in uncertainty the expression of the opinion of the House as to the course which had been taken by the House of Lords; but the motive which had actuated his noble Friend in moving the Previous Question was a desire to rest upon the Resolutions which had already been adopted by this House, and maintain the position in which the House then stood in regard to them.

LORD FERMOY, in reply, denied that his Resolution went no further than those of the noble Lord. The Motion stated that the privileges of this House had been invaded, which the noble Lord had not set forth; and this was followed up by the declaration that the House ought to take some action which would compel the Ministry to propose a practical measure. He was placed in a position of some difficulty by the Amendment which had been moved, but he should, at all events, take the first step towards attaining his object by voting against the Previous Question.

MR. E. P. BOUVERIE moved the adjournment of the Debate.

VISCOUNT PALMERSTON thought the House had better come to a decision at once upon the Question.

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived.*

Previous Question put, "That that Question be now put."

The House *divided:*—Ayes 138; Noes 177: Majority 39.

VOLUNTEERS (IRELAND).—LEAVE.

COLONEL FRENCH said, he felt that he should have to struggle against the opposition of Her Majesty's Government, backed by all the long-existing prejudices and groundless alarms of those English Members who, in the plenitude of their ignorance of Ireland, believed that any attempt to put Irishmen in possession of their national and political rights was fraught with danger to the Constitution, and that neither their loyalty nor their discretion would admit of any portion of them being trusted with arms. The question before the House was neither a religious nor a political one: the Government wished to render it both. It related solely to material Irish interests—possibly to Irish national existence. He did not attach blame to the Government, nor mean to accuse them of a slight to Ireland for not themselves bringing forward a Bill similar to that he was about to ask leave to introduce. It was well known that they were not favourable to the Volunteer movement in this country, and would, had they been able to do so, have crushed it in the bud. Public feeling as to the necessity of preparing for self-defence was too strong for them. They were not only forced to sanction, but compelled to assist in the movement. Rifle corps are now formed throughout Great Britain. With the sanction of the Executive Government, 140,000 are enrolled, and a sense of security has been created through the length and breadth of the land. The formation of a Rifle corps has been sanctioned in the Isle of Man; from Ireland alone is this privilege withheld. Up to the present time he did not consider Government was imperatively called on to take any direct step; the necessity for doing so did not arise until the subject was seriously taken up by the Irish people. The time, however, has arrived. The number of effectives who have already enrolled themselves with the Working Committee, at Dublin, up to Friday, the 13th of July, 1860, is five hundred men. This does not include a large number who are engaged in forming corps in the suburbs,

estimated, on Saturday last, to amount to three hundred. Nor does it include the gentlemen of the Civil Service, who wished to form an exclusive corps in the first instance, but whom the working committee expect to enrol, to the number of about three hundred. And the University can turn out seven hundred. In addition to these figures, the Committee have received assurances from the heads of several monster houses in Dublin, that they will equip the young men in their employment, should the sanction of the Government be obtained, and allow a Saturday half-holiday for drill—the number estimated to be, at least, one thousand men. The banks of Dublin are not included in the foregoing estimate, but the committee have learned with certainty that their *employés* will join the movement, some twenty having been enrolled on Saturday.

[The hon. Gentleman here read a letter from the Secretary of the Rifle Volunteers in Dublin, showing the numbers who have desired to enrol their names.]

The offer made by the Civil Service in Dublin to enrol themselves, as has been done here and in Edinburgh, was refused to be accepted, in a letter signed by General Larcom, assigning as a reason that, though the Lord Lieutenant can sanction the embodiment of such corps, by the 42nd *Geo.* III., cap. 68, the Government have not the power to make rules and regulations for the enrolment and organization of Volunteers in Ireland. Such, however, he had from high legal authority was not the fact, as, by the common law of the land, Her Majesty could accept the services of her subjects under any conditions and legal forms it was her pleasure to adopt; but, as the opinion of the Irish Attorney General, given in reply to a question put by him (Colonel French), appeared to countenance the existence of a legal difficulty, his object in asking leave to introduce his Bill was to remove that impediment. He sought solely to assimilate the law in both countries, to render legal and allowable in Ireland what was now legal and allowable in Great Britain; and he could not see any just grounds on which Government could object to such a course. He sought not to pledge Ministers either to sanction or assist in the formation of Irish Volunteer Corps, but solely to enable them to form, with the sanction of Government, if that sanction was obtained. By hesitating to give their assent to a measure such as this, what were they doing? They were pointing out to Europe that Ireland was the weakest and least to be depended on portion of the Empire, and doing all in their power, should hostilities arise between England and any of the Great Powers, to subject us to an invasion.

Colonel French

What was the position in which Ireland would be placed by them, in the event of an invasion of England? As a matter of necessity, all the troops of the Line would be withdrawn from Ireland, and, probably, our 13,000 police force, as it is paid from the Consolidated Fund, would also be called for. Ireland would have to depend on about 40,000 disembodied Militia, if they could be got together. You tell the Continental nations you will neither defend us nor permit us to organize a force for our own defence; that Ireland is the country to invade—"Hit the Irish hard; they have no friends." Nothwithstanding all this, my reliance on the loyalty and courage of our people is such, that I confidently assert an invading army will receive in Ireland nothing but hard blows, and that they would not bring away from their shores alive a single man of their force. Volunteer Corps in Ireland, from the expenses of the outfit and other causes, would necessarily only be capable of being formed in our large towns, and, in addition to the assistance they would afford in repelling an invading army, be of the utmost service in rendering those towns places of security for the lives and properties of persons resident in the counties. They would serve as an effectual check in cases of disturbances against bodies of ill-disposed persons, who, in all countries, in cases of invasion, congregate solely for plunder. But even this Her Majesty's Government are not disposed to allow us.

The objections that have been made to the formation of a Volunteer force in Ireland are threefold:—

1st. That the movement would be a sectarian one; that the regiments would be exclusively composed of Protestants. Such, however, would not be the case. Take the chief towns in each of the provinces, and see how it would stand. If Dublin turned out 10,000 men, one half, at least, would be Catholics. Belfast would, he admitted, have a force chiefly Presbyterians; but Cork and Galway would have a very large proportion of Catholics.

The second objection was leaving arms in their possession—an objection which could not arise, as in Ireland, as it was in England, the arms would be retained in

the depôts, and only used at the time of drill.

The third objection was that, from religious differences, bloodshed must ensue, from bringing together masses of Protesttants and Catholics. His answer to this was, that the very reverse would be the case; that doing so would enable the people to know and esteem each other, as was the case in the embodiment of the Militia; and that it would tend to put an end to those party collisions which were a disgrace to any civilized country. Had it not been for the policy of the Government, so long and so pertinaciously continued, of dividing the Irish people, such a scene as that which has lately occurred at Lurgan would never have taken place. How long was this distrust of Ireland to continue? How long was this system of separating classes and religions to be fostered? By it you have long paralyzed the right arm of England; and he trusted his noble Friend at the head of the Government would not be influenced, by the weakness and want of political foresight of the Chief Governor of Ireland, to suffer it to continue. The loyalty, the determined courage, the physical strength of the Irish people, would enable them to repel any invader. They feared not the power of France; what they were apprehensive of was, the timidity of Government, who objected to allow them the means of preparation accorded to every other part of the kingdom; who were weakening the United Kingdom, and insulting the Irish Nation.

Motion made, and Question proposed,—

"That leave be given to bring in a Bill to extend to Ireland all powers to make rules and regulations for the enrolment and organization of Volunteer Corps which are now by Law applicable to Great Britain."

VISCOUNT PALMERSTON said, that if the Government had thought that on the whole the formation of Rifle Corps in Ireland was desirable they would themselves have brought in a Bill; but for various reasons which he had had the honour to state the other evening, they did not think it was expedient, and therefore they could not agree to the Motion. It was not from any distrust of the Irish people that they took this course; neither was it because the Government doubted the perfect readiness of Irish Volunteers to fight. The fear was rather that in the absence of an external enemy they might indulge themselves in encounters which would not be exactly sham fights.

COLONEL DICKSON observed that every Irishman must regret to hear his countrymen spoken of in the way they had been spoken of by the noble Lord. The noble Lord laboured under a great mistake in thinking there would be danger of their fighting amongst themselves.

MR. O'BRIEN said, he must beg leave to differ from the opinion of the hon. and gallant Member for Roscommon (Colonel French). He was not prepared to say that he would support a Motion which would only arm certain persons in the North of Ireland, and create a distinction he should not like to see.

COLONEL GREVILLE said, the question was one of great importance; and as it was likely to lead to much discussion he would move that the House do adjourn.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 61; Noes 28: Majority 33.

House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, July 18, 1860.

MINUTES.] PUBLIC BILLS.—1° Spirit Duties; Census (Scotland); Excise Duties.
2° Coroners (No. 3); Hackney Carriages (Metropolis) Act Amendment.
3° Medical Act (1858) Amendment; Copyhold and Inclosure Commissions, &c.; Turnpike Trusts Arrangements; Highway Rates Act Continuance; Oxford University (No. 2).

CORONERS (No. 3) BILL.

SECOND READING.

Order for Second Reading read.

MR. COBBETT said, he rose to move the second reading of this Bill. He had hoped that the right hon. Gentleman (Sir George Lewis) would have given some explanation of what he intended to do with his Bill, or that he would have withdrawn it altogether. [Sir GEORGE LEWIS: It is postponed.] He would ask the House to read his Bill a second time, and go into Committee *pro formâ*, in order to enable him to introduce Amendments. He had on a former occasion stated his reasons for bringing in the Bill. Its principle had been recognized by the Commission of 1849. That Commission recommended that an Act

should be passed to provide that coroners should be paid by salary instead of by fee, and the reason given by them was the same which guided the Committee which sat during the present Session—namely, that in several counties of England conflicts had arisen between the magistrates and coroners, which was, to say the least of it, very unseemly, and might lead to still more serious consequences. The former disallowed many of the fees which the latter were entitled to charge, and thus practically diminished, to a considerable extent, the number of inquisitions. Now, that was a state of things which ought to be put an end to in some way or another. The right hon. Gentleman the Home Secretary had a Bill before the House, giving to coroners, who had their fees disallowed by magistrates, an opportunity of seeking their remedy by a case to be submitted to the justices of the Court of Queen's Bench; but all lawyers were of opinion that that Bill would not answer the purpose for which it was intended. The Bill which he (Mr. Cobbett) had introduced early in the year was framed in conformity with the recommendations of the Committee which sat this Session, and if the House now allowed the Bill to be read a second time, they might go into Committee *pro formâ*, which would advance it a stage, and would also enable him to bring it up on some future and early day in a more perfect shape. His own Bill had been introduced early in the Session, and a Committee, moved for by his hon. and learned Friend the Member for Marylebone (Mr. Edwin James) had sat to inquire into the facts of the case. The Committee took evidence, and received ample proof that there should be such a Bill as had been recommended by the Commission; and the present measure carried out as strictly as possible the recommendations of both. Some of these recommendations, however, were of a minor character; it was doubtful whether they were altogether practicable, and he thought it advisable, after a good deal of correspondence and inquiry, to expunge such clauses from the Bill. There were fifteen counties in which fees which the coroners thought themselves entitled to charge were disallowed; the greater number being in Durham, Hants, and Stafford. In Hants, according to the statement of Mr. Todd, of Winchester, the inquisitions held by him had been reduced from one hundred and sixty to about thirty-two; and the localities where the case of sudden or suspicious death occurred in which no inquest had taken place were much dissatisfied. The magistrates, having practically control of the police, had instructed them to furnish him with information in so few cases that he had no doubt deaths took place in a suspicious manner where he was not called upon at all to act. The Committee had similar evidence from other quarters. In Middlesex there was a strong belief on the part of the coroner that one particular species of crime—child murder—was greatly on the increase. Several other witnesses who came before the Committee gave similar testimony, and this it was which had prompted him from the first to take the part he had done on this question. He had seen a great deal in the course of his own practice, which had convinced him of the great usefulness of the coroner's court in checking crime. Those who might feel themselves safe in committing crimes, if there were no such thing as a coroner's court and jury, were in constant dread of that institution. Among the other modes in which the crime of murder was committed was one which was obviously increasing—namely, by secret poisoning. One could scarcely take up a newspaper without seeing a case of suspected or proved murder by poisoning. He could not help thinking that the magistrates throughout the country had been scared without cause by finding that the cost of inquests had been greatly increased of late years, which they attributed erroneously to the misconduct of the coroners. Successive Acts of the Legislature had rendered it inevitable that the cost should increase. In 1836 an Act was passed giving power to the coroners to have *post-mortem* examinations made—a most useful Act, which had been the means of bringing to light some of the foulest murders ever committed, but imposing on the coroner the necessity of paying two guineas to a surgeon for making each *post-mortem* examination, and one guinea to any surgeon called as a witness. In 1836 or 1837 the Registration Act greatly increased the number of inquests. Those two Acts taken together had increased the expenses by about one-half. In 1837 an Act was procured by the Poor Law Commissioners forbidding the expenses of the coroners to be taken, as they had previously been, out of the poor's rate, and making it imperative that the justices should pay them out of the county rate. The magistrates in several places had begun to refuse to pay the

Mr. Cobbett

coroners' expenses in various cases, which course had led to disputes between the justices and the coroners, and in some places to an almost total discontinuance of the practice of holding inquests, except in some very strong cases of suspicion. He did not mean to cast any reflection upon the magistrates, who were no doubt anxious to do their duty in saving the county rates. But if that were done in an indiscreet manner, it might end in increasing the rates, by leading to expensive prosecutions, as well as by leading to the encouragement of crime. But in the counties in which magistrates interfered coroners were almost abandoning their offices. Mr. Hills, one of the coroners for Kent, told him the other day that, though he was informed that upon two consecutive days two children had been smothered in the same house, he held no inquest. The coroner might have acted wrongly in that instance, but the magistrates were to blame for not requiring inquests to be held in such cases. To prevent such collisions and difficulties for the future, he moved that the Bill be read a second time.

MR. DEEDES said, he wished to second the Motion, because he was desirous that all the disputes between coroners and magistrates should be brought to a conclusion. He was sorry that the hon. and learned Gentleman had referred to cases which had occurred in Kent. He had never shrunk from the investigation of those cases. No directions had been given to the coroner which, properly considered, could interfere with the discharge of his duties; and he had no hesitation in saying that in the instances mentioned by the hon. and learned Gentleman inquests ought to have been held, and that the expense of holding them would have been allowed by the magistrates.

SIR GEORGE LEWIS said, it seemed to be generally admitted that the present state of things with regard to the office of coroner demanded remedy. Questions had arisen in various counties between coroners and magistrates for which at present there seemed no satisfactory mode of solution. The Bill which he had introduced, and which had been postponed, had for its object, while maintaining the mode of payment by fees, to provide for the decision of disputes between magistrates and coroners, by an application to the Queen's Bench. The question was investigated by a Select Committee this Session, whose opinion was that it was not desirable to attempt to amend the present system, but entirely to alter it, and to remunerate the coroner by salary. He had considerable doubts at first as to the expediency of that change, but if it were the general wish of the House that the experiment should be tried he was willing to acquiesce in the adoption of that course, provided that the rest of the institution should be made to harmonize with that mode of payment. At present the coroner was elected by the freeholders. The tenure of the office was freehold, and he could only be removed by a judicial proceeding before the Lord Chancellor. In point of fact he was irremovable, and the only security for his proper discharge of his duties was his being paid by fees. If that security were, by the substitution of a salary, withdrawn, it would be desirable to give to the Crown some power of removing from his office a coroner who was unfit for, or negligent in, the discharge of his duties. It was also a matter well deserving of consideration whether the office—which, though frequently called a judicial one, partook more of the nature of one of police—should continue to be an elective one. These elections often led to contests which partook of a political character, involved great expense, and caused the successful candidate to enter upon his office burdened with debt—a most unfavourable position for any one who had judicial duties to perform. He would suggest that it might be desirable to confide the appointment of coroners to the Lords-Lieutenant of counties, who were persons of consideration and of interest in the counties, and included within their ranks men of all political opinions. He doubted the expediency of limiting the selection of coroners' juries to the list of county jurors, and thought that it might perhaps be expedient to diminish the number of jurors. There was not, that he was aware, any magic in the number twelve, and he believed that a smaller number would be sufficient to conduct these inquiries. He should be prepared to vote for the second reading of the Bill; but he hoped that his hon. and learned Friend would take these remarks into consideration, and in the Amendments which he intended to introduce into his Bill adopt such of the suggestions as he thought were well founded.

LORD HARRY VANE said, he was glad to find that the evils now experienced in connection with the office of coroner were about to be remedied, but he doubted whe-

ther the suggestions as to future appointments was one which the House could adopt. He thought there would be great objection to place the appointment in the hands of Lords-Lieutenant, who each in his county was of decided party politics. He thought it would be better to improve the present mode of election by lessening the expense, and if that attempt did not answer it could be again revised. He was much in favour of the principle of paying coroners by salary instead of fees, but he agreed with the right hon. Gentleman the Home Secretary that, if that principle were adopted, the institution should be made to harmonize with it.

MR. EDWIN JAMES said, he thought the suggestion of the right hon. Gentleman for the removal of the coroner, should his removal be desirable, a good one, and he was willing to accept it on behalf of the promoters of the Bill, of which he was one. He should have no objection to see a power of control placed in the hands of the Lord Chancellor, who might be empowered to remove the party holding the office in the event of inability from old age to perform its duties, or misbehaviour. He would agree to any such alteration in the system, but as to the other suggestion of altering the rule of election, he trusted the right hon. Gentleman before attempting such an alteration would give the subject very serious consideration. Not merely was it an old office, but it was an office vested in the freeholders, and had in times past been a great safeguard to the liberties of the people. He admitted that it would be well to reduce the expense of election, but he should regret to see the day when the office of coroner would cease to be an object of ambition.

MR. PHILIPPS said, he was not sanguine as to the good effects which were likely to result from the present Bill. If the character of juries was to be raised, he thought their numbers ought to be diminished. The Bill was directed against the restrictions which some magistrates had imposed upon the payment of coroners; but, in his opinion, these disputes were not of sufficient number or magnitude to require the interference of the Legislature. However, he should not oppose the second reading of the Bill.

MR. FARRER said, he should support the second reading. In the county of Durham, which he had the honour to represent, during the last three years 207 inquests had been disallowed in a population of 391,000, and in the West Riding, in a population of 1,325,000, only 378 had been disallowed. It would appear, in fact, that Durham was at the head of the counties in which the disputes between coroners and magistrates prevailed. It was necessary to provide some remedy, and therefore he was very glad to see that the right hon. Home Secretary had given his consent to the second reading. However, he agreed with the noble Lord (Lord Harry Vane) that the appointment to the office ought not to be vested in the Lords-Lieutenant; he thought it would be better to vest it in the county magistrates.

MR. MONTAGUE SMITH said, that if an alteration in the mode of appointment were to be at all made, he would prefer to see the appointment in the hands of the responsible Ministers of the Crown rather than in those of any other parties. On the other hand, if it were determined to maintain the system of election, he would suggest that the electors should be the freeholders on the Parliamentary register—a mode which would preserve the old elective system, and at the same time save it from being, as it now practically was, a mockery and a delusion. He would further suggest that the power given by the Bill to a Judge in the Court of Queen's Bench to direct an inquest to be held should be given to the Judge of any superior court.

MR. JOHN LOCKE suggested that the elective system in connection with the office should be preserved, but that the electors should be not the freeholders of the county, but all parties, whether freeholders, leaseholders, or others, who might be on the Parliamentary register.

MR. BRADY suggested that means should be provided in the Bill for paying medical men to prosecute to the utmost the *post mortem* examinations which circumstances might prove to be required.

SIR WILLIAM MILES said, it was very desirable to render the composition of coroners' juries as respectable as possible. Nothing, however, could be more objectionable than to transfer the appointment of coroners to the Lords-Lieutenant of counties. He approved of the proposal for placing the election of coroners in the hands of those whose names appeared in the Parliamentary register. It was exceedingly desirable to reduce the expenses of the election to this office, which were often very large. He trusted that with some Amendments the Bill might be found to work effectively.

COLONEL STUART said, he also approved of the Bill, but he likewise objected to the suggestion of placing the appointment in the hands of the Lord-Lieutenants of counties. What they wanted was to prevent the office of coroner falling altogether into disuse; but at the same time many of the inquests that were held were altogether unnecessary. For instance, something like 180 inquests were held on the bodies of those who were lost in the Royal Charter; and there was no necessity for so many inquests, as the verdict in one case ought to rule the rest.

MR. RIDLEY submitted that there ought to be a more liberal allowance to the coroner when obliged to go a long distance. The proposed allowance was in his opinion quite insufficient.

MR. HUMBERSTON said, he was opposed to the mode in which coroners were at present elected, and he thought that the appointment should either be made by the Lords-Lieutenant on the magistrates of the county. By which a great saving of money now expended on the elections of those officers might be effected.

Bill read 2°, and *committed; considered* in Committee, and *reported;* to be *printed,* as amended [Bill 271]; *re-committed* for *Friday.*

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT (No. 2) BILL—COMMITTEE.

ADJOURNED DEBATE. SECOND NIGHT.

Order read for resuming Adjourned Debate on Amendment proposed to Question [11th July],

"That Mr. Speaker do now leave the Chair;" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee."

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. STANILAND said, that the character of the measure might be collected from the last clause, which confirmed acts previously done by local authorities. In that respect the Bill was retrospective, and opposed to the general course of legislation. The real object of the Bill was to enable vestries who had incurred expenses in supporting a Bill in reference to the supply of gas to the Metropolis to pay those expenses out of the rates. In that Bill there was a provision to the same effect; but if the Bill should not pass, there would be no means of paying these expenses, which amounted to several thousand pounds. The Bill also provided that it should be competent for any vestry in the Metropolis to appear by council before a Committee of the House, and to take part in supporting or opposing any Bill, and pay the expenses out of the rates. That was an unprecedented power to give to the vestries, and he thought clerks of vestries would be apt to use it to the great advantage of themselves and the detriment of the ratepayers. He trusted, therefore, that the House would agree to the proposal of the hon. Member for Colchester, that the House would go into Committee on the Bill that day three months.

MR. EDWIN JAMES said, he trusted the House would go into Committee on the Bill. He did not know why the hon. Member (Mr. Staniland) who did not represent any of the places that would be affected by the Bill, should oppose it, except it was that the other evening he came forward as the great champion of the gas companies whose monopoly was threatened by a Bill which had been brought in for this purpose. The provisions of the Bill seemed to be founded on the most fair and equitable principle. The gas companies had great funds at their command, and might inflict great injury upon a Metropolitan parish, and at present the parish had no means whatever of entering into a contest with the companies, inasmuch as they had no funds applicable to such a purpose. The Bill would enable them to raise the funds, and it was a power which he thought they ought to have.

MR. W. WILLIAMS said, he should support the proposal in the Bill providing for the payment of the expenses incurred by local authorities in protecting the public interests of their districts.

SIR FRANCIS GOLDSMID said, municipal corporations might resist Bills which interfered with their local authority, if the Court of Chancery said that that was a right application of their funds. But that was not the power which it was proposed to give to every little vestry in the Metropolis, but a power of promoting such Bills as they might fancy were for the benefit of their parish. If the Bill passed, they ought to entitle it, "a Bill for the benefit of vestry clerks."

MR. JOHN LOCKE said, that the vestries had been put to great expense in supporting the Gas Bill before the Select Committee of the House of Commons, and it was now proposed to empower the local authorities to levy rates to pay such expense. If the inhabitants of the Metropolis desired to pay money for this purpose, what business had the Member for Boston and the Member for Reading to endeavour to prevent them? The Bill applied to the Metropolis, and not to the whole of the empire. The Corporation of London had the right to appear before Select Committees of that House, and if the Corporation was extended so as to include the whole Metropolis, the hon. Member for Westminster needed not to have introduced this Bill.

SIR GEORGE LEWIS said, the necessity for the Bill arose from the peculiar position of the Metropolis in reference to municipal institutions. He had been reproached many times in the course of the Session with not bringing on the London Corporation Reform Bill. It had been very much against his inclination that that Bill had been so long deferred. A proposition had been made with regard to the creation of a municipality embracing the whole of the Metropolis. Now, when the Bill to amend the Corporation of London was first brought forward, there was no question of that nature debated, and all the House had in view was to accept the present boundaries of the City of London as something definitive, and to improve the constitution of the corporation. The question had since been raised whether it was not possible to abolish the Corporation of the City of London, and to distribute its revenues over the whole Metropolis. That question was one for the consideration of the House, but he confessed he retained the opinion which was expressed in the Report of the London Corporation Commissioners, that London being, as it was sometimes called, a province covered with houses, was not fitted to be constituted into a single municipality, and that it was impossible to constitute it into a single municipality, as Liverpool, Manchester, Birmingham, and other large towns respectively were. His belief was, that the interests of the people living in the east, the west, the north, and the south of London were so discordant, that it would be impossible for them to be represented in a town council, and that the magnitude of the Metropolis was so great as to render the ordinary functions of a municipal government inapplicable as regarded the Metropolis. The Commissioners, although they came to the conclusion that it would not be possible to have a municipality for the whole of London, nevertheless recommended the creation of a Board of Works, with certain limited powers. A measure was introduced by Sir Benjamin Hall on that recommendation, and the Metropolitan Board of Works had been constituted with defined powers extending over the whole of the Metropolis. That was the nearest approach to a municipality for the whole of London which it was possible to make. But then it was true that these great parishes of the Metropolis, many of them of much more importance than large towns in the country, had very important interests, and it was certainly difficult to regard them in the light of ordinary rural parishes. It seemed impossible to divide the Metropolis into municipal districts other than into parishes, and on the other hand it was difficult to deal with parishes as if they were municipal bodies. Municipal boroughs had, he apprehended, a certain power of promoting private Bills, and they all knew that that power had been exercised very extensively by the Corporation of the City of London. The City Remembrancer, indeed, was an officer specially appointed to manage Parliamentary business. Other municipal bodies, such as those of Manchester and Liverpool, had also power to promote or oppose Bills, and he apprehended that if the interests of the town were attacked by a private company they would have the power of appearing before the committee, and the expenses of the contest would be paid out of the borough fund. [*Cries of* "No."] Well, that might be a doubtful point, but his impression was that, under certain conditions, it was legal to pay such expenses out of the borough fund. The question then arose what should be done with respect to a parish such as Marylebone or Southwark (much more important than a great number of municipal boroughs in the country), when they believed their interests were about to be attacked by s private body. At present they had no legal right to appear before a Parliamentary Committee; and this Bill sought to give them that power. The Bill appeared to give it, certainly, in a very extensive way, and said that the expense might be paid out of any rate whatever raised under the present Bill or under the Metropolitan Local Management Act. He

thought that in its present form it was likely to lead to a great increase in the business of promoting and opposing Bills, and it behoved the House not to pass an unguarded measure on this subject. On the other hand, he could not but feel that there was a real defect in the present state of things. Persons often had a substantial interest, which they ought to be permitted to support at the common expense, and if power for that purpose could be given in a sufficient and proper manner he should have no objection to the Bill; but in its present form he regarded it with considerable suspicion. He had no objection, however, to consider the clauses of the Bill in Committee, and he thought at all events that there ought to be some control on the part of the Metropolitan Board of Works, which was the only body extending over the whole of the Metropolis, before expense was incurred by any parish in introducing or opposing a Bill. That would check any tendency to parish jobbing.

MR. AYRTON said, that the proposition he made at the beginning of the Session, had not been correctly referred to by the right hon. Gentleman. What he proposed was, that in the Metropolis there should be local Corporations, each confined to an appropriate district, for the purpose of managing all matters of detail of a local character; and that there should be another aggregate body composed of representatives from the local bodies, for the purpose of managing those affairs which were of an aggregate character, and applied to the whole Metropolis. With regard to the question before the House, he could not but express his surprise that the hon. Member for Boston (Mr. Staniland), who on a former occasion appeared as the acknowledged agent of a number of private companies, should now come forward to obstruct a Bill enabling vestries to protect the interest of the inhabitants of the parishes of London, whenever it was necessary for them to apply to the Houses of Parliament.

MR. SPOONER said, he must deprecate the language used by some hon. Members, when they said that the hon. Members for Colchester and Boston had no business to thrust themselves into a matter of this kind, as they had nothing to do with the Metropolis. That appeared to him to be the enunciation of a new principle, which he did not think ought to be tolerated in Parliament. He always thought that it was one of their greatest privileges not to be the mere representatives of any particular interest, but the interests of the whole kingdom. He, for one, objected to the principle on public grounds. It formed a dangerous precedent, which might soon be applied to other parts of the kingdom. Municipal boroughs could not make a charge upon the inhabitants without the consent of the ratepayers, and there could be no objection to the Bill if such a condition were included in it; but he objected to vestries having the power to tax the inhabitants without their own consent.

VISCOUNT ENFIELD said, the Metropolis had for years past suffered from one of the most severe and crushing monopolies possible. The inhabitants now wanted power to defend themselves against such a monopoly; but hon. Members seemed inclined neither to let the inhabitants help themselves from the Imperial purse, nor to let them tax themselves for Metropolitan purposes. This was rather hard; but it furnished another instance which went to show that London should be formed into a complete and perfect municipality. He hoped the House would consent to go into Committee on the Bill; the promoters of which would be willing to adopt any reasonable safeguards against the abuse of the power now sought for.

MR. CHILDERS suggested that the power of opposing Bills in Parliament, which these bodies wished for, should be given, on condition that they satisfied the Committee before whom they appeared, that they had good and legitimate grounds of opposition.

MR. F. W. RUSSELL said, that as a ratepayer, he must protest against this most anomalous Bill. If the precedent were once established, there was not a parish in the country which would not have a right to the same privileges.

MR. BRADY said, it was absolutely necessary to protect the public of the Metropolis against the monopolies of companies, and he should support the proposition of the hon. Baronet, the Member for Westminster.

SIR WILLIAM MILES requested the hon. Baronet (Sir John Shelley) to state whether he would adopt the suggestion of the Home Secretary.

SIR JOHN SHELLEY said, he had not the slightest objection to adopt the suggestion of the Home Secretary, and to provide that in every case before any opposition

was instituted to a Bill before Parliament, the consent of the Metropolitan Board should be obtained.

SIR CHARLES NAPIER observed, that it would have been only candid of the hon. Gentleman, the Member for Limerick (Mr. Russell), to have told the House that he was chairman of the Committee of General Gas Companies.

Question put,

The House *divided:*—Ayes 78; Noes 68: Majority 10.

House in Committee.

Clauses 1 and 2 were *agreed to.*

Clause 3 (Powers of "Local Authority.")

SIR GEORGE LEWIS said, that it had been ruled in Committees of that House that no corporation could appear as petitioners against any Bill, other than a canal or railway Bill. Under these circumstances, he thought the words of this clause too wide, as they might be taken to refer any work whatever.

MR. TAVERNER MILLER agreed with the right hon. Gentleman in thinking the wording of the clause too wide, and thought his hon. Friend (Sir John Shelley) ought to propose its postponement, with a view of having it amended.

MR. SPOONER said, he would suggest the words "with the consent of the ratepayers in public meeting assembled." Those words would remove the objection to the clause.

SIR GEORGE LEWIS said, he thought such a restriction objectionable, as introducing too cumbrous a machinery. A provision, such as that agreed to by his hon. Friend, namely, one making the consent of the Board of Works necessary, would be a sufficient guarantee. Another guarantee might be introduced if the Committee thought it desirable, namely, that the expenses of a Bill should be chargeable on the ratepayers only in the event of the Committee before whom the Bill came being of opinion that they were proper expenses.

MR. JOHN LOCKE objected to making the consent of the Metropolitan Board of Works a condition, as there might be an antagonism between that Board and the local authority; and the former might, in their own interest, refuse the assent to opposition.

SIR JOHN SHELLEY said, that the clause as it stood was nearly similar to one in the Metropolis Local Management Act. He should introduce words to carry out the promise which he had made to his right hon. Friend the Home Secretary.

MR. AYRTON moved words to provide that the consent of the Metropolitan Board of Works should be necessary in order to enable vestries to appear in Parliament either to promote or oppose a Bill.

Clause, as amended *agreed to;* as was also Clause 4.

Clause 5 (For Payment of Expenses incurred by Local Authority).

MR. CLAY proposed an Amendment to the effect that all costs should be paid out of a special rate to be levied for the purpose, as he thought it would be improper to allow the sewers rate or other rate to be applied in payment of the costs of litigation.

Amendment proposed, in page 2, line 37, to leave out from the word "rates," to the end of the Clause, in order to add the words "to be raised under the authority of this Act."

MR. AYRTON said, the effect of the proviso would be, that for an expense, it might be of £50, a special rate would have to be raised in such a parish as Marylebone. It was obvious that this was utterly unwarrantable, as the expense of collection would be far beyond the sum to be raised.

SIR GEORGE LEWIS also opposed the Amendment as impracticable.

SIR FRANCIS GOLDSMID said, he did not understand that it was intended by the Amendment that a special rate should be made for each item of legal expenditure, but that the whole of the expenditure for the year should be paid out of a special rate.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 86; Noes 81: Majority 5.

MR. CHILDERS moved a proviso at the end of the Clause to the effect that the expenses of a local authority in supporting or opposing a Bill in either House of Parliament should not be paid unless the Select Committee were of opinion that such local authority had reasonable cause for appearing before them.

SIR GEORGE LEWIS said, he thought on further consideration there was no necessity for the proviso. The Select Committee, before they heard a local authority upon a Bill, would have to decide whether they had a *locus standi*, and a decision in the affirmative would be equivalent to a decision that the expenses of appearing

had been properly incurred. The proviso therefore would be mere surplusage.

MR. JOHN LOCKE said, the opposition to the Bill was very inflated—he would not say with gas, although it did so happen that nearly every hon. Member who opposed the Bill was connected with a gas company.

MR. HARDY said, he believed that there might be many cases where parties had a technical *locus standi*, but had no reasonable ground for opposition. He admitted that the Committee would only interfere in some case of gross abuse; but these were exactly the cases where protection to the rate-payers was required.

SIR GEORGE LEWIS said, he adhered to his opinion that the words were unnecessary, but he would not oppose their insertion.

Amendment *agreed to.*

MR. EDWIN JAMES said, that it was very necessary that there should be some check or control on the part of the rate-payers upon the legal costs and charges which might be incurred. He thought that as a proper check on the vestry clerk, who incurred expenses on the ratepayers, there should be a power of taxation, and he, therefore, proposed to insert at the end of the clause the following words:—

"Provided always that before the payment of the costs and charges by the parochial authority such costs and charges shall be taxed by the taxing officer of either House of Parliament."

Amendment *agreed to.*

Clause, as amended, *agreed to;* as were also the other Clauses of the Bill, with the exception of Clause 7, which, on the Motion of Sir John Shelley was *struck out.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

WAYS AND MEANS.—INLAND PROMISSORY NOTES.—COMMITTEE.

Order for Committee read.

House in Committee of Ways and Means.

Mr. MASSEY in the Chair.

(In the Committee).

The CHANCELLOR OF THE EXCHEQUER moved the following Resolution:—

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon every Promissory Note made in the United Kingdom for the payment of any sum of Money exceeding £4,000, now chargeable with the Stamp Duty of £2 5*s.*, the following rate of Stamp Duty in lieu of the said duty now chargeable thereon (that is to say); for every £1,000 or part of £1,000 of the Money thereby made payable the Duty of Ten Shillings."

Resolution *agreed to.*

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again *To-morrow.*

And it being Six of the Clock, Mr. SPEAKER adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, July 19, 1860.

MINUTES.] PUBLIC BILLS.—1ª Medical Act (1858) Amendment; Copyhold and Inclosure Commissions, &c.; Turnpike Trusts Arrangements; Highway Rates Act Continuance; Oxford University (No. 2).

2ª Lands Clauses Consolidation Act (1845) Amendment; Registration of Births, &c., (Scotland); Court of Queen's Bench Act Amendment; Census (England); Census (Ireland); Inclosure (No. 2).

LABOURERS' COTTAGES (SCOTLAND) BILL.—COMMITTEE.

THE EARL OF AIRLIE, in moving that the House resolve itself into Committee on this Bill, which had received the unanimous sanction of the other House of Parliament, said that the condition of many of the cottages in Scotland evinced the necessity for a measure of this description. In numerous instances, from want of the necessary accommodation, labourers, married and single, were huddled together. The increased prosperity of the country and the reclamation of lands, which had taken place on a large scale of late years, added to the importance of legislating on this question. He hoped their Lordships would pass without delay a measure of so much value to the best interests of Scotland. Provisions had been introduced to guard against the creation of permanent charges on the estate, where the objects to be attained were not likely to prove permanently beneficial.

Moved, That this House do resolve itself into a Committee on the said Bill.

THE MARQUESS OF BATH said, he would not oppose the Motion for going into Committee on the Bill, but thought it would require some important Amendments, similar to those which had been made in the Erection of Labourers' Cottages in Ireland Bill, which provided for the payment of the charge on estates by instalments within

the period of twenty-five years; whereas under the present Bill three-fourths of the amount borrowed was to be charged on the estate. The effect of making a permanent charge on estates for the purpose of erecting cottages would, he was afraid, be a very bad one, and they might hereafter find heirs succeeding to estates, the whole value of which had been swallowed up in mortgages imposed for the purpose of raising money to build cottages.

LORD REDESDALE said, that when the Bill went into Committee he should move the insertion of a clause providing for the repayment of the money advanced, such repayment to be made by instalments, and the whole amount of the money to be refunded within twenty-five years.

THE EARL OF GALLOWAY supported the Bill. The cottages in Scotland were, he said, in many cases of a very inferior description, and there was often only one sleeping place for a single family. This was the source of very great demoralization; and he could not conceive any object of greater national importance than to give facilities to landlords to improve the cottages on their estates. He might add, that there was a great desire on the part of the country population for those improvements, and farmers were becoming very loath to take farms where the cottages for the labourers were inadequate.

THE DUKE OF BUCCLEUCH also hoped the Bill would be committed. If noble Lords imagined that the cottages in Scotland were of the same description with those in Wiltshire, they were very much mistaken. From the immense tracts of land that of late years had been taken into cultivation in Scotland there were large districts where there were very few cottages at all, and many of those that did exist were of a very dilapidated description. Having had some experience of this matter himself, he could assure their Lordships that the facilities provided by this Bill were much needed in Scotland, and he did not think it would tempt any one to speculate in cottage building.

Motion *agreed to.*

House in Committee.

Amendments made; the Report thereof to be received *To-morrow.*

LANDS CLAUSES CONSOLIDATION ACT (1845) AMENDMENT BILL.

SECOND READING.

EARL DE GREY AND RIPON, in moving the second reading of this Bill, explained that the 5th clause would give the Secretary of State for War power to take lands by the well-known machinery of the Lands Clauses Consolidation Act, which he had already the power to take under the Defences Act.

LORD REDESDALE said, he had no objection to the Bill as it was originally drawn; but their Lordships would observe that as it stood now there was a great difference between the 4th and 5th Clauses. By the 4th Clause cities and corporations were empowered to obtain land by agreement, but the 5th Clause gave the Admiralty and the Ordnance power to obtain land compulsorily. This was a very dangerous power to entrust even to the Government; in point of fact, it would give the Ordnance the right to compel a sale of Mount Edgecumbe for the defence of Plymouth.

THE DUKE OF SOMERSET explained that the power given to the Admiralty was inserted in the Bill at the request of a Member of the late Board, and not at the instance of the present Board. When it was referred to him he understood that it was merely giving the Admiralty the facilities of the Lands Clauses Consolidation Act, when they had obtained lands by agreement, and he was informed that that was the correct intrepretation of the clause; but as it seemed to him that under the clause, as it now stood, the Admiralty might take any lands, whether adjoining the sea or belonging to private persons in an inland county, he should have no objection in Committee to limit the right to taking lands by agreement. The Bill did not give any new power to the Ordnance or War Department beyond the powers they already possessed under the Defences Act. It only gave them new machinery.

LORD CHELMSFORD said, there could be no doubt that, as far as the Admiralty was concerned, a new and very formidable power would be given by the clause as it now stood; but the assurance of the noble Duke that the Admiralty should merely have power to take lands by agreement was perfectly satisfactory.

LORD STANLEY OF ALDERLEY objected to additional power being given to the Board of Ordnance in a direction where it was so liable to abuse.

EARL DE GREY AND RIPON explained that, while this Bill conferred on the Board of Admiralty the power which it did not at present possess of acquiring land compulsorily, it did not confer additional

power on the War Department. That Department already had it in its power to take land under the Defences Act, subject to a certificate signed by the Lord Lieutenant or by two Deputy Lieutenants of the county. As the Defences Act was passed in 1842, when there was no excitement or immediate apprehension of war, it was not likely to contain any provisions which were not necessary for the defence of the country; and it had been occasionally enforced down to the present time. Looking to the necessity of increasing our national defences at the present moment, it was possible that they might require to call the Act into more frequent operation than formerly, and the object of the Amendment was not to give them additional power, but to enable them to drop a machinery which had been found defective and inconvenient.

Bill read 2ª, and *committed* to a Committee of the whole House on *Tuesday* next.

PARLIAMENTARY BUSINESS.

SELECT COMMITTEE MOVED.

THE EARL OF DERBY: My Lords, we have now arrived at the third week of July, a period when it is generally hoped that the Session is drawing to a close. On former occasions the review of the Session has often been made the subject of an exciting political controversy, and I am far from saying that the present Session is so far an exception to the general rule as not to afford ample material for debate. But on the present occasion it is my desire not to seek, but sedulously to avoid, anything approaching to a party discussion. I wish solely to draw your Lordships' attention, as a matter of dry detail, to a state of things which is a matter of great importance not only to the country, as affecting the character of the legislation of both Houses, but also to the interests of any and every Government which happens to be charged with the responsibility of office. I trust, therefore, we may approach the consideration of the question without the slightest reference to party feeling, and merely as a subject in which we all have a great and common interest. The state of things is this:—We have now been sitting for the space of twenty-six weeks, and at the expiration of that time I find that thirty-four Acts of Parliament have received the Royal Assent, and that there are thirteen other Bills which, as they have passed both Houses, and only await the Royal Assent, may be supposed to be already added to the legislation of the Session. On examination, however, the great proportion of these Bills prove to be measures of the most absolute and complete routine. There is hardly a single measure among them that can claim the dignity of being Legislative measures of even second-rate importance. This is not a circumstance which is new or peculiar to the present Session, for I find that during this Session nearly as many Bills will have been passed up to the expiration of July as in any of the last ten or twelve years. The number is somewhat smaller, but the difference is not material. What I wish to bring before your Lordships is that almost by the necessity of the case the same thing must be found in nearly every Session of Parliament. I wish to direct your attention to the manner in which Parliamentary business is conducted in the two Houses, for the purpose of ascertaining whether the mode of proceeding may not be altered so as to avoid the difficulty I have pointed out. I begin by acknowledging that the great proportion of Bills, 9 out of 10, or even 19 out of every 20, require to be originated in the other House of Parliament. This does not arise merely because there are a number of Bills which, owing to the privileges of the House of Commons, we are precluded from originating in this House. I will frankly confess that, as a general rule, the House of Commons is better adapted for originating and discussing measures of legislation in the first instance, and that your Lordships are better employed in revising and correcting the rough work, if I may say so, of the other House of Parliament. I do not mean to cast any discredit on your Lordships' House when I say that the proceedings here do not bear any comparison with those of the other House in regard to the minute examination of measures, especially if they are of any length. There is, comparatively speaking, so small a number of your Lordships who are disposed very carefully to consider the provisions of measures which may be introduced, or who are interested in calling attention to matters of detail, and there is so great a readiness to allow measures to be sent from this for consideration by the other House, that I suspect, unless a Bill happens to excite general attention, there is a risk of its being sent down without receiving that attention and consideration which would probably

have been bestowed on it had it been sent up to your Lordships to be passed into a law. But assuming that in the great proportion of cases Bills should be introduced first in the other House of Parliament, we are led to consider what is the course of proceeding which is taken in regard to Bills in that House, and what is the prospect that those which originate there will come before your Lordships in a reasonable time in order to give you the opportunity of deliberately considering them. There is one point of difference between the proceedings of the House of Commons and those of your Lordships' House. I need not say that by the courtesy of this House any noble Lord has the privilege of placing a Bill on the table and obtaining for it a first reading, without the necessity of first obtaining consent to its introduction. In the House of Commons Members have no such power. It is necessary for them first to give notice on a preceding day that leave will be asked to introduce a Bill, and then upon that leave being asked considerable discussion may arise. Practically, therefore, Bills have one more stage to go through in the House of Commons than in your Lordships' House; and in cases where it is necessary to originate the Bill by the Resolution of a Committee of the Whole House there is added another stage, making two stages upon the introduction of certain measures more than are necessary in your Lordships' House. But, then, what are the facilities which the House of Commons affords, especially to the Government, for the introduction of Bills and the progress of public business? By the rules of the House of Commons two days are set apart for Motions by individual or independent Members of the House, and a third day, Wednesday, is set aside for the consideration of Bills without any preference in favour of Government measures over those of private Members, the Bills being taken in the order in which they stand on the notice paper. At the commencement of the Session the Government, by giving notice of all the measures they have prepared, and sometimes also, I fear, of measures that they have not prepared, during the recess, occupy the ground, and have an opportunity of introducing some Bills. But, except for the first week or fortnight of the Session, the Government have no precedence over private Members, and they are often placed in circumstances of great difficulty with regard even to the preliminary step of the introduction of their measures. When Bills are introduced the Government have nominally two days in the week for their consideration. We should, however, recollect the position in which the Government stand at the beginning of each Session with regard to the two days in the week allotted to them. It is necessary, in consequence of the expiration of the Mutiny Act, that a very early opportunity should be taken of laying before Parliament the number of men and the amount proposed to be demanded for the military and naval service of the country. The first object, therefore, is to go into Committee of Supply. The Mutiny Act cannot be passed before the Votes for men and money have been taken, and it is therefore necessary before Easter that these Votes should be considered in Supply. But, although the Government are nominally in possession of two days out of five for the transaction of Government business in the House of Commons, that statement, without further explanation, would lead to an erroneous idea in regard to the time actually at their disposal; because on every occasion of going into Committee of Supply it is open to any hon. Member to move any Amendment, and a discussion may be taken upon any subject whatever, on the ground that the consideration of grievances ought to precede the granting of Supply. It therefore often happens that a whole evening, and sometimes more than a whole evening, is occupied by discussing some question that has nothing to do with Committee of Supply. With regard to other Bills, a satisfactory rule has recently been made, that when the House has once gone into Committee on a Bill, and the Committee has reported progress, it is not competent for any hon. Member, when the Bill again comes before the House, to move an Amendment to the Motion that the Speaker leave the Chair. But formerly that was not the case, and this was one of the modes that has been adopted by the House of Commons for the purpose of curtailing the forms of the House and saving time. I believe that this alteration was made under the presidency of my noble Friend (Viscount Eversley), whom I do not now see in his place, who presided with so much dignity and public utility over the deliberations of that House, and that was one of the many valuable improvements he introduced into the Parliamentary practice of the House of Commons. It has been found necessary of late years, indeed, to

carry these restrictions to an extent that can hardly be justified. Your Lordships all know that on the presentation of petitions in this House the whole subject of those petitions may be entered upon and discussed; but it has been found necessary to put so absolute a restriction upon this right in the House of Commons that Members are not allowed to state anything except the substance of the petition, the parties from whom it proceeds, and their prayer. With regard to Committee of Supply, it is not only necessary that a Motion should be made whenever the Speaker leaves the chair; but upon every occasion when the House goes into Committee, afterwards, although no vote may have been taken on the previous occasion, a new Motion must be made and a new Amendment may be moved. And that may take place on every occasion when the Government seek to go into Committee of Supply. During these two days in the week, when devoted to the business of Supply, the Government may thus be indefinitely embarrassed and the public business indefinitely postponed by Amendment after Amendment. But, as I have said, it is necessary that a portion of Supply should be taken, otherwise it is impossible to pass the Mutiny Act. But that is not all; for every Friday, which is one of the two days at the disposal of the Government, a Motion is made "that this House at its rising adjourn to Monday." That Motion affords weekly an opportunity not indeed of moving a specific Amendment, but of discussing every description of subject, introduced without the slightest order or regularity, or without the possibility of any Minister speaking more than once in answer to numerous interpellations which may be addressed to each of them. Recently Thursday has been taken as a Government day instead of Friday, and the discussions upon the Motion for adjournment on Friday are not now taken out of the time allotted to Government business. So far as the promotion of public business is concerned, that is a very considerable improvement. But in the early part of the Session the Government are limited to two days in the week, and for public business of the character of legislation there is little or no time before Easter, from the necessity of obtaining Supply, and the difficulty of entering upon the consideration of Supply. I hope it will not be supposed that in alluding to the practice of the House of Commons I conceive myself entitled, or that your Lordships are entitled, to pass an opinion upon the mode in which the House of Commons transact their own business, or that such an opinion would carry any weight with it. Undoubtedly it is the function of the House of Commons to carry on their own business in their own way. What I want to show is that this is a state of things which the House of Commons have made many attempts to amend. It is to be regarded not as an exceptional state of things, but as one that does and may affect every Session of Parliament. I do not mean to say that there may not have been some additional delay in the present Session, owing to the introduction, at an unusually early period, of a Budget of an ambitious and complicated character, simultaneously with the introduction of a Commercial Treaty which led to much discussion and difference of opinion, and simultaneously also with the introduction of a Reform Bill, which occupied a great deal of the time of the House — upon which, however, I am not going to say a single word. The House of Commons, then, having one stage more for every Bill than your Lordships, and originating a greater number of Bills, the Government having only two days for the conduct of the Government business, those two days being greatly occupied by Motions in Supply, and those Motions being liable to interruption and great delay from the introduction of other subjects, the time for legislation at their disposal may be regarded as almost *nil*, and the result is that the number of Bills which received the Royal Assent before the end of July is comparatively small. From the year 1848 to 1860, but not including this year, the average number of Bills that received the Royal Assent up to the end of July for each year was 61, while the average number that received the Royal Assent from the end of July up to the end of August was also 61. That is to say, the number of Bills passed in a month when there is a very small number of Members of either House in attendance is equal on an average of years to the number that received the Royal Assent in all the five preceding months of the Session. My Lords, I have before me a precise state of the business of the House as it was this morning. Your Lordships have gone through some measures this evening, and so far it will not be correct at the present moment; but this morning there were 5 Bills standing for a third reading, 8 for Committee, (2 of

which are referred to a Select Committee), 9 for a second reading the day for which is fixed, and 16 are waiting for a second reading for which no day is fixed—including 3 Bills which originated here, and appear likely also to terminate their existence in this House. The total number of Bills now on the table of your Lordships' House is 43; but even with regard to these 43 Bills, 15 or 16 of which came up on Monday, and 5 or 6 to-day, there are comparatively few which are of great importance. Now, there is, as I said before, a large number of Bills which your Lordships have not the power of originating. So far, however, as your power in that respect extends, you have not neglected the public business in the course of the present Session; for I find that you have sent down to the House of Commons 22 or 23 Bills, many of which are very important, including 7 relating to the Consolidation of the Criminal Law, which received your assent at an early period of the Session, and to whose consideration much industry and professional knowledge was applied. In addition to these, you passed a Bill for the regulation of the Divorce Court, the Indictable Offences Bill, the Companies Bill, a Bill for the Union of Benefices, another on the subject of Church Temporalities, the Ecclesiastical Courts and Registries Bill, the Bill relating to Endowed Charities, and a great number of other important measures. It must, however, be admitted, when we come to take notice of the progress which these measures have made in the House of Commons, that the position which they occupy on its Votes is not such as to encourage us to originate Bills in this House; for having examined the Votes of the House of Commons, I find that not one of the Bills which you have sent thither—the course of three of them, I may observe, I have been unable to trace—has yet passed through Committee. Ten of them are awaiting that stage, having passed a second reading, while there are nine which have not been successful in making even so rapid a progress, and have not passed the preliminary stage of the second reading. Consequently, under these circumstances, I am very much afraid that the time which your Lordships have given to the consideration of these Bills will have been, so far as the present Session is concerned, absolutely thrown away. I now come to deal with the state of business generally as it stands in the House of Commons, and that, I find, presents by no means a satisfactory aspect. There were in that House this morning only three Bills awaiting a third reading; eight awaited consideration, having been amended in Committee; while there were no less than 41 set down for Committee, including 10 which were sent down from this House; 25, including nine others sent down by your Lordships, stand for second reading; and, over and above this mass of business, there are, on the Votes of the other House, no less than six notices of Motion for leave to bring in Bills, which have yet to go through all their stages. Among these are the Militia Ballot Expenses Bill, the Medical Relief Bill, the Volunteers (Ireland) Bill, the India Civil Service Appointments Bill, and the East India Judicature Bill, some of which are Government measures. But more than this, there are financial proposals, in respect of which it will be necessary that the House of Commons should go into Committee and pass Resolutions to form the groundwork of Bills, which Bills will then have to pass through their several stages in the House of Commons, and go through your Lordships' House, before the Appropriation Bill can be introduced. This, I think you will agree with me, is no small amount of work to have to accomplish; especially when I tell you that this morning that huge impediment, the Bankruptcy Bill, consisting of 500 and odd clauses, stood at the head of the List—a Bill which the Attorney General, like another Sisyphus, is endeavouring to roll up the Parliamentary hill, but which no sooner reaches the top than it comes down again with far greater rapidity than it ascended. I said this Bill stood at the head of the list in the House of Commons this morning; but I believe it does so no more, for, if I am not misinformed, among the other painful sacrifices which Her Majesty's Ministers have been obliged to make, is the abandonment of the Bankruptcy Bill, with its 500 and odd clauses. It remains for the unfortunate Sisyphus to recommence rolling the Bill up-hill next Session. But there yet remain the Highways Bill, the Ecclesiastical Commission Bill, which is an important measure and must receive considerable discussion, and the European Forces in India Bill—one of the most important and difficult measures with which the Government is called upon to deal—besides the Poor-Law Board Continuance Bill, the Bills relating to the tenure of land in Ireland, the London Corporation Bill—which, to

my certain knowledge, has been for some years on the Votes of the House of Commons—the Roman Catholic Charities Bill, another very important Bill which Parliament is all but pledged to pass this year — making, together with several other measures which I need not more particularly mention, but many of which are of considerable importance, 77 Bills in the other House of Parliament, in various stages, from which if I deduct the 19 Bills to which I have already alluded as having passed your Lordships' House, there will be left 58, none of which, or very few of which have yet gone through Committee —and all are awaiting the remaining stages in the House of Commons previous to coming up to your Lordships' House—and this at the end of the month of July! I have, however, in the observations which I have made given your Lordships but a very feeble picture of the embarrassment of the Government in regard to the business of the country. I say this, because I have been informed by a right hon. Gentleman who is likely to know, that according to the best calculation that can be made eight or nine nights more will be required to get through the Votes in Supply which still remain to be passed. Now, when you take into account the fact that the Government have only two, or at the utmost, three nights in each week at their disposal, I ask you what prospect there is at this period of the Session that the 58 Bills which I have mentioned will receive that consideration to which they are entitled, and without receiving which it would reflect no credit on Parliament that they should be allowed to pass into a law. And what, let me ask, is likely to be the result of this state of things? Why that, with perhaps a few insignificant exceptions, measures on the expediency of which the opinion of the country has been clearly pronounced, the main principles of which met with almost universal approval, and which it is most important should be settled, will fall to the ground, a sacrifice to that general massacre which usually takes place about this time of the year, and which this year will, I have no doubt, be as extensive as any former anniversary. So that legislation will have been absolutely brought to a standstill, and but little or nothing will have been accomplished in that direction during a Session which has already lasted six months, and which will not, in all probability, terminate for a month or six weeks to come. Now this, my Lords, is a subject which, in my opinion, will press itself upon your attention more and more, year after year, and if for the evils which it involves no remedy can be provided, the result must be that Parliament will be placed in a position neither creditable to itself nor useful to the nation. Surrounding circumstances have in the present Session been favourable to legislation. The Thames has this summer been more inoffensive than has of late been its wont. The temperature has been such as to enable the Members of the House of Commons to go through their senatorial labours without the feeling of absolute exhaustion. But, with all these incentives to work, it is too much to suppose that a large number of the independent Members of that House could go through six additional weeks of slavery, sitting from ten to fourteen hours a-day. And, if men could be found to accomplish so great a task, I feel certain that the physical prostration consequent on the exertion is not the means by which they would be best fitted to give due consideration to details of the measures brought under their notice; which, under such circumstances, there would be a tendency to slur over, so as to get rid of measures themselves, with the view of sending them up as speedily as possible to your Lordships' House. Such, my Lords, being the evils with which we have to contend, where are we to find for them a palliation or a remedy? Great benefit, it must be admitted, has been conferred by the operation of the Resolution of my noble Friend the Chairman of Committees, in accordance with which your Lordships will not, after a certain day, undertake the responsibility of dealing with a measure which it is impossible for you—owing to the time at which it is laid before you—to consider satisfactorily. In former years, Bills which were postponed until a late period of the Session were frequently passed with extravagant haste, and without the least consideration. I find that in one year—Parliament having been prorogued on the 5th of September—37 Bills received the Royal Assent in that month, and 61 in the August immediately preceding, while only 27 received the Royal Assent before the end of July of the same year. That perhaps was an extreme case. I also find that in 1853 only 40 Bills received the Royal Assent before the end of July, while in the following August 97 were added to the legislation of the country. It is impossible that these measures could have received

the attention due to every Bill which passes your Lordships' House. The consequence of such a system is, that year after year we are called on to pass Acts for the purpose of amending mistakes, whether of this or of the other House, which have been committed from the great haste and necessary carelessness with which these Bills have been passed. Some twelve years ago I called your Lordships' attention to this subject, and I at that time proposed a measure to which I had the satisfaction of obtaining your Lordships' concurrence, for enabling the House of Lords, and, *vice versâ*, the House of Commons, to take up at the commencement of the next Session, under the particular circumstances, the Bills which should make their appearance as *remanets* from the Session before. I am perfectly satisfied that in one mode or other, if we desire to obviate the evils of the present system, we must come to some understanding by which the principle embodied in that Bill shall be adopted. The measure received very general concurrence on the part of your Lordships. I am afraid I must make one illustrious exception in the person of my noble Friend the Chairman of Committees, who opposed alike its principle and details. The noble Lord on the woolsack, I recollect, was favourable to the plan proposed in the Bill, but objected to its being introduced into an Act of Parliament, and suggested that the same object might be effected by Resolutions of the two Houses. Now, I am not on the present occasion about to make any distinct proposition to your Lordships. I have desired to call your Lordships' attention to the state of public business at the present moment, and to the absolute necessity there will be of sacrificing a great portion of the Bills now standing on the paper, and thereby rendering useless the labours of this and of the other House of Parliament. And more especially I would say that it is a matter for the sincerest regret that those measures for the consolidation of the criminal law which were sent down from this House, as to which all parties were agreed, have been left, I know not why, except from the great press of other business, to so late a period of the Session that there is little probability of their passing the House of Commons, notwithstanding that but slight or no opposition is made to them. But if an illustration be needed of the importance of our being able to carry on legislation from one Session to another, I cannot have a better example than is afforded by the Bankruptcy Bill. That was a measure with regard to which probably a much larger number of Members in proportion to those who attend in your Lordships' House than in the House of Commons were fully informed and competent to decide. The 550 clauses of that Bill ought to have been elaborately discussed in both Houses; but after two or three nights in Committee, and before half its provisions have been gone through in the House of Commons, it is found absolutely necessary, I understand, to abandon the Bill, and all the labour bestowed upon it has been consequently lost. But, supposing that Bill had come up to us in the month of August, what would have been the alternative placed before us? We should have been called on to abandon and throw over altogether this very material alteration, and I hope very great amendment, in the commercial law and practice of this country; or else to pass on credit, and without due consideration, a Bill of 500 clauses, on a subject as to which a very large number of those in your Lordships' House are peculiarly qualified to judge and to give sound opinions. I take that as an example of the position in which we should have been placed if this Bill, which unfortunately has not received the sanction of the House of Commons, had been sent up to your Lordships. I ask what can be a course more prudent than that a Bill which has been passed by the Lower House, and the principle of which has received the sanction of your Lordships, should be left over for the consideration of its details to the commencement of the next Session of Parliament, when we know that a general complaint is made at the commencement of every Session that we have little or no business before us, and that in the interval Bills which have passed the House of Commons will be submitted to examination and criticism by the public generally, so that your Lordships in approaching the consideration of these measures will have the opportunity of knowing not only the opinions put forward in the other House, but the view taken by the public of their principles and details. The House of Commons might then receive the Bill as an amended one from this House. That appears to me the plain and obvious solution of the difficulty. Of course, such a plan could only be carried out with the sanction and concurrence of the House of Commons, in such cases as they were

The Earl of Derby

satisfied in the next Session to accept the decision of the House of Lords as Amendments to their Bill, instead of beginning over again from the beginning and carrying it through all the different stages, by which so much time was previously lost. An arrangement of this nature would afford the two Houses the amplest means of deliberation, while the public would obtain the benefit of well-considered instead of hasty and ill-considered legislation. Of course it would be perfectly competent to the other or to either House of Parliament to decline taking those amendments into consideration, and to drop the Bill if they thought fit to do so; but I am quite sure the business of the House would be much facilitated and the interests of the country greatly advanced by any agreement come to between the two Houses for the purpose of carrying into effect the principle, at all events, which I have stated to your Lordships, and to which I endeavoured twelve years ago to obtain the sanction of Parliament. It is said the effect of this will be to encourage attempts at legislation—that persons will bring forward Bills hoping, though they may not pass in one Session, that ultimately they may become law. For my part, I cannot help thinking that, although it might afford encouragement to the introduction of measures, it would at the same time afford the best means of giving to those measures, when they were introduced, the fullest and most impartial consideration. Moreover, there is at present great temptation in the House of Commons to the promoters of Bills to hurry them forward, in order that they may be brought under the consideration of this House within the time limited by your Lordships' Resolution. On the other hand, there is equal temptation to the opponents of Bills, however valuable and important they may be, to interpose unnecessary obstructions by way of delay, and delay only, with the security that if they can only postpone the passing of the Bill till after the period fixed by your Lordships' Resolution it will be altogether lost. Now, I do not consider in ordinary cases that such is a fair mode of opposition to measures in the other House of Parliament; and I am quite sure a great motive for that kind of resistance would be taken away if the persons resorting to it were aware that even if they succeeded in protracting the passing of a Bill beyond a particular time it would not have the effect of destroying it altogether and of rendering it necessary to begin next year all over again, but would only cause the postponement of its consideration to another Session, when the other House would be able to deal with it as it thought fit. I do not pretend to point out to your Lordships the mode in which the object to which I have directed attention is best to be attained, but I think you will be satisfied that the present state of legislation is not satisfactory to this House, to the other House, nor to the country; that many and very valuable measures which well deserve to pass are lost, that much valuable time is sacrificed in either House, and that with regard to the legislation which does take place, a great portion of it is of necessity so hasty and inconsiderate as to require very early and frequent amendment. My Lords, all these things are of constant annual recurrence; and according to the mode in which business is conducted, I see no hope that they will not continue to be of annual recurrence. I know no possible mode of counteracting the evil effect of this waste of the greater part of the Session, save by enabling measures to be postponed from July to February, as they may now be postponed from February to July, and as they are sometimes deferred by a prorogation or even by a dissolution of Parliament. I think I am not mistaken when I say that after the dissolution of 1859, this House, at all events, passed a Resolution declaring that private Bills which had reached a certain stage should be allowed, when the new Parliament assembled, to be resumed at the point at which they had been left at the dissolution. I do not propose that the arrangement I have suggested should apply to the case of a dissolution; because a dissolution alters the constitution of the House of Commons which agreed to the Bill, and consequently the subsequent House may refuse to receive as mere amendments alterations in the measure passed by their predecessors. But with regard to prorogation, I cannot see any reasonable ground why the same power should not exist of postponing a Bill over a prorogation that may be applied indefinitely to the adjournment of Parliament, even although that adjournment may be from February to July. There are various modes in which this object may be effected. The mode adopted in 1848, which received the general concurrence of your Lordships, was the framing of an Act enabling both Houses to take the course which I have described. It

was not thought expedient, however, in the House of Commons, to press the consideration of that Act, which accordingly fell to the ground, and the question has not since been renewed. Another mode has been suggested by the noble and learned Lord on the Woolsack—namely, that the two Houses should simultaneously appoint Committees which might be placed in communication with each other, and on their separate Reports, corresponding with each other, Resolutions might be founded which would accomplish the desired object. I do not know whether any advantage would be derived in this case from a conference between the two Houses ; the instances, at all events, are very rare in which a question has been referred to a joint Committee ; but in some one of these modes I do think it most important that the opinion of both Houses should be taken, and that means should be discovered of remedying what everybody admits to be a great grievance and a great inconvenience. I do not undertake to suggest to your Lordships which of these modes would be the preferable course. On the contrary, I think it is a matter which had much better be left to the Government ; and on consultation with their colleagues in the other House, they will propose such a measure as they on their responsibility shall think fit. I do not therefore intend to trespass further on your Lordships' indulgence than to lay before you the statement which I have made as to the state of bublic business, and the nature of the only remedy which I believe can be successful. If it be convenient to the House, for the sake of regularity, I shall move that a Committee be appointed to consider this question, of course without the slightest intention of pressing that Motion. I hope my noble Friend the President of the Council, who I presume will follow me, will not satisfy himself with saying in his usual courteous manner, that he is sure the House and the Government are much indebted to the noble Earl opposite for the pains which he has taken in making himself master of this subject, and for the very clear exposition which he has given of the difficulties of the case ; and that he could assure the noble Earl that he concurs with him in thinking the subject one of very deep importance, and that it shall receive the very best consideration of the Government. Of course, I do not expect any specific plan from my noble Friend to-night, but I hope to obtain from him something more definite than the courteous answer which I have heard from him on more than one occasion. I hope he will give us some intimation of the view which the Government take of this question, and that he will be able to say whether or not his colleagues are of opinion that any legislation or any Resolution, or any other course by which an agreement might be come to by both Houses, is likely to meet with acceptance, or would in their opinion be a mode of diminishing if not altogether doing away with the inconvenience which both Houses, and your Lordships' House in particular, must feel in being called on either to reject Bills passed by the other House and thus to render it necessary to begin again with them next Session *de novo*, with probably as little chance of success, or else to pass them without giving them that consideration which it is due to your character and the interest of the country you should give before affixing your sanction to any legislative measure. The noble Earl then concluded with his Motion.

Moved, That a Select Committee be appointed to inquire into and consider the best mode of carrying on the Parliamentary Business.

EARL GRANVILLE : Notwithstanding the pleasant sally of the noble Earl, I must say that I think your Lordships, and indeed, both Houses of Parliament, are much indebted to him for having brought the subject under our notice, and further, notwithstanding his protest, that I think he has made a most clear statement of the evils which exist. The House will agree with me, too, that the noble Earl has amply redeemed the pledge which he gave the other night that he intended to treat the question entirely as one of public importance and divested of any party spirit. I am free to admit that there are circumstances this year, though as far as the Government is concerned a satisfactory explanation of them might be given, which a leader of the Opposition might be tempted to make use of in a party spirit. There is no doubt as to the existence of the evil, though I think there is something to be said on the other side. The noble Earl has said that somewhere about 150 Bills had been, or would be, brought under the consideration of Parliament this Session. I am not altogether clear whether it is desirable that that number of Bills should be passed every Session; but, on the other hand, there is no doubt that the present difficulties of legislation do prevent useful

measures being passed, for no other reason but the accumulation of business in the other House of Parliament. This is not a new evil. The noble Earl himself says he called attention to it twelve years ago for the purpose of remedying it; and I remember hearing both Lord Aberdeen and Lord Lansdowne say that they had heard similar complaints, more or less loud, during the whole of their official existence of nearly fifty years. At the same time it must be admitted that the evil is rather on the increase than the decrease, and this year it has been so great as to be a hindrance to the passing of useful and necessary measures through the other House. But when after considering the evil they came to consider the remedy, the matter became more difficult. The noble Earl has alluded to one remedy which we have attempted to apply as one means of mitigating the evil—namely the Resolution which we pass annually, fixing a certain day after which we will not read a Bill a second time. I may remark that that Resolution has been pointed to elsewhere as a hindrance to legislation, and I have often thought that it was a Resolution which might fairly be questioned. It was agreed to by your Lordships, however, for your own defence, and as far as I can form an opinion, if acted upon with a certain elasticity, it works usefully, and has not a disadvantageous effect on the legislation of the other House. With regard to the other remedy proposed by the noble Earl—the suspending of Bills at a certain stage, so as to make it possible to take them up in another Session—it is a most important question, and one to which, so far as your Lordships are concerned, you have given your assent by passing the Bill of the noble Earl some years ago. Constitutional objections may be urged to it, I believe; but, not having perhaps thoroughly considered the subject, I cannot see the force of them. With regard to private Bills, where both Houses act more as courts of justice than legislative bodies, it is an immense hardship on parties, when they have gone to a considerable expense in promoting a Bill, and have got to a certain stage, their further progress is stopped, by some public object, all the money they have spent is sacrificed, and they are obliged to commence again in another Session. A question was raised as to the principle here involved in the case of the impeachment of Warren Hastings. If I remember rightly the lawyers raised an objection that the impeachment had abated in consequence of a dissolution. I do not know that they were not right, but they were laughed out of it by Burke, who said that "though they might be competent to understand the gestation of a mouse they were not competent to understand the gestation of an elephant." This shows, however, that a constitutional objection might be raised. At the same time, there is no doubt that any general change in the principle of our legislation is one which requires the greatest possible care. The noble Earl said, he hoped he should receive not a vague but a clear and definite answer. Well, I am ready to inform him that I have communicated with my Colleagues in the other House several times on the subject, but in the present pressure of business the Government have not found it possible to bestow that attention to the subject which it is necessary to give before committing themselves to any definite plan. During the recess the subject shall receive full consideration, and if it appears likely that any satisfactory result would be obtained I think it would be most desirable that some inquiry should be instituted in order to arrive unanimously, if possible, at some plan which would be of assistance to the progress of legislation. With regard to the mode of doing it, the noble Earl has suggested a Joint Committee. I believe there has not been a Joint Committee of both Houses for 200 years, but it is quite competent to both Houses to appoint a Joint Committee. I believe the objection which led to their ceasing came from your Lordships. You objected that the House of Commons would not take off their hats, as at a conference, and you also objected to their claim to have a double number of Members. If a Joint Committee were not appointed, the other plan of the noble Earl might be adopted—two separate Committees to consider the question, authorized to communicate with each other. These, however, are matters of detail, which may be considered during the recess. I do not propose to take any action this year. Among other reasons, besides the lateness of the Session, it is quite clear that it is not the best moment to choose to propose a joint action on any subject of this kind, when questions have arisen between the two Houses with regard to which a certain number of Members of the other House feel a soreness at an unusual proceeding of your Lordships. It is obvious that, whatever measure is adopted, it should be as nearly

as possible unanimously adopted by both Houses.

LORD BROUGHAM concurred with the Lord President in thanking the noble Earl for the clear, useful, and (to coin a new word to describe a novelty) "unparty" statement which he had made on this subject. It was the duty of Parliament, without more delay than was absolutely necessary, to endeavour to apply a remedy to this evil; but circumstances had recently occurred which rendered it expedient that immediate action should not be taken. The course which he would recommend would be a Joint Committee, and in whatever way that Committee was composed—whether or not the Commons had an equal number—he trusted that they would act in the impartial spirit of jurymen, and that they would not be found to give their votes in two divisions, one of the Lords and the other of the Commons, so as to bring matters to a standstill, but that the important subject committed to them should be fairly and calmly discussed, with a view of arriving at some practical and useful result, as their Lordships were aware it had been proclaimed that Parliamentary Government was on its trial, and never, till the present Session, in the opinion of foreign countries, had it shown itself so incompetent for the discharge of its functions. People elsewhere thought that only one mode of free Government was tolerable, and it was one which we deemed intolerable—namely, universal suffrage. Universal suffrage meant Government by the mob, armed and unarmed, and a dictator presiding over that multitude. That was the form which was supposed elsewhere to be the perfection of free Government, and which was set up in contrast to Parliamentary Government. His belief was that our Parliamentary Government, with all its faults, was infinitely preferable to anything of that description. Universal suffrage was unlimited despotism —Parliamentary Government was free and inferred the capacity of improvement. He believed that either by Standing Orders of both Houses, or by Act of Parliament, or by some other measure resulting from the action of a Joint Committee, the greater part of the mischief could be greatly mitigated, if not wholly remedied. The Motion on Fridays in the other House, that upon its rising it adjourn to Monday, gave rise to endless debates, to the exclusion of every other subject, and to the postponement and defeat of most important measures. It was a most mischievous practice, which had been introduced only in recent times, and could be remedied at once by a Standing Order. He would not enter further into the proceedings of the other House, for which he entertained the greatest possible respect, and for that particular proceeding he entertained all the respect which was possible. He believed that much might be done without any Act of Parliament, by Orders and Resolutions of the two Houses, backed by that without which all Orders and Resolutions would prove of no avail—namely, a firm determination on the part of the leaders in Parliament to carry the Resolutions which had been framed into effect.

LORD REDESDALE agreed with the noble Earl, the President of the Council, that they should be very cautious in altering their proceedings, as they had been found, upon the whole, to work well; and they were not sure they could make them work better. The question could not be fairly judged by particular cases. The noble Earl had instanced that of the Bankruptcy Bill, which was of enormous length, and was entirely unconnected with party, as affording a strong support to his argument. But let them take, on the other hand, the Reform Bill. It was necessary for the promoters of it to persevere to a certain degree, on account of its importance, although it did not meet with general approbation; and the conviction that it could not get through both Houses in the Session, afforded a just and useful excuse for its withdrawal. But if the Government could have carried it through the House of Commons, and then passed it up to this House for discussion in the ensuing Session, would not a great deal more pressure have been put upon the Government not to drop it; and would that not have led to a greater consumption of time than had already taken place upon it, to the exclusion of other business? And, he would ask, could anything be more mischievous than to hang up a Bill of that character during the recess, or could a stronger proof be afforded that such a practice would lead to the ultimate adoption of bad measures, and especially on matters of the greatest importance on which there was much difference of opinion? He was not one who thought that they legislated too little. He thought that, upon the whole, there was as much legislation as was desirable for the country, and in some years a great deal too much. He thought it an advantage that this Bankruptcy Bill of 500

clauses should stand over for another year, and be considered in the interval in all its bearings, and divided into two Bills. In some Sessions a great deal of business was done, because the measures had been previously considered. That was the case in 1845. Perhaps no public measure caused much greater excitement than the Maynooth Act. It was introduced early, and occupied a great deal of time; but while it was under discussion both Houses passed the Companies Clauses Act, of 165 clauses, and a Scotch Act equally as long; the Lands Clauses Act, of 153 clauses, and a Scotch Act of about as many; and the Railway Clauses Act, of 165 clauses, at an early period of the Session. Most of these measures were the result of previous experience; and on account of that experience, and the conviction that some general legislation was desirable, they were passed with due attention and great expedition, notwithstanding their minuteness of detail, their extreme length, and the manner in which they affected the interests of private individuals. In the same Session they passed the Poor Law Amendment (Scotland) Bill, with 92 clauses, a new system of Customs regulations, embodied in a Bill of 163 clauses, a Bill for the registration of British vessels, and other measures; and in the same Session the Enclosure Commission Bill was introduced, which contained 169 clauses. It showed that there was great power of legislation in Parliament, if there was a disposition to use it; and he believed the failure of Bills was, in a great degree, owing to doubts arising as to their soundness, and to the unwillingness, therefore, of Parliament to entertain them. But, supposing any remedy were desirable, this was not the House in which a change was necessary. With regard to any amount of business which they were called upon to do, they were always ready to do it; and, if the other House were to adopt a little more the practice of this House in the manner of conducting its proceedings, he believed that the business would be carried on in a much more rapid and satisfactory manner. He did not say that he wished the other House should in the present Session enter upon a discussion of the subject, because it would only occupy one or more of those nights, which were already too few for the measures which must pass. If what had been proposed by the noble Earl was the proper remedy, it could be effected in the other House by an Order. For example, supposing the Bankruptcy Bill had passed the House of Commons, they could, if they chose, send it up to this House next Session, without commencing *de novo*. It was not for their Lordships to inquire whether it had been read a first, second, or third time; or whether two or more of these stages had been omitted, or even if, after a single debate, it had been sent up in the same shape in which it passed in the Session preceding. Such a mode of treating measures was not necessary in their Lordships' House, because they could find enough time to consider every measure; but if such a remedy in the other House were necessary, that course might be adopted, and perhaps limited to Bills of great length, and of a particular character. With regard to legislation generally, he was of opinion that there was often an advantage in a Bill being lost for want of time, and that the proper control of Parliament would be perilled, if the Government had the power to suspend Bills, and take them up again in the next Session. He trusted that great reluctance would be shown to depart from that principle upon which the legislation of the country had been so long and satisfactorily conducted by both Houses of Parliament.

THE LORD CHANCELLOR said that, although he took a great interest in this subject, and had devoted a considerable degree of attention to it, he would content himself with thanking the noble Earl for calling attention to the subject and for the manner in which he had brought it under the notice of their Lordships. He did not agree with his noble Friend who had just spoken in thinking that no improvement could be effected in the present mode of transacting the business of Parliament. He believed that their mode of legislation was capable of amendment; but he refrained from going into any details at that moment. He would be happy to use his best exertions to bring forward a measure on the subject, with the assistance of his colleagues, and he hoped with the support of the noble Earl, than whom no one was more capable of giving advice on the subject.

Motion, by leave of the House, *withdrawn*.

House adjourned at Half past Seven o'clock, till To-morrow, Half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 19, 1860.

MINUTES.] PUBLIC BILLS.—2° Militia Ballot; Gunpowder, &c.; Volunteer Rifle Corps.
3° Tenure and Improvement of Land (Ireland).

LANDLORD AND TENANT (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Glossary).

MR. M'MAHON said, he rose to move that the Chairman do now leave the chair. He did so because the Bill was one entirely for the landlords of Ireland, and not for the advantage of the tenants. They were asked to go into Committee upon the Bill, without receiving any explanation of its provisions. There were a great many statutes on the subject, and it was proposed to consolidate and amend them; but they were not told how much was new, how much was old, how much was consolidation, and how much improvement; but the Bill was simply thrown upon the table, it being left to hon. Gentlemen to make out its provisions for themselves by a laboured study of its contents. The Bill contained 106 sections, and repealed 57 Acts of Parliament. Every section of the Bill was favourable to the landlord and against the tenant—in short, they were a simple confirmation of the Acts passed by landlords in their own favour for the last 400 years—from the reign of Edward IV. The Bill would have the further effect of making the law of landlord and tenant in Ireland essentially different from what it was in England, though they all professed to be in favour of making the law similar in both countries. It also abolished the power of landlord and tenant to make verbal contracts for three years. There was no part of the Empire in which it was so desirable to encourage the farmer to plant trees, and labour to preserve them, as in Ireland; but, by the 31st section, a farmer was liable to a penalty of £5 for each tree or shrub cut down, topped, lopped, or grubbed, without the landlord's consent, even though it might be necessary to do so for the preservation of the tree or the improvement of the farm. Thus he could not lop off a withered branch, crop a hedge, cut a gooseberry bush, or grub up underwood, without asking leave of the landlord. Another objectionable clause was that by which, wherever in existing leases the mines had been reserved, the landlord might go in and work them in any way he chose. Clause 35, relative to waste, was even more intolerable. By that clause, if the landlord went before a magistrate, and showed that he had reason to believe the tenant was intending to commit any unlawful waste, injury, or destruction, the magistrate might issue his warrant forbidding such act, and if that were not attended to, commit the tenant, his aiders and abettors, to prison for three months. Surely such an arbitrary power was not the law of England, or of Scotland, or of any other country. In fact a tenant might by this clause be sent to gaol for three months for carrying out what he believed to be his right according to the terms of his contract. Again, the power of ejectment by the Quarter Sessions for non-payment of rent was extended by this Bill. As it now stood, where a year's rent was due and the rent was not more than £50, such a proceeding might be adopted, but it would now be extended to cases where the rent was £100; and, moreover, it was now to be provided that such eviction might take place "even before the expiration of the time, if any, limited for the entry of the landlord in any lease or agreement." The provisions as to ejectment for overholding or for desertion of the premises, were equally unjust to the tenant. These were but a few of the grievances created by this Bill, which was called a Consolidation Bill. He thought the other Landlord and Tenant Bill, proposed by the right hon. Gentleman (Mr. Whiteside) was, upon the whole, a much better one. He asked the House to pause ere they passed such a Bill. It was the same Bill as the Bill of 1853, which was sent up to the House of Lords, together with the Tenant's Compensation Bill, it being looked upon as a counterpoise to the latter Bill, and being consented to on that ground; but when the tenant's Compensation Bill was rejected by the House of Lords while this Bill was passed, the noble Lord the Member for London (Lord John Russell) said that it was not his intention to persevere with it. For these reasons he should move that the Chairman do now leave the chair.

MR. WHITESIDE said, he should support the Motion. The Bill was founded on a measure which he had himself introduced in the year 1853; but he had since thought proper to amend that measure, and his

amended Bill, which contained sixty-seven additional clauses, stood on the notice paper of the House for committal that day. It was not his intention to go on with that Bill, and when they came to it he would move that the order for the Committee should be discharged, because he felt persuaded that it would be idle to attempt to proceed with it during the present Session. He thought it rather hard that the Government should be pressing forward his defective Bill of 1853, instead of aiding him to carry his improved Bill. Besides, he thought that what was new in the measure should have been pointed out. He believed that portion of the Bill which related to the law of distress was very imperfect. In his own Bill he wished to extend to the other parts of Ireland the practice which prevailed in Ulster, where the in-coming tenant settled with the outgoing tenant for the value of improvements which he might have made on the farm. There was no pressing necessity for the measure; and he would recommend his hon. and learned Friend the Attorney General for Ireland to consider the whole question seriously during the recess—to take both Bills together, and select what portions of both he thought best, and, perhaps, in another Session they might be able to arrive at a satisfactory settlement of the law of landlord and tenant in Ireland.

MR. DEASY maintained that the Bill had been thoroughly considered on the second reading, and complained of a discussion on the principle of the Bill being now raised in Committee. The hon. and learned Member (Mr. M'Mahon) had criticised the Bill, he did not say unfairly, but he had not done so at the right time. He invited him to repeat his criticisms on the clauses as they came before them in Committee, and he would be ready to adopt such Amendments as were fair and reasonable. If it could be shown that any of the clauses were unjust to the tenant, he would at once consent to expunge them. The right hon. Gentleman (Mr. Whiteside) complained that his new provisions had not been introduced into the present Bill; but his reply was, that he had never seen the new provisions of the right hon. Gentleman's Bill till they were printed by order of the House, and, therefore, he could not have availed himself of them. He must say, however, that he could not adopt the provisions of the right hon. Gentleman's Bill with regard to the law of distress, or of fixtures, and that he preferred the clauses of the present Bill. He did not say that the measure was a perfect one, but it would be a material improvement on the existing law, and would be highly beneficial to the tenantry of Ireland. Its object was to make the law more clear and simple, so that both landlord and tenant might be perfectly apprised of their relative rights and liabilities. The law ought not to be left in such a state as to afford the tenant a continual temptation, instead of paying his rent, to spend his money in litigation with his landlord, and to waste among the attorneys those funds which might be better employed in stocking a new farm. With this view, to render the law more plain and the remedies for any infringement of it efficacious and inexpensive, the Bill had been very carefully prepared, and he trusted it would be allowed to go into Committee.

MR. LEFROY said, he thought it would be ungracious, after what the Attorney General for Ireland had said, to divide against going on with the Bill in Committee; but, at the same time, he put it to the Attorney General whether, after what had fallen from his right hon. Friend (Mr. Whiteside) and the hon. and learned Member for Wexford, it would be expedient to proceed with a Bill of such importance at this period of the Session.

MR. CARDWELL said, he must appeal to those hon. Gentlemen who were anxious for a real settlement of the tenant law of Ireland, not to prolong this preliminary discussion, but proceed to look into the clauses of this Bill, and those of the Bill of the right hon. and learned Gentleman (Mr. Whiteside), in Committee. The Government were quite ready, in the most candid spirit, to compare the merits of the two Bills; and they had no desire to stand upon any particular feature of their own Bill, but would adopt such provisions as might seem to the House to be best. After the great pains which had been taken, by two successive Governments of late years, to prepare a measure upon the subject, he hoped it would be allowed to proceed. At any rate, he would not be responsible for the delay.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee *divided*:—Ayes 8; Noes 88: Majority 80.

Clauses 1 to 34 *agreed to.*

Clause 35 (Prevention of Waste and Law of Repairs).

MR. POLLARD-URQUHART moved

the omission of the clause. Under the present law the landlord who had reason to apprehend a waste of the property should apply to the Court of Chancery for its prohibition; and that power could not be transferred to a magistrate without disadvantage to the tenant.

MR. DEASY explained that the object of the clause was to facilitate the prevention of waste, and so to save expense, both to the landlord and the tenant. The tenant could appeal to the Quarter Sessions against the decision of the magistrate, and the only restraint that would be put upon him was that he could not in the meantime injure the property.

Question put, "That the Clause stand part of the Bill."

The Committee *divided:* — Ayes 89; Noes 21: Majority 68.

Clause *ordered* to stand part of the Bill.

Clause 36 (Punishment of Disobedience of Precept).

MR. BUTT moved the omission of the clause. It would introduce the action of the police for the purpose of enforcing regulations between landlords and tenants; and he thought that the police ought not to be allowed to interfere in those cases of private rights.

MR. DEASY said, he admitted that there was considerable force in the objection which had been made to the clause, and he would not therefore press it. But he wished to give notice that on the bringing up of the Report he would introduce some other provision for the purpose of securing a compliance with the injunction against waste. He did not mean to give the constabulary any power which they did not now possess.

LORD NAAS said, he objected to the question being postponed. It would be better to settle the point in Committee.

MR. HENNESSY moved that the Chairman report progress.

Motion *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

PEACE PRESERVATION ACT (IRELAND).

QUESTION.

SIR WILLIAM VERNER said, he wished to ask the right hon. Gentleman the Secretary for Ireland, Whether he will introduce into the Peace Preservation Act Clauses to prevent the exhibition of Flags upon Places of Worship and Public Buildings in Ireland, and to restrain, under certain circumstances, the beating of drums or playing upon musical instruments on the high roads or places of public resort in that country.

MR. CARDWELL: Sir, it is the opinion of the Government that the law prohibiting the exhibition of these devices, which unfortunately have given occasion to some of those outrages in Ireland which are so much to be regretted, requires amendment, and it is proposed to amend it with the view stated by the hon. Baronet.

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Mr. DEASY in the Chair.

(In the Committee.)

THE ATTORNEY GENERAL: The Committee will recollect the question before us when this Bill was last under discussion was one of the very greatest importance. It was the question whether any person, be he a trader or non-trader, shall be subject to the uniform system of administering the law of insolvency proposed to be established by this measure. Although this question may have never before been discussed in the House of Commons, it has been the subject of repeated consideration out of this House during a period, I may say, of thirty years, and whether in the Reports of Commissioners, in the discussions in the other House of Parliament, or in the speeches of the most learned Lords and jurists, there has been but one growing opinion, that it is incumbent on the Legislature, upon every consideration, both of justice and expediency, to do away with the distinction between the code of bankruptcy and the law relating to insolvent debtors, and to substitute for them one uniform system. I believe in this country alone there prevails this peculiarity, that the man who is not a trader has no opportunity, as a general rule, of surrendering his estate for the purposes of an equal distribution among his creditors until he has been first committed to prison. The anomaly and injustice of this rule are most apparent. For what object should you imprison the honest debtor who is desirous of making a *cessio bonorum* for the benefit of his creditors? To what end is it that so many thousand persons are in this country annually committed to prison, only to be discharged

again a few weeks afterwards by the operation of the Insolvent Debtors' Act? Some efforts were made for the amelioration of this state of the law through the legislation introduced by Lord Lyndhurst, whose opinion is worthy of the highest respect; but, generally speaking, the rule I have described still obtains, and, accordingly, the debtor is compelled to submit to incarceration before he can do that which justice and expediency require that every man in a condition of insolvency should have every facility allowed to him for doing, namely, to surrender his property for distribution among his creditors. Now, with that view, I have proposed this enactment, which has been drawn up in very wide terms, because while it would, no doubt, have been necessary to surround the provision with proper safeguards, I have felt that it ought to be left open to the discretion of the House. If this discussion had proceeded, it was my intention to have recommended, in the first place, that the enactment should be entirely prospective—that is to say, that no existing debt (no debt contracted before the Bill came into operation) should avail to support an adjudication of bankruptcy against any person who is a non-trader. It was the object of the measure to lay down some simple and unquestionable tests of insolvency which all would admit might have been justly applied to the non-trader. By tests of insolvency I mean those acts which are commonly denominated acts of bankruptcy. The first test of insolvency proposed to be established by the Bill is absconding from the country and remaining abroad with intent to defeat or delay the remedies of the creditors. I think no hon. Gentleman in this House would for a moment contend that an individual guilty of such conduct should not be deprived of his property, and that that property should not be taken by process of law for distribution among his creditors.. Another test of insolvency proposed by the Bill is the debtor's causing his property to be taken in execution, or suffering it to be so taken and disposed of, to the prejudice of the general body of his creditors. Now, no man who is possessed either of means or of credit would permit that to be done; and, therefore, I think such an act would be a very satisfactory criterion of his insolvency. Another mode of arriving at the same result is that if a judgment is obtained against a non-trader, and he is, after a certain period, summoned and examined as to his means of paying that judgment, provided he does not dispute its validity, and it is proved that he had not sufficient property to satisfy it, then he should be liable to have his estate taken from him and divided among those who had just claims upon him. There remains another test proposed by the Bill, which has not been generally understood by the House, and which, as it has been the subject of much misrepresentation, the Committee will perhaps permit me for a moment to explain. It is intended by the measure to apply to the case of the non-trader those clauses in the existing Bankruptcy Act which are commonly denominated the debtors' clauses—that is to say, clauses which enable the creditors to summon the debtor before the Court of Bankruptcy, and call upon him either to pay or satisfy the Court that he has the means of doing so. But I have not thought it fair to include them in this Bill in the naked shape in which they exist in the bankruptcy statutes; and accordingly the Committee will observe, if they will turn to the Bill, that no opportunity to make any demand of this kind against a debtor is given to any creditor who is not in a condition to prove to the Court that the debtor is in insolvent circumstances, and is seeking to evade his creditors. I should have had no difficulty, if the Bill proceeded, in confining this provision to the case of traders, and exempting non-traders from its operation. If this result had been attained the measure would have assumed this form, that no person who was not a trader would have been subject to its operation unless he were absconding or remaining away from this country, unless he was a judgment debtor without the means of paying his debts, or unless his property was actually being so disposed of as to defraud his creditors. I have no doubt, therefore, that if the discussion had gone on, the Committee would have been satisfied with the guards and precautions introduced, or proposed to be introduced, by this measure. But, Sir, reflecting on the anxiety manifested by the House, it appeared to be incumbent on me to consider whether, supposing I succeeded in satisfying the Committee, and in inducing it to extend the Bill to the case of the non-trader, still, if the subsequent provisions of the Bill required so much time to be expended in their discussion that I could not carry the measure up to the House of Lords probably until the beginning of August, it would be consistent with ordi-

nary decency at that period of the year to send up a Bill containing such novel and important provisions to the other House, and expect that Assembly then to take them into its consideration. I, therefore, could not avoid arriving at the conclusion that the House of Lords ought not to be placed in that situation. On the other hand, if I were not fortunate enough to carry with me the opinion of the Committee, and these clauses were to be struck out, it would then be necessary to entirely recast the measure; because hon. Members will do me the favour to recollect that I have been encouraged to go on under the conviction that the House was favourable to this extension of the law. For, with the view of raising the question, the second section of the Bill proposed the abolition of the Insolvent Debtors' Court, and had the Committee been adverse to that proposition, it might naturally have been supposed that its feeling would have been expressed during the consideration of that clause. I was the more encouraged to hope that this alteration of the law would have met the approval of the House, because the same provision was contained in the Bill introduced by the Earl of Derby's Government, and therefore I expected that it would have been received with the more general concurrence. I cannot, however, complain that the House should have viewed this as a matter demanding the most careful deliberation, and we are therefore in this difficulty, that even if we succeeded with the Bill, we could not hope to finish it in time for it to undergo discussion in the other House. On the other hand, if we failed there would equally be insufficient time for bringing the measure forward in an amended shape. I have, therefore, with the approbation of the Government, come unwillingly to the conclusion that it is necessary to abandon the Bill. I hope, however, when this subject has again to be considered, it will be found that the time and attention already devoted to it has not been thrown away. I have gained considerable experience from our discussions; and I trust if I retain office—and if not, the task will be undertaken by more competent hands—I trust I shall be able in another Session to present this measure in less gigantic and formidable proportions, and embodying all its principles and objects in a more condensed form. I trust it will be introduced, whether by myself or by my successor, at an earlier period of the year, when it can receive the due consideration necessary to enable it to pass, for there is a growing and urgent demand for legislation upon this subject. I have only now to express my regret if, in my earnest anxiety to carry this Bill, I have ever seemed to evince any impatience towards the House. I had naturally hoped that during this Session it would have been possible to make some important advance in the improvement of this branch of our law. Circumstances have, however, prevented it; and I trust I can say that nobody will be able to reproach me with having lost any fair opportunity for bringing this great question to a successful termination. I move, Sir, that you do now leave the Chair with the view of proposing, when the House resumes, that the Order of the Day be discharged.

SIR HUGH CAIRNS: Sir, I have so often ventured to express anxiety with regard to the progresss of this Bill that I am sure the Committee will believe me to be sincere when I say, that I entirely concur in the regrets which have been expressed by my hon. and learned Friend the Attorney General at the necessity which, under existing circumstances, has arisen for its postponement till another Session. I do not mean to say one word by way of suggestion that the course which has been taken by the hon. and learned Gentleman is not a necessary course, is not the most advisable one which he could have adopted. I am sure that the Committee will respond entirely to the demand which the hon. and learned Attorney General has made upon us, and will join with me in expressing the gratitude which is due to him for the pains and labour which he has bestowed upon this measure. I certainly hope that those pains and that labour have not been thrown away, but that at some future time the Bill will be reintroduced and successfully carried through this House. If I may venture to make a suggestion to the hon. and learned Gentleman it is this, that, when the subject of the bankruptcy law comes again before the House, great advantage would be gained if the measure first presented was not a Bill for consolidating the entire law of bankruptcy, but was confined to the changes proposed to be made in that law. Such a measure would distinctly raise the question as to the effect and the extent of those changes, and after it had been passed the consolidation of the law would be a matter of very little difficulty. In

The Attorney General

place of having a Bill of 500 or 600 clauses brought before the House, we should in the first instance have one of some 50 or 100 clauses containing all the changes, and the larger measure would afterwards be treated more as a matter of routine than as one of discussion. As my hon. and learned Friend has referred to the Bill which was brought in by the late Government, I think I may add that that was the course which was taken by the late Government, and I still think, as I thought then, that great advantage would have resulted from its adoption. The course taken was to lay before and pass through the other House a Bill confined to the changes proposed to be made in the law, with the view and upon a statement that when that Bill had passed both Houses of Parliament it should be followed by a general measure repealing all previous statutes and consolidating the law. Of course, I do not now propose to advert to my hon. and learned Friend's proposal as to making non-traders liable to the bankrupt laws. I still think that, if accompanied by efficient safeguards, it may safely be done. What those safeguards are I will not now discuss. I must, before I sit down, say that it will be matter of great regret to every one that the Resolution at which my hon. and learned Friend has arrived has not been earlier communicated to the Members of this House. We are here this evening apparently expecting a discussion upon the Bankruptcy Bill, and I greatly fear that a number of hon. Members who are very much interested in the questions which are to come on upon going into Committee of Supply are not at all prepared for the change which has been made. I cannot help thinking that the resolution which has been come to must have been known to the Government for some time, and it would have been more convenient if it had been earlier announced what business was actually to be proceeded with to-night.

MR. MALINS said, he deeply regretted that circumstances had not enabled his hon. and learned Friend to go on with this very valuable measure. At the same time, he thought that his hon. and learned Friend had exercised a sound discretion in abandoning it for the present. He had stated more than once in the House, as he had communicated to the Attorney General privately, that he was afraid that the time had come when, if he attempted to press the measure through the House, it would be so mutilated, and would be deprived of so many of its most valuable provisions, that it would confer upon the public but little benefit, and upon its author very little lasting reputation—very little, indeed, of that reputation to which the days and nights of labour which he had bestowed upon it entitled him. By the course he had now taken, and by availing himself of the very valuable suggestions which had been thrown out in the course of the debate, the Attorney General would have an opportunity, if he introduced the measure early next Session, of passing it in such a form as would be advantageous to the public and most honourable to himself. The suggestion which had been thrown out by his hon. and learned Friend near him (Sir Hugh Cairns) as to the form in which the measure should be re-introduced was a most valuable one, and, in his opinion, the Attorney General would do well to adopt it. If he had the good fortune to be in the House next year, he should do his utmost, as he had done this year, to assist in passing a measure which should embody the great principles which had been enunciated by his hon. and learned Friend. He regretted that the House had not been earlier informed of the change in the business of the evening; but he was sure that if his hon. and learned Friend could have communicated the information earlier, he would have done so.

MR. HADFIELD said, he wished to thank the hon. and learned Attorney General for the labour he had bestowed upon the measure, and to express a hope that the hon. and learned Gentleman would not consent to make any further concessions when he again introduced his Bill into Parliament.

THE ATTORNEY GENERAL: I should have been extremely sorry to be wanting in courtesy or attention to the House in this matter. The decision which I have announced was not arrived at until two o'clock to-day, and it was immediately intimated to the Gentleman who is the usual organ of communication with hon. Members opposite.

SIR JOHN PAKINGTON: I do not, of course, object to the withdrawal of this Bill. On the contrary, I do not see how the hon. and learned Gentleman could have acted otherwise under the circumstances. I entirely concur in the great admiration expressed by my hon. and learned Friend the Member for Belfast (Sir Hugh Cairns) for the ability and labour which the hon.

and learned Attorney General has bestowed on the subject, and in the feeling of regret that the extraordinary course of business in the present Session should have rendered necessary the abandonment of so valuable and important a measure. Nor can I help pointing out to the noble Lord at the head of the Government and to the House the extreme inconvenience which must arise from the withdrawal of a public Bill of this importance and magnitude in this sudden and unexpected manner, when the House has assembled with the intention of considering the measure in Committee for several hours. The result must inevitably be to defeat the object for which the order of our business is printed. I observe that the next order on the paper for this evening, is the consideration of the Navy Estimates in Committee of Supply. Upon the Motion for going into Committee, the hon. and gallant Admiral the Member for Southwark has given notice of his intention to call our attention to the subject of Greenwich Hospital; but my hon. and gallant Friend is not now in his place, and in all probability he has no idea of the sudden change which has taken place. I am bound to accept the statement which, in a tone of so much gravity, the Attorney General has made; but, on the other hand, I must remind him that it was matter of current rumour in this House on Monday and Tuesday that the Government had decided, or very nearly so, to withdraw the Bankruptcy Bill. Under these circumstances I would ask the noble Lord at the head of the Government—who I must say conducts the business of this House generally with great courtesy and fairness—whether it is not desirable that Her Majesty's Ministers should make up their minds upon matters of this importance a little sooner, so that the House should not be exposed to the serious inconvenience which must arise from sudden and unexpected changes in the course of business.

VISCOUNT PALMERSTON: I very much regret the inconvenience, if any, to which the House may be put by the announcement which my hon. and learned Friend the Attorney General has made. At the same time, I think the House would have been put to still greater inconvenience if we had persisted in asking the House to go into Committee on the Bankruptcy Bill after we had resolved to withdraw it for the present Session. [Sir JOHN PAKINGTON: I did not ask you to do that.] I mean, if we had invited the House to give a decision upon a material point of the Bill while we were satisfied in our own minds that the measure could not be carried through. I think one statement which the right hon. Baronet has made in some degree diminishes the ground of his complaint, because he says that, as far back as Monday and Tuesday, it was generally believed in this House that the Bill was to be abandoned for the present Session. If that be so, the announcement which my hon. and learned Friend the Attorney General has made cannot have taken the right hon. Baronet, at least, wholly by surprise.

SIR JOHN PAKINGTON: But the Bankruptcy Bill is on the paper for this evening.

VISCOUNT PALMERSTON: It is. But all I can say is, that we attached so much importance to this measure that we were exceedingly reluctant to give up the hope of being able to carry it through during the present Session. We clung to that hope, perhaps, longer than reason would have justified. There are cases in which hope is said to survive reason; but, be that as it may, we were unwilling to withdraw the Bill until the conviction forced itself upon our minds that there was no reasonable expectation of our being able to pass it in the present Session. We almost came to that opinion yesterday, but our decision was made to depend upon a communication which I was to have with my hon. and learned Friend the Attorney General this morning. I had that communication; I found that he entirely concurred in the conviction to which we had come; and he has taken the earliest opportunity to state it to the House. Those hon. Members who are interested in the business of the House this evening will naturally have looked at the Orders. They will have seen that Committee of Supply was appointed to follow the Bankruptcy Bill. Suppose that the labours of the Attorney General elsewhere had rendered him unable to go on with the Bill to-day—not at all an unlikely thing to have happened—we should then have proceeded at once to the consideration of the Navy Estimates in Committee of Supply. Hon. Members ought to take such contingencies into account; at any rate, nobody can complain that we should now go on with the next Order of the Day.

MR. E. P. BOUVERIE said, he was sure that the withdrawal of the Bankruptcy Bill would be a matter of great regret, not only to the Members of that House,

but to many persons out of doors. The hon. and learned Attorney General might console himself with the reflection that his failure was not owing to any want of diligence or zeal on his part. The truth was that the Bill had been smothered by the immense mass of other important business before the House. He certainly thought that it would have been wiser to have divided the scheme into two or three measures, and to have put the controverted matter into only one. He did not think, however, that the time of the House had been wasted in the discussions which had taken place. The Attorney General had seen some of the difficulties which he would have to contend with in another Session, especially in connection with his proposition to include non-traders in the same category as traders—a question for which, though it had been much discussed in professional circles, the country at large did not seem to be prepared. Great changes of that kind could not be made with a rush or a leap; they must be discussed Session after Session, until they were settled; and when at length a conviction of their wisdom and necessity had forced itself upon the public mind, there would be no discontent at their adoption. He hoped that next Session the hon. and learned Gentleman would not only again launch his barque upon its "sea of troubles," but would carry it safe into port with flying colours, and have his name enrolled in the history of the country as the author of one of the most valuable improvements ever made in commercial law.

MR. CAYLEY said, the hon. and learned Attorney General, in withdrawing his Bill, had cast some sort of imputation upon those who objected to Clause 152, as if they did not want to pay their debts. He agreed with the hon. and learned Gentleman that all men ought to pay their debts; but what he complained of was that Clause 152 would have made solvent men, as well as insolvents, bankrupts. The discussions upon the Bill had hitherto been confined almost exclusively to lawyers. Very few laymen had taken part in it. It was not to be supposed that they could know all the secrets of the bankruptcy and insolvency laws, so as to make their objections to the non-trader point at an earlier period.

MR. AYRTON said, he hoped that the Attorney General, before he again introduced a measure of this kind to Parliament, would address himself to the commercial laws of France and other Continental States, for he would find that the law he proposed was utterly at variance with the whole commercial law of Europe. He admitted the House was very much in fault in placing his hon. and learned Friend in his present dilemma, because they ought to have raised and discussed the question at a much earlier period.

MR. HENLEY said, that as the hon. and learned Gentleman had come to the conclusion to withdraw the Bill, he must say that he thought it a great blessing that the Committee was to be spared the occupation at this period of the Session of discussing the 402 clauses remaining to be considered, exclusive of the schedules. The hon. and learned Gentleman had made some complaint that the objection to the particular portion of the Bill to which reference had been made had not been taken earlier, and therefore he would state the reason why he took the objection at this stage of the Bill, and not before. He quite agreed that, for persons who wanted to go into a Court of law to be wound up, there should be but one form. That was why, when he heard the Insolvent Court was to be done away with, he agreed to that proposition; but though he agreed to that he differed as to the propriety of bringing the Bankruptcy Law to bear upon every man who owed only £20 in the world, and did not wish to be wound up one way or another. If a layman might be permitted to throw out a suggestion, he should say that as the commercial community wanted the Bankruptcy Law amended, and facilities for their arrangements being brought under the superintendence of the Court, and as it was desirable that the Courts of Insolvency and Bankruptcy should be amalgamated, those three subjects would make quite a sufficient handful of work for one time. If the hon. and learned Gentleman desired to get through that work he would act wisely in leaving the non-trading part of the matter out of his measure, and take it up at a more leisure period, after the other subjects were completely settled, because it involved a vast change in the law of this country. At the proper time he thought there would be good reasons to show against it; and its omission would afford facilities for the passing of those amendments which the commercial community wanted, while they did not care, he believed, one farthing about the other matter. If any man could have got through the whole of the 550 clauses of the present Bill he believed

the hon. and learned Gentleman was that man. The hon. and learned Gentleman had drawn the clauses of the Bill with such ability and clearness that all persons, whether they liked them or not, could easily see what was intended to be done. Therefore no complaint could be made that any one was taken by surprise; and he was quite sure that if anybody could have got such a Bill through the House the hon. and learned Gentleman was the most likely to have done so; but there were some things so large that no man's power could roll them along. The Bill involved such vast consequences—blessings or curses, as people regarded them—that upon the discussion of the clauses the hon. and learned Gentleman would have found his difficulties increase. He would further observe that the word "debt" applied, no doubt, to traders and non-traders, but it meant two essentially different things in the two cases. When a trader contracted a debt, he agreed for the article, the price, and the specific time of payment, which last was the essence of the bargain; but the case was different with the non-trader. The latter bought goods without a specific time of payment being part of the bargain except in sales for ready money. When it was again attempted to adjust the differences existing in these two states of things—not a very easy task—he hoped the Attorney General would not run the risk of inflicting the hardship of applying the Bankruptcy Law to persons in no wise insolvent, though from no fault of their own they might have debts and so forth on their estates, for the sake of a smaller number of persons who might want a stringent law.

SIR GEORGE BOWYER said, he trusted that when the Bill was reintroduced they would hear no more of the amalgamation of bankruptcy and insolvency, which were founded on totally different principles, and he also hoped they would hear no more of the extension of the Bankruptcy Law to non-traders. The two systems were founded on very different principles. The Insolvency Law was intended to be a pendent to the abolition of imprisonment, while the Bankruptcy Law, on the contrary, was a law in the interest of the creditor and to provide for the proper distribution of assets.

House *resumed.* [No Report.]

PUBLIC BUSINESS.

Order for Committee (Supply) read.

Motion made, and Question proposed,

Mr. Henley

"That Mr. Speaker do now leave the Chair."

MR. DISRAELI said, he wished to take that opportunity of inquiring of the noble Lord at the head of the Government whether he intended to proceed with the Fortifications Bill to-morrow, and when he would lay on the table the Resolutions on the Paper Duties, which he had been expecting some time. If the noble Lord would answer these questions, he thought that it would tend greatly to the convenience of the House in the conduct of the public business.

VISCOUNT PALMERSTON:—I shall postpone the statement upon Fortifications until Monday, and I believe that the Chancellor of the Exchequer will lay the Resolutions to which the right hon. Gentleman referred on the table to-morrow.

SIR MINTO FARQUHAR asked whether, as the "massacre of the innocents" was shortly about to take place, it was consistent with the intention to withdraw Bills that two new Bills should be introduced to-night, the 19th of July? The right hon. Gentleman the Secretary for India had given notice of his intention to introduce an India Service Bill, confirming certain appointments in India. That was all very well, and the measure might be advisable, but why was it not brought in at an earlier period of the Session? The Bill also contemplated the amendment of the law concerning the Civil Service in India. He thought those words most ominous. Then there was the Bill for amalgamating the two armies in India remaining to be discussed. True, the right hon. Gentleman the Secretary of State for India said that Gentlemen on his (Sir Minto Farquhar's) side of the House had been the occasion of the delays which had taken place; but that, however, was not true, because the right hon. Gentleman had himself been the cause of the delay, by refusing to lay papers on the table until he was very hardly pressed upon the matter. There had been a constant call for papers; but he had refused to place them in the hands of hon. Members until the last moment, the consequence of which was that the Army Bill was necessarily put off. He understood that on the question which had been raised the right hon. Gentleman opposite (Mr. Horsman) had moved only yesterday for papers of the most important character, and without the production of which it was impos-

sible to proceed with the consideration of the Bill. The right hon. Gentleman had lately also introduced a Bill in reference to the transfer of Indian Stock. He (Sir Minto Farquhar) supposed that at two o'clock in the morning they would be asked by him to listen to a statement which was to affect the whole Civil Service of India. It was only the other day that they were asked at half-past two o'clock in the morning to discuss the question of Volunteer Corps for Ireland. Upon that occasion he (Sir Minto Farquhar) had asked the right hon. Gentleman whether he intended to introduce his Bill relating to the Indian Civil Service, and the reply was that he certainly did, and that the statement he had to make would not occupy more than two or three minutes. He (Sir Minto Farquhar) never was more astonished in his life than at such an avowal, because he happened to know that on that question, as on others, the right hon. Gentleman was at issue with his Council. All that he could say was, that he should do everything in his power to resist the progress of the measure. It was of the utmost importance that the Civil Service of India should not be interfered with. It was only in 1858 that the Bill for the better government of India was passed, which Bill introduced the principle of the competitive system, and now they were called on again to amend the law.

MR. SPEAKER said, that on the question now before the House the hon. Member must not enter into the details of the Bill.

SIR MINTO FARQUHAR appealed to the noble Lord not to allow the introduction of such a measure at this late period of the Session.

In answer to Sir MINTO FARQUHAR,

VISCOUNT PALMERSTON said, he believed that it was the intention of his right hon. Friend to make these two Motions that evening, but the House would probably think it better not to discuss them until they were actually submitted.

MR. HORSMAN: Sir, I am not quite sure if I heard the noble Lord distinctly—I hope I did not hear him distinctly; but I understood him to say that the Bill for the Reorganization of the Indian Army would be taken the first thing to-morrow. Surely it is impossible for the noble Lord, under the circumstances, to persist in that intention. I am sure he knows that papers have been moved for and ordered, which are now in the printer's hands, which were withheld for a long time by the Secretary of State, but which are essential for the consideration of the Bill. Let me recal to the House the position in which it stands with regard to Indian legislation. There was much discussion the other day about the rights of a minority in this House. It is very seldom that hon. Gentlemen wish to enforce those rights to the utmost, and it is long since I joined a minority in such successive divisions as took place on this question the other night. But the right hon. Gentleman forced us to do so. We said he had papers which were absolutely essential to a right consideration of this question. The right hon. Gentleman said he had not got those papers; and upon a question of veracity between him and the House—I do not mean to attribute intentional want of veracity—but on a question of fact between them he kept us dividing to a late hour in the morning. During those divisions he reiterated over and over again that these papers were not in his possession; that he had seen nothing of them for three months; that they were in the printers' hands; and that the fault lay with the printing department. Upon his authority the right hon. Gentleman the Home Secretary and the right hon. Gentleman the Secretary for War also repeated the statement that the Printing Committee were responsible.

SIR GEORGE LEWIS: The right hon. Gentleman will state what I did say. I had no knowledge whatever of the special case, and did not pretend to speak with any knowledge. What I spoke to was the general duties of the printing Committee.

MR. HORSMAN: That is precisely what I said. The right hon. Gentleman spoke on the authority of the right hon. Baronet the Secretary for India, he himself knowing nothing of the facts. We were placed in not a very agreeable position, labouring, as we did, under the imputation of acting factiously in order to obstruct this Bill, and throwing the blame on the right hon. Gentleman, when, in fact, it rested with the Printing Committee. Well, what really turned out to be the fact? Why, that those papers had been for weeks in the office of the Secretary of State for India; that three days before, according to his own admission in this House, when they were asked for by the hon. Member for Poole (Mr. H. Seymour), the printer made the application known to the Indian Department; it was then made known to the Secretary of State and his

Under-Secretary; they found that those papers were in the hands of the Military Secretary; they went to him desiring him to return them; and they did this within three days of these divisions, during which divisions we were told that the right hon. Gentleman had seen or heard nothing of them for three months. Yet he had kept us in the House insisting that he knew nothing of these papers, and that we were entirely in the wrong in insisting upon their production.

What occurred, again, with respect to other papers? There were certain papers which we also thought most essential for the discussion of this question. In 1858 a correspondence took place between the Commander-in-Chief, the Secretary for War, and the Secretary for India. As soon as the Act of 1858 was passed, the Commander-in-Chief wrote to the War Secretary, who forwarded his letter to the Secretary for India, claiming that the Indian army should be put under the Horse Guards. A notice for the production of that correspondence was placed on the paper by me on the 28th of June. The right hon. Gentleman told me it did not exist. I told him I knew it did exist, and that it was in his own office, and I begged I might have that correspondence. The right hon. Gentleman still insisted that there was no such correspondence; declaring that he had referred to the War Secretary, who had no such letters in his department. I told him that the correspondence was in his own office. He insisted that it was not. I was placed in some difficulty, when at last I got the dates of the correspondence; and the day before yesterday I showed them to the War Secretary. There was a letter from the War Secretary, General Peel, written on the 10th of August, 1858, enclosing a letter from the Duke of Cambridge to Lord Stanley, then President of the Board of Control, dated "Horse Guards, August 2." There is a reply from Lord Stanley of the 17th of August, and another letter from General Peel of the 23rd of August. Lord Stanley's letter was considered unsatisfactory, and General Peel sent a rejoinder; and then Lord Stanley submitted the whole question to the law officers of the Crown, and that was laid regularly before the Council for India. I showed this to the Secretary of State for War. I am very sorry to speak of these things; but when we have to deal with the Secretary of State for India, we are not met with, I will not say that courtesy, but not even with that fairness and plain dealing, which we have a right to expect either from a gentleman, or a Minister of the Crown. I am only repeating now what I have stated before. It was absolutely essential in this matter that we should get our information in an indirect manner on purpose to correct the misinformation we receive from the Secretary of State. Nothing can be more characteristic than some correspondence which I will read to the House, which I happen to have in my pocket, although I certainly did not expect that I should have to read it to-night. As I said before, the right hon. Baronet the Secretary of State for India has withheld information, he has misled us, and at the same time he has endeavoured to press on these Bills at a time when we were not only imperfectly informed, but actually misinformed, upon the facts. Now, here is a correspondence which I think is very characteristic. The day before yesterday I showed to the right hon. Gentleman the Secretary of State for War the list of papers, and asked if there was any objection to my having them, stating that I would place a notice on the paper on Tuesday. He said, "Of course, you will put it in the Votes," and I said, "I will, and move to-morrow." Accordingly, yesterday I moved, but the right hon. Secretary of State for War, it appears, informed his right hon. Colleague of what I had shown him, and yesterday I got this letter:—

"Sir C. Wood presents his compliments to Mr. Horsman, and begs to inform him that he has found in his own office the correspondence between the Secretary of State for the War Department and the Secretary of State for India in 1858,"—the fact is I found it and communicated it the day before yesterday to the Secretary for War,—"a Motion for the production of which Mr. Horsman gave notice of. Mr. Horsman will recollect that on his asking Sir C. Wood if he had any objection to give them, Sir C. Wood said that he had only just seen the notice, but that he understood from Mr. Herbert that there was no such correspondence in existence. Sir C. Wood only became aware of the existence of these papers yesterday, and loses no time in apprising Mr. Horsman. He has no objection to their being produced if Mr. Horsman wishes to move for them as an unopposed return."

I must express my great obligations to the right hon. Gentleman for informing me that he had found them. I had told him three weeks before that they were there, and the day after my giving the precise dates of the letters which enabled him to make a search that resulted in their being found, he is kind enough to communicate

the fact to me, as a piece of good news for which I should be grateful to him. I must say that, considering the right hon. Gentleman received his information from myself, and that this is the second time we have been placed in this very unfair position, and not forgetting that he compelled us to go on dividing at two o'clock, apparently putting us in the wrong by saying we were asking for papers which were not at that time in his office,—remembering all these things, that letter rather surprised me. I wrote this letter in reply :—

"July 18, 1860.

"Mr. Horsman presents his compliments to Sir C. Wood. He has already, at twelve o'clock to-day, moved for the return set down in his name. He did so by Mr. Sidney Herbert's permission, to whom he yesterday showed the exact dates of the letters he asked for, thus proving the existence of what was so strangely unknown to Sir C. Wood. Mr. Horsman protests most strongly against the very careless and inconsiderate manner in which Sir C. Wood deals with Members of the House of Commons in regard to papers that are absolutely essential to a fair consideration of the questions he submits to them. If this return had been granted when it first appeared on the notice-paper, and on the day when Sir C. Wood informed Mr. Horsman the correspondence did not exist, it would ere this have been in the hands of Members. The correspondence (in no sense confidential) was a matter of notoriety—the most casual inquiry in his office must have made it known to Sir C. Wood, and the complaint would have been obviated of his having a second time placed the House at a disadvantage by his strange inability to account for indispensable papers that were in his own possession. It is obvious that if Sir C. Wood presses his India Bills at this late period of the Session very grave questions will be raised, not merely on the merits of the Bills on which he is at issue with the India Council, but also on his relations with the Council, whom he appears to have reduced to an insignificance not contemplated by the Act of 1858, and also on his relations to the House of Commons, which he has not allowed to be possessed of the information it has a right to. The further progress of the Bills must in such circumstances be very strongly and resolutely opposed, and there is every reason for at once including them among those which Lord Palmerston is expected to-morrow to announce his intention of dropping for this Session."

The Cabinet was sitting when I received the right hon. Gentleman's letter, and as I sent my answer at once and by hand, I hope it was submitted to the noble Lord. I then received a second note from the right hon. Gentleman, as follows :—

"Sir Charles Wood presents his compliments to Mr. Horsman, and wishes simply to correct a mistake into which he has fallen as to a matter of fact. Sir C. Wood certainly relied on the information which he received from Mr. Herbert, that the correspondence on the subject of placing the Indian armies under the Horse Guards in 1858, between the Departments of War and India, did not exist. It is impossible, however, that Mr. Herbert could have assented yesterday morning to the production of papers of the existence of which he was then unaware, and only learned from Sir C. Wood this morning. Sir C. Wood understands from Mr. Herbert that what passed between him and Mr. Horsman was not that Mr. Herbert assented to any papers being produced, but that he promised to give an answer to Mr. Horsman in the evening, which he had not an opportunity of doing.

"Downing Street, July 18, 1860."

A verbal inaccuracy is not much, but I showed the paper containing the dates of the correspondence on Tuesday to the right hon. Secretary of State for War, and therefore it was from me that the right hon. Gentleman received his information, and not from his right hon. Colleague. Now, I must press on the noble Lord and the House whether, having asked on the 28th of June for these papers which are essential, having been put off in this manner from day to day by the right hon. Gentleman, having at last succeeded in showing the existence of the papers, and having, with his permission, moved for them only yesterday, I would urge the noble Lord to consider whether he is justified in asking us to-morrow to go on with this Bill.

I heard just now two hon. Gentlemen express their determination to enforce to the utmost the rights of a minority upon this occasion. I would appeal to the House whether there was ever an occasion upon which it was more justifiable to enforce those rights than the present. It is not a question as to the merits of the Bill, but it is a question whether, if only two hon. Members of this House want to give a fair consideration to the Bill, they are not entitled to have an opportunity of receiving information in order to discuss the matter properly. But what else is the right hon. Gentleman doing ? We are now arrived at the 19th of July, and the Government are dropping those Orders of the Day for Bills which they feel at this period of the Session are too important to be passed through without discussion. I believe the earliest period at which the House can possibly rise is very late in August, but at the very time that the Government are dropping these important Bills they are introducing others, and upon the notice-book for to-night there stands at least one measure much more important than any which are not to be proceeded with. The whole administration of the Indian army is to be transferred to the Horse Guards, but what is now going to be done with the Indian Civil Service ? The Government proposes

to appropriate the whole administration of that civil service.

MR. SPEAKER: I must remind the right hon. Gentleman, as I did the hon. Member for Hertford, that when a measure is on the table of this House it is not competent to discuss its merits until the order comes on in due course.

MR. HORSMAN: I am speaking, Sir, of a Bill which is not upon the table, but which the Government have given notice they intend to introduce. I think, when we are taking counsel with the Government as to what measures shall be proceeded with and what shall be withdrawn, it is open to me to remonstrate with the Government when they seek to introduce new matters of debate, and I say that, if we now enter upon a discussion of a measure to put an end to the competitive system in the Indian civil service—that system which has been built up with so much difficulty by Parliament, as the best safeguard against inefficiency and jobbery — if we are to enter upon a discussion of the question on the 19th of July, it is a mockery for Government to drop other Bills because there is not time to discuss them. It shows what is the present system in the Indian Department. Bills are introduced late in the Session, without previous notice, without information, without papers being furnished, and they are to be hurried and smuggled through the House, these most important measures, because the right hon. Gentleman feels that there is only a very small section of the House who take an interest in Indian questions and understand them, and he is able to come down with a majority to overpower the minority, and to pass just what he pleases. There is another thing. It was a very important point which was just raised by the hon. Gentleman opposite (Sir James Elphinstone) which it behoves the House to consider well—whether it is not in itself a reason for proceeding carefully with legislation on a subject when it is known that the Secretary of State is at issue with the whole Council upon it. I believe the House would not have agreed to transfer the government of India to the Crown unless they had believed that the Council would have been a security that Indian affairs would be administered by those who knew something of India. Yet, for the first time, we now hear that the members of this Council are turned into clerks, smothered with papers, and reduced into a position of mere insignificance, as if they were at the beck and nod of the right hon. Gentleman, and held office at his pleasure. When, therefore certain measures have been withdrawn, and other Bills with regard to India, of a very large and important character, are announced to be proceeded with, and upon which the right hon. Gentleman the Secretary of State for India is at variance with the Indian Council, I would earnestly press on the Government the propriety and policy of postponing them to another Session. I must say, expressing an opinion I have heard uttered by many other Gentlemen in this House, that instead of allowing one Secretary of State to overbear the opinions and outweigh the authority of fifteen members of the Council, if the House were polled they would allow the opinions of one member of Council to outweigh those of fifteen Secretaries of State even of the calibre of the right hon. Gentleman, who by some extraordinary piece of fortune, which nobody understands, fills that high office. I beg to repeat that I should be extremely sorry to join in the opposition threatened by hon. Gentlemen opposite, but I am ready to appeal to the House and the country, and I say that, however a small section of the House that takes an interest in this question and has studied it might, in other circumstances, yield to a majority which feels these measures should pass, they ought not, in this instance, to give way, seeing the manner in which the Government has chosen to overbear us in this House, both as to measures and papers —by a treatment, I must say, very different from what we had a right to expect.

SIR GEORGE GREY: Sir, I cannot help expressing the surprise and regret I feel that the right hon. Gentleman the Member for Stroud should have taken the present opportunity, without any notice, of making the attack he has done on my right hon. Friend in his absence. The right hon. Gentleman came down here with documents which it was clearly his intention to read to the House, making, not a fair criticism on the public conduct of my right hon. Friend, but an attack on his private character and honour, which I am only the less surprised to hear, because we have been in the habit of hearing attacks from the right hon. Gentleman of a character different from those of any other Gentleman in this House. With regard to the first subject of attack, my right hon. Friend himself made an explanation to the House. He took the earliest opportunity, after as-

certaining the facts, of stating them to the House, with regard to the papers the production of which was called for on the second reading of the Bill; and I believe my right hon. Friend entirely satisfied the House upon the subject. I am sorry the right hon. Gentleman, after that statement, which was, I believe, entirely satisfactory to the House—should have thought it necessary to repeat charges against my right hon. Friend in his absence—coming down to the House armed with correspondence and documents by which he endeavoured—but I am sure I may appeal to the House to confirm me when I say vainly endeavoured—to depreciate the honour of my right hon. Friend, and establish against him a charge of fraud, which I am sure the right hon. Gentleman himself will regret when he comes calmly to reflect on his conduct. I say nothing more on that point, but I feel, from the long experience I have had in this House, that what I have said must meet with the general concurrence of hon. Members.

With regard to the question which has been raised as to the progress of certain Bills, I must say, if we are to do any business at all, it will be better to confine our attention to what is before us, and not anticipate discussions on Bills placed on the Paper either for this evening or to-morrow. The hon. Baronet the Member for Hertford (Sir Minto Farquhar) objects to two Notices on the Paper to-night. I have not the advantage which it seems the right hon. Gentleman the Member for Stroud possesses of knowing the precise contents of the Bill of which notice has been given. I very much doubt whether his statement of the contents will be found to be correct. I do not profess to know what the contents may be; but, admitting fully that it would be inexpedient now to introduce Bills which are not indispensably necessary, it is premature to anticipate the discussion which will arise when the subject comes regularly before us. My right hon. Friend will state what are the general objects and purport of these Bills, and why he considers it desirable that they should be introduced now. [Several hon. MEMBERS: At what hour?] I do not know at what hour as that must depend on the progress of other business. When he makes that statement he will give his reasons why they ought to be passed this Session, and when the measures are introduced, even if they are not proceeded with, it may be of advantage to the public to know what the proposals are. When they have been introduced will be the proper time to raise the objection, and the House may, if so disposed, decline to proceed with them. So with regard to the Indian Army Amalgamation Bill, if it is brought forward to-morrow, and if the right hon. Gentleman thinks there are papers which it is essential the House should have in its possession before that Bill be proceeded with in Committee, he may state the reasons which have led him to that opinion, and the House has it in its own power then to prevent the Bill from being proceeded with; but it is too much for the right hon. Gentleman to say "I hold it essential that these papers should be produced, and I insist now that that Bill shall not proceed to-morrow." If it be on the Paper to-morrow, and if my right hon. Friend move that it be proceeded with, then will be the time for the right hon. Gentleman to object, and state his reasons for thinking it should not be proceeded with. I do hope the House will not allow the regular course of business to be interfered with by irrelevant discussions as to the relative position and power of the Secretary of State and the Indian Council. I believe, when the subject comes to be discussed, it will be found that my right hon. Friend has acted in strict conformity with the law on this subject. I am only sorry that my right hon. Friend had no notice of the intention of the right hon. Gentleman to read the documents which he has read, and to bring his charges against him in the manner he has done.

MR. HORSMAN said, he had not seen the Bills, but he spoke of the India Civil Service Bill as a matter of notoriety, and he stated only what he did because he was surprised to learn from the noble Lord that the Indian Army Bill was to be proceeded with the first thing to-morrow night.

SIR MINTO FARQUHAR said, he had not seen the Bill, but he understood that there was a clause in it which would affect the civil service in India.

MR. T. G. BARING: I can assure hon. Members there is not the slightest wish to withhold papers connected with the Indian army question, but, on the contrary, every information has been given which it is in the power of the Secretary of State for India to produce. In fact, those who have looked at the papers must admit that they have been produced, I may almost say *ad nauseam*. So far from withholding information, even confidential papers have been produced which it was unusual to give

in similar cases. The right hon. Gentleman the Member for Stroud has mis-stated the explanation given by my right hon. Friend as to the papers relating to the discharge of men last year. The papers were not in the possession of my right hon. Friend at all.

MR. HORSMAN: I said they were in the possession of the Military Secretary, in the Secretary of State's office.

MR. T. G. BARING: As the right hon. Gentleman says they were not in my right hon. Friend's possession, I am satisfied with that explanation. The truth is, a large mass of papers were ordered to be printed, and some delay arose in the correction of the proofs in the India Office, which was brought to my notice two or three days before the debate came on, when it was at once put an end to. On my own authority, I can say that my right hon. Friend had no knowledge whatever of those papers. They were entirely in the hands of the Military Secretary, Colonel Baker, and I myself had no knowledge of the proofs being corrected at the India Office until within a few days of the debate. With regard to the other papers alluded to by the right hon. Gentleman, as soon as my right hon. Friend ascertained that they existed he communicated the fact to the right hon. Gentleman, and stated that if he would move for them they would be given as an unopposed return. It should, however, be remembered that the correspondence did not take place with the present Secretary of State for India, and, being a correspondence between departments, the matter was naturally referred to the Secretary of State for War. I think the right hon. Gentleman should be careful how he brings such charges against my right hon. Friend, without the slightest ground of any sort or description. As the right hon. Gentleman assumes—and it is an entire assumption on his part—that these papers are so essential, I may take on myself the responsibility of stating that the Indian Army Bill will not be proceeded with to-morrow night. The production of these papers, however, could have no effect on the decision already arrived at by a large majority of the House on this important question.

SIR JAMES FERGUSSON: I wish to say, Sir, that a previous conversation which I had with the right hon. Member for Stroud amply bore out what he has now stated. I had intended to place on the Paper a notice for to-morrow on the subject of the Indian Army Bill, and the right hon. Gentleman told me that the Bill could not come on to-morrow because he could not believe the Government would press it forward without first presenting the papers which were at the India House. The right hon. Gentleman also referred to the correspondence he has just read, and said it was his intention to show these letters to the noble Viscount at the head of the Government, as he thought that would be more courteous than to read them to the House. I think, therefore, the right hon. Gentleman has said no more than he actually felt, and that it was only in consequence of the unexpected statement which has been made on the part of the Government that he read the documents which he has done to-night. After the answer given by the noble Lord to the right hon. Member for Droitwich (Sir John Pakington), I do not think the right hon. Gentleman the Chancellor for the Duchy had a right to administer the reproof which he gave to the right hon. Member for Stroud. The noble Lord, when objection was raised to Supply being taken on the ground that many hon. Gentlemen did not expect it to be brought on, replied that hon. Members ought to be in their places. Considering that the Secretary of State for India must have known, although the House could not, that the Bankruptcy Bill was to be withdrawn, he must have supposed that, if important legislation with respect to India were to be pressed forward, the House would give to that legislation some discussion. I think, therefore, that the right hon. Member for Stroud has not been proved to have taken any unfair advantage of the absence of the Secretary of State for India.

LORD JOHN RUSSELL: I cannot but think that there is a further portion of this correspondence which the right hon. Gentleman has not read. There must be another letter to this effect:—Mr. Horsman presents his compliments to Sir Charles Wood, and begs to give him notice that it is his intention to make a personal attack upon him in the House to-night. And another still to this effect:—Mr. Horsman presents his compliments to Mr. Sidney Herbert, and begs to give him notice that he means to refer to-night in the House of Commons to a private conversation he has had with him. It is much to be lamented that the right hon. Gentleman has not read those letters, because they would

have placed his conduct in a clear light before the House. But it is so constantly done in such cases that it is impossible the right hon. Gentleman can have omitted what is so necessary and, at the same time, so usual a practice among gentlemen. There is another point on which, though I wish to avoid all discussion on it at the present moment, I feel that the reproaches directed against my right hon. Friend the Secretary for India are wholly undeserved. It is said that my right hon. Friend does not attend to the advice of his Indian Council. But I must remind the House that it is the business of my right hon. Friend on grave questions of policy to consider, not the opinion of his council, nor even his own opinion, but the opinion of Her Majesty's confidential advisers, who must ultimately decide all questions of policy, whether they regard the interests of India or the general interests of the empire. With regard to this particular question, we heard lately a very fair and candid statement from the right hon. and gallant General the Member for Huntingdon, who stated that among the witnesses who came to give evidence before the Indian Army Commission, one thing was plain, that every man who held a military position in India, or a civil position there, was of opinion that there ought to be a local army in India, and, on the other hand, every man who held a position in the military service of this country was of opinion that there ought to be no local army. That was a question, therefore, which my right hon. Friend had to decide, not on his own authority, but according to the advice of others; and the question really comes to this, whether it is right that my right hon. Friend should consult first the Members of the Cabinet individually, and then place the question for decision before the whole Cabinet, or whether he should in the first instance lay the matter before the Indian Council and consult them, and then turn round and say, I have got the opinion of the Indian Council and I shall act upon it, no matter what may be the opinion of the other Cabinet Ministers and advisers of the Crown. That was the alternative before my right hon. Friend, and I leave it to the House which it was his duty to adopt.

MR. MONCKTON MILNES: I trust, Sir, this great question will not be embarrassed by personal considerations. After much doubt and difficulty in the course of the discussion on the Bill for the better Government of India, we decided that the Members of the Indian Council should not be eligible for seats in this House. I regretted that decision at the time, and I regret it now, because if gentlemen of such weight and dignity as those who composed that Council were here, I am sure these discussions would be conducted in a far better manner than they now possibly can be, when we are compelled to trust so much to rumour and private information, and can understand the relations between the Minister for India and his Council only by those indirect means which necessarily carry with them great personal inconvenience. Much excuse might, therefore, be made for the hon. Member for Stroud, who could by these indirect means alone inform himself thoroughly of what I believe to be the main point in this question—namely, the difference between the Minister for India and the Council given him to advise him. If one isolated measure had been submitted to the House it might have stood on its own merits, and required no collateral discussion; but when we see the Government compelled by necessity to give up a Bill in which I believe the interests of this House are as much concerned as in any Bill ever laid before Parliament, and find that new Bills are to be introduced at the eleventh hour of the Session, which require for their discussion much time and all the information which can be brought to bear upon them, I say I am impressed with the conviction that there must be some intention which we do not entirely understand in the adoption of such a policy by the Indian Minister. It is impossible to avoid feeling that the object of the Government and of the Indian Minister in bringing forward a series of measures upon which he is known to differ from his Council, is to depreciate that Council in public estimation, and to enable the right hon. Gentleman to assume the position of Monarch of India, which I am certain this House never intended he should hold.

MR. HORSMAN: Sir, I wish to explain. I saw both the Secretary of State for India and the Secretary of State for War in this House shortly before I rose to address it. I believed they were both here.

MR. DISRAELI: I agree with the noble Lord—indeed, it is unquestionable—that it is most agreeable to every Gentleman's feelings, when he has a personal charge to make, that he should make it in the presence of the persons concerned. But at the same time I am bound to express my own im-

pression as regards the conduct of the right hon. Member for Stroud, that he certainly did not come forward this evening to make a charge of a personal character with any notion that the Minister whom it affected would be absent. The noble Lord commenced our debates this evening by laying it down as the duty of a Member of Parliament always to be in his place. I agree with the noble Lord that that is a position which ought as much as possible to be enforced, because there would be no end to the postponements of public business if the presence or absence of hon. Members interested in it were to be accepted as a sufficient excuse. Allegations of that kind are, I think, much too frequently heard. But as regards numbers of Members in a popular Chamber, the noble Lord's doctrine that they ought always to be present must, to some extent be only a theory, whereas Ministers of the Crown ought, generally speaking, to be always here in practice. It must have been a secret to everybody but the Members of the Government that the Bankruptcy Bill would be to-night withdrawn. The next order on the Paper is Supply, and during its consideration every Minister ought to be in his place, because it is impossible to tell what questions may not then be brought forward affecting the general policy of the country. The two right hon. Gentlemen who have been alluded to were not in this House when the right hon. Member for Stroud made his statement, although it seems they were here shortly before. Had that right hon. Member postponed his statement till to-morrow I feel bound to say, I think that if his great object was to secure the adjournment of the measure on the Indian army, that statement would have been made with much less effect than when made to-day. Because, when the House had met and the Government had announced their first measure to be that relating to the Indian army, whatever might have been the statement made, and however much time might have been lost in personal recriminations, I doubt whether the Government would have felt it consistent with their dignity to withdraw a measure of which they had given notice. They have now had an opportunity, of which I think they have wisely availed themselves, to announce to the House that they will not press on that measure to-morrow; but will allow us to have those papers, on the production of which it is but fair that we should insist.

Mr. Disraeli

I would make one observation on the conduct of the right hon. Gentleman. It appears to me that, in consequence of the declaration of the noble Lord, and feeling the responsibility of his own position in regard to this measure, it was very difficult for the right hon. Member for Stroud not to make the personal statement which he has done to-night, although we must certainly all regret that the Ministers who are concerned were not present. For my own part—and I believe I only express the feeling of every hon. Member—I shall form no opinion unfavourable to those Ministers until they have had an opportunity of being heard. I cannot help, however, stating my impression, which I believe is shared by many, that the relations of the Indian Administration with this House are not in so satisfactory a state as they might be. After the passing of the Act of 1858 it was quite clear that the relations between the House of Commons and the Government of India assumed a different character from that of the preceding period, when the East India Company ruled with the prescription of long years, exercised with weight and authority, and resting on a system of administration which had been approved by experience. It is quite clear that after the change the responsibility of Parliament generally in the administration of India was much increased. Therefore it became the duty of the Government to take care that any measures which required the sanction of Parliament should be introduced at a period when they could be amply and sufficiently discussed, and should be preceded by ample and sufficient information. No doubt, the unfortunate circumstances which have influenced this Session with respect to business generally have had their effect upon these measures for the administration of India, but, although I am not disposed to attribute to the Government the Machiavelian design which has been imputed to them by the hon. Member who has just spoken, still the fact remains that at the end of the Session the House is called upon to discuss most serious and most important measures. That is a state of affairs which is very much to be regretted, and therefore the Government ought not to be surprised if there is some impatience—even some jealousy among those hon. Members who are peculiarly interested in the affairs of India when they find that there is a chance of the House being hurried into a decision upon those measures in a

manner which can hardly be satisfactory, even to those who approve them. Under these circumstances I highly approve the decision of the Government not to force on the discussion of the first of those measures to-morrow. No doubt, before that debate comes on papers will be produced, and we shall approach the question with advantages which we do not now possess. In the meantime I shall express my hope and my belief that when the right hon. Gentlemen whose conduct has been referred to, and whose absence we regret, appear in their places, we shall receive from them a perfectly satisfactory account of the circumstances which have been stated by the right hon. Gentleman the Member for Stroud. We all know from our own experience that great misconceptions may arise between Gentlemen, which may easily be removed by personal explanation, but which correspondence, even if as complete as the noble Lord has suggested that it ought to be, sometimes only increases. I trust and believe that when an opportunity arises explanations will be given which will be quite satisfactory, and I am sure that the House generally will approve the course which has been adopted by the Government with regard to the European Forces (India) Bill.

VISCOUNT PALMERSTON: The right hon. Gentleman seems to imagine that I stated broadly that it is the duty of every Member of the House to be present upon every occasion. I did not mean to impose such a tax upon the time and endurance of hon. Members. What I said was that those who intended to take part in the discussion of any measure which stood upon the Paper for the evening ought to come down, because they could not be sure that the Orders which preceded it might not go off, either on account of the unavoidable absence of those who had charge of them, or from some other cause.

SIR HENRY WILLOUGHBY wished to ask whether it was intended by the Government to propose a loan for India this year. Looking to the finances, he thought such a measure would be necessary, and, if so, the House ought to have early notice. With regard to the statement made by the right hon. Member for Stroud, he was sure it had been made through an earnest anxiety to show the necessity for delaying the consideration of the measure to abolish the Indian army. There was a question that had never yet received the attention of the House, though he could hardly conceive a more important one: he meant the effect which the addition of 100,000 men to the control and patronage of the Horse Guards would have both on the Indian Empire and on our own Government; and anything which tended to show what were the opinions of the Commander-in-Chief or of other persons in this country on that subject was of the highest importance. Some observations had fallen from the noble Lord the Secretary for Foreign Affairs with regard to the Indian Council. That noble Lord two years ago voted in a strong minority against the proposition that the Members of the Indian Council should not have seats in this House. [Lord JOHN RUSSELL: Hear, hear!] He thought the House had reason enough to regret the decision to which they then came, because they were suffering the disadvantage of discussing the composition of the Indian army without having the opinions of that Council, many of whom were men of great eminence. For his part he could not see that either the Cabinet or the House would have been at all the worse if they had taken the opinions of those distinguished men before they came to any decision on the subject.

SIR GEORGE LEWIS: If the hon. Baronet will put his question with regard to the loan to my right hon. Friend the Secretary of State for India to-night, or will give notice of it for another evening, he will, no doubt, receive a proper answer. I will only venture to say a few words to the House with reference to the powers of the Council of India. Under the former Act it was in the power of the President of the Board of Control completely to overrule the Court of Directors, and to order them to write any despatch that he thought fit; therefore it is quite a mistake to suppose that the Secretary of State for India possesses power which was not enjoyed by the President of the Board of Control. One consideration which has been overlooked is that the Council of India is merely a council for advising the Secretary of State upon matters relating to the administration of the affairs of India, those matters which are within the operation of the Act, and upon which the Secretary of State has to take some positive measure. With regard to any legislation, any Bill which he has to bring into this House that is not an administrative act, is not an act which he does in his capacity of Secretary of State for India, but in his capacity

of a Member of this House. Of course, he is bound to consult his colleagues in the Cabinet, but it is not a matter which he can in any way regularly bring under the view of the Council. If hon. Gentlemen will look at the words of the Act they will see that it is not competent to the Secretary of State for India to consult his Council as to whether he shall propose a Bill for introduction into this House; nor could they, under the words of the Act, record their dissent from the course which he proposed to adopt. All he can do is, when they are assembled, to inform them, if he thinks fit, of his intention, and to profit by their advice. What I understand from my right hon. Friend the Secretary for India is, that he was in private conversation apprised of the opinions of the Members of his Council upon this question of the army before he brought in the Bill. He knew that they were unfavourable to his proposition, but it was not competent to him within the terms of the Act to propose to the Council that he should bring a Bill into Parliament and enable them to record their dissent from that course. Therefore, in discussing this question the House should distinctly bear in mind the difference between the legislative proposals which the Secretary of State introduces into this House as a Member of the House, such as the Bills he seeks to introduce to-night, and the orders which he sends to the Governor General, or the other Governors in India, or any other act which he does in this country in his administrative capacity as Secretary of State for India.

SIR EDWARD COLEBROOKE said, he must deprecate, without any reference to the right hon. Gentleman at present Secretary of State for India, the manner in which measures relating to India were dealt with. Not only were they introduced at a late period, but the information which was necessary for their proper consideration was delayed till it was almost useless. The House had been entrapped into a hasty decision upon the second reading of the European Forces Bill. It was only on the morning of the division that important papers relating to what was so strangely called the mutiny of the European troops were placed in the hands of Members. They ought, he thought, to give a fair consideration to the views of hon. Gentlemen founded on papers recently presented to the House, and which were very much at variance with statements that had been hitherto made, and threw an entirely new light upon the question. The other papers had such a direct bearing upon the matter to be discussed that they certainly ought to be placed in the hands of Members before any further discussion took place. There was also no doubt that if the opinion of the Council had been favourable to his policy the right hon. Baronet would have been the first to have come down to the House and to have made it a great point.

MR. HENLEY said, that it appeared to him that the remarks of the Home Secretary would give occasion to hon. Members to sharpen their wits by the very subtle distinctions he had laid down in the construction to be placed on the Act of Parliament. He told the House that the President of the Board of Control could compel the Directors to send out what orders he liked to India, and therefore the Secretary of State had no more power now than the President had before. No one doubted that, but it was not the point. He also laid it down that the duty of the Council was to advise the Secretary of State for India in matters of administration in India, but that when it came to matters of legislation, then he did not propose measures as Secretary of State for India, but as a Member of Parliament. Now, that was an uncommonly subtle distinction. Was the House, then, to understand that this Bill was brought in by the Secretary of State for India, or by the Member for Halifax? That was the first question. And then, where was the distinction between matters of administration in India and matters of legislation, if the former required the help of legislation to carry them out? Suppose that some question of dealing with the religious prejudices of the Natives of India arose, upon which the legislative authority of that House was required. It was most unlikely that any such authority would be given; but was that the sort of question upon which the Council was or was not to be consulted? The explanation of the right hon. Gentleman seemed so far to narrow the ground that it was very difficult to say on what questions the Council were to be consulted.

SIR GEORGE LEWIS said, he wished to explain that when he alluded to legislative power he spoke of legislation in that House of Parliament, and not of legislation in India; and he had referred to the measures which his right hon. Friend (Sir

Charles Wood) had introduced, not simply as Secretary of State, but as a Member of that House [Mr. HENLEY: Hear!]—such measures as he would be unable to introduce if he were merely Secretary of State for India, and not a Member of that House.

GREENWICH HOSPITAL.

SIR CHARLES NAPIER, in rising to move that the Report of the Committee on Greenwich Hospital be carried into effect, said that the Report reflected great credit upon its authors. Greenwich Hospital was founded by William III. at the request of his Queen. Certain rules were laid down, describing the object and management of the hospital, from which it was evident that Greenwich Hospital was founded for the benefit of disabled and wounded seamen, to provide for the orphans of those who were killed and wounded, and also for the wives, widows, and children of disabled seamen. These children were to be received, educated, and taught to maintain themselves. Subsequent provisions were made that the children of merchant seamen who had been killed in action or drowned should be received in the hospital, and it was also clear that the advantages of the hospital were not to be obtained by any naval persons above the degree of master's mate. In 1705, 100 seamen were entered in Greenwich Hospital under the regulation then made; in 1706 another 100 were entered, and so on until in the year 1814, 2,710 had been entered. The number had been since fixed at 2,642. In 1814 the Government granted pensions to seamen for length of service amounting to 9*d.* a day for fifteen years' service, and 1*s.* a day for twenty years' service, and those pensions were given on precisely the same grounds as the half pay to officers after a war. From 1814 to 1829, no less than £2,000,000 of Greenwich Hospital money had been paid as pensions to seamen for length of service by the Government. It was then found out that the pensions were illegally paid out of these funds, and an Act of Parliament was passed exculpating the Government, which had since paid the pensions out of the usual Estimates. The number of vacancies in Greenwich Hospital had gone on increasing from only eleven vacancies in 1848 to 1,124 vacancies in 1860. Would any one believe that if the funds of Greenwich Hospital had been properly administered, there would now be 1,124 vacancies? The seamen of the most valuable class, according to the Commissioners, were unwilling to enter Greenwich Hospital under the existing regulations, and hence the diminution in the number of inmates. It was plain, however, that 9*d.* or even 1*s.* a day was not sufficient to maintain men in the same comfort as they would have in Greenwich Hospital if the rules were properly administered. He was not going to find fault with the present or the late Board of Admiralty, but he found fault with all the Boards of Admiralty for the last sixty or seventy years, because they had not paid to Greenwich Hospital the attention which it deserved. But that was always to be expected whenever any Board had too much to do. Those Governments had not even taken the pains to inform seamen scattered throughout the country of their right of admission to the hospital. A poor wounded sailor living in the north of Scotland or at the Land's End knew no more of Greenwich Hospital than the Man in the Moon. Even if seamen did know and wished to enter, they were usually obliged to beg their way up to town, and that was a thing which the defenders of their country ought not to be reduced to. In the hospital all distinctions of rank were effaced, and badges of good conduct carried with them neither emolument nor practical distinction. Was that the way in which the seamen of England—men who had served for twenty or thirty years in all parts of the world—ought to be treated? Another grievance was that when a pensioner obtained leave of absence to visit his relatives his rations were stopped, and he was allowed no payment in lieu of them. The consequence was that he was obliged to beg his way back to the hospital. He thought that seamen and the public were under a deep debt of gratitude to the hon. Member for Gateshead and his colleagues on the Commission for their Report, and the way in which they had laid bare the iniquitous system which had been going on in the hospital for seventy or eighty years. Until he (Sir Charles Napier) brought the subject forward last year, nothing was comparatively known of that system, and even then the Government asked him very hard for a reprieve. Nothing could be more irksome than the lives of these poor people, shut up as they were in a state of idleness in the hospital. It was not very astonishing then to find them flocking to the public-houses when they got out, because after their mere material wants had

been cared for in the hospital, they had no kind of amusement or employment to while away the time. Indeed, the Admiralty seemed to take a delight in depriving these poor men of everything which could make life bearable, for it was not many years ago that some little employment in supplying small articles to the navy was taken away from them, although they were only paid half what the article cost when it was supplied by others. Then with regard to the wives and widows of the seamen, for whose benefit also the hospital had been designed, the Report of the Commissioners stated that the wives were wholly ignored, that they received nothing but the broken food and offal of the hospital. And even when they washed their husband's linen they received no portion of the money, which was thereby saved to the hospital. He admitted that when an outpensioner went into Greenwich Hospital, he should give up his pension to the hospital in return for the subsistence and comforts he obtained there; but if a seaman had been wounded, and had lost, perhaps, a limb, he maintained that the pension given to the seamen on that account should not be taken from him on his entering Greenwich Hospital. These pensions were given to the seamen in the same way as to officers, and it was extraordinary, if the latter retained the pensions, that the former were not allowed to do so. The Commissioners stated that the officers had no business in Greenwich Hospital as pensioners. By Act of Parliament no persons above the rank of a master's mate had any right there as pensioners or on the foundation, though they might be in the hospital to do the necessary duties of supervision as governor or captain. If the whole of the funds of Greenwich Hospital were laid hold of and divided among the men, they would receive a much larger allowance, and would be made more comfortable, than at present. But in a national point of view he admitted that it was proper, by maintaining the hospital, to show the world how well England took care of her seamen. The Commissioners said that unless their suggestions were adopted it would be better to turn the place into an infirmary for sick seamen. But he was far from wishing to see that done, for at present it stood as a noble monument, and as the ships passed up and down the river the sailors might point to it and say, "There is a place for me to go when I am worn out in the service of my country." In

Sir Charles Napier

that way men were induced to enter the navy, as the best profession they could adopt. With regard to the salaries of the officers attached to the hospital, the large sum which went in this way crippled the funds of the hospital altogether. There were then the Civil Commissioners, who had been, in his opinion, the cause of much of the mismanagement existing at Greenwich. They were supposed to meet once a week, or oftener if necessary; and, in point of fact, they met every Thursday, and passed a couple of hours or so in transacting the business which devolved upon them. Two of these Commissioners resided in London, and could know nothing of what went on at Greenwich. Then as to the schools, the Commissioners reported that now the female school was abolished the female children of pensioners were left uncared for, and in many instances became additions to the unfortunate creatures who frequented the streets of Greenwich. Such a state of things was most discreditable, and ought to be instantly remedied. Then as to the boys' schools he would confine the lower school to the sons of sailors, who would receive a plain education to fit them for the profession of sailors; but if any boy exhibited especial talent he should be removed to the upper school. Upon the question of expense, the Commissioners showed that if the reforms they proposed were carried out, a smaller number of officers would suffice at a greatly diminished cost. Upon one point he did not agree with the Commissioners. He thought the Governor, although he was not the working head, ought to be allowed a house in which he could befittingly receive Royalty whenever the hospital was honoured by its presence. He quite approved the suggestion that the superintendent with the rank of Rear-Admiral, and two captains, should be appointed only for the space of five years, as that would insure active and efficient officers. It was high time something was done to fill up the ranks of the navy, for at present all our attempts to create a reserve had failed. The new reserve scheme had only produced 1,300 men instead of 30,000 men, and in this great maritime country it was disgraceful to find such a lack of volunteers to man our ships. The disgrace, however, chiefly attached to those who ruled the country, and if the noble Lord would only announce that Greenwich Hospital—the seamen's palace, and the provision of a grateful country for honest services—should be placed upon a proper

footing, such a declaration would obviate much of the difficulty now experienced in obtaining men for the navy.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words, "it is the opinion of this House that the Report of the Commission on Greenwich Hospital should be carried into effect."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

ADMIRAL WALCOTT, in seconding the Motion said, the Commissioners had in his opinion discharged with great ability and fidelity the duties which they had been appointed to perform. From the evidence which was adduced before them there could be no doubt that Greenwich Hospital had long been neglected, and it was, he thought, to be regretted that our seamen should be compelled to come to that House for that redress and encouragement which ought to have been afforded them by the Board of Admiralty, which might, of its own authority, have carried into effect the essential recommendations of the Commissioners. His hon. and gallant Friend (Sir Charles Napier) had gone so fully into the details of the bad working of the present system in the Hospital, that he need not enter at any length into the subject. One fact, however, he might be permitted to state, and that was, in those cases in which an allowance of 10*d.* a day was made to the seamen having families living out of the Hospital for the purpose of maintaining themselves, they preferred almost dying of illness to going into the Infirmary, because when they did so the allowance of 10*d.* a day was stopped, and their ability to support their wives and children at an end whilst continuing in the Infirmary. He thanked his gallant Friend (Sir Charles Napier) for having brought similar cases of hardship under the notice of the House, particularly in regard to the schools. He wished, before he sat down, to remind him that he had on a previous occasion mentioned an instance in which he said a seaman who had lost a limb had received a pension of a shilling a day only for a year. Now, when his gallant Friend had made that statement he doubted its accuracy, and on subsequent inquiry he ascertained that when men were so disabled, a pension varying from 1*s.* to 2*s.* was granted to each in the first instance only for a year, but then at the end of that time the pensioner was re-surveyed with the view of discovering the extent of his disability, and a permanent pension of 1*s.*, 1*s.* 6*d.*, or 2*s.* was conferred upon him, the amount depending upon the extent of power which his injury left him to assist himself. He indulged the hope that all sensible modifications in the conduct, discipline, and management of the Hospital for its better efficiency and the comfort of the Pensioners, would at once be carried out by the Board of Admiralty in the event the Motion of his gallant Friend might not be acceeded to by the House.

SIR CHARLES NAPIER said, that he had spoken upon the authority of a certificate given to one of the men.

LORD CLARENCE PAGET said, he was very much obliged to his gallant Friend who had just spoken for having removed the impression which the remarks made by the hon. and gallant Admiral the Member for Southwark on a former evening were calculated to convey with respect to the conduct of the Admiralty in granting pensions. He had unfortunately spoken before the gallant Admiral on that occasion, as he was generally compelled to do before the Admirals addressed the House, and, therefore, he had not had an opportunity of contradicting his statement, that a poor man who had lost a limb had received a pension only for a year—a statement which he was surprised an officer of his experience in the service did not at once perceive must be incorrect. Now, the fact was, that when a sailor lost a limb a provisional pension was granted him, with a view of affording a given time to ascertain whether the injury done him was or was not so severe as to prevent him from doing anything to earn his own livelihood, by the result of which injury the permanent amount of his pension was regulated. In taking that course the Admiralty were actuated by the most humane feeling, and certainly did not deserve to be stigmatized as having committed an act so unworthy of the department as that to which the hon. and gallant Admiral had referred. Passing, however, from that point, he must express his regret that his hon. and gallant Friend opposite (Admiral Walcott) appeared, to some extent, to find fault with the Admiralty for not having taken upon themselves the reform of Greenwich Hospital. If his hon. and gallant Friend, however, supposed they would have time to enter into an investigation

of all the details connected with the working of that old and extensive institution, he could hardly have formed an adequate idea of the various other duties which they had to perform. For his own part, he thought his noble Friend the Duke of Somerset, and his colleagues at the Admiralty, had taken a wiser course—being aware that there were many matters connected with the Hospital which required revision—in appointing a Commission to inquire into the subject, composed of able men who could give due time to its full investigation, and arrive at correct conclusions with respect to the requirements of the case. To that Commission he could not allude without offering his thanks, and those of the Government, to the hon. Gentleman the Member for Gateshead (Mr. Hutt) and his colleagues, who had devoted much time and attention to the objects of the inquiry, and the result of whose labours was a most valuable and interesting Report.

He now came to the Motion before the House, to which he could not assent in the shape in which it stood. Indeed, the proposer of that Motion had himself furnished abundant grounds for not agreeing to it, inasmuch, while asking that the Report of the Commissioners should be carried into effect, he had found fault with several of the recommendations which that Report contained. Her Majesty's Government—he would not say had actually decided—but were prepared immediately to give their attention to a plan for effecting improvements in the schools, a subject which formed one of the most important branches of the Report; and if the gallant Admiral would alter the terms of his Motion to those in which it stood on the Paper a few days ago, he should offer no opposition on the part of the Government to its adoption. Action could be taken in reference to the schools without there being a necessity for any Act of Parliament, and the matter was one that was really pressing and important. In very much of what the gallant Admiral had said as to the defects of those schools he entirely concurred, and he hoped that in a short time the plan which was at present before the Board might be carried into effect. It could not be denied that there was one point in which the Commissioners gave a very favourable, perhaps, too favourable a view—namely, as to the revenues of the Hospital. One of their proposals was that the seamen entering Greenwich Hospital should retain their pensions, but that these should be applied in support of that establishment. On the propriety of this system he would not offer any opinion, but it was evident that it amounted, in other words, to a proposal for doubling the yearly subsidy to the Hospital, the probable increase being calculated at something like £20,000. The Commissioners, in recommending that very large expenses should be incurred in increasing the accommodation of the building, were clearly calculating on an excess of income, which he could not think Her Majesty's Government would be justified in contemplating without an express grant on the part of the House of Commons. A point demanding the serious attention of the Board of Admiralty, which would be given to it the moment they had time at their disposal during the recess, was the question of providing accommodation for the wives and children of the pensioners. Various proposals had been made by the Commissioners, one being that part of the hospital should be appropriated towards the residence of married pensioners and their families; another that model lodging-houses should be built; and a third, that certain houses in the town of Greenwich, forming part of the property of the hospital, should be allotted to the wives of pensioners. These were all valuable suggestions; but there was one point in the Report with which he was unable to agree. There seemed to be throughout a feeling on the part of the Commissioners that because the hospital was capable of containing 2,700 persons it was necessary that it should be always filled with that number. It ought to be borne in mind that the institution was one not calculated exclusively for time of peace, but mainly for seasons of war, when, after great battles, enormous numbers of wounded sailors, maimed and crippled in every way, came to Greenwich to find a home. It therefore seemed advisable to him that the hospital should not be filled all at once, but that regard should be had to its purposes of ultimate utility in the event of war. Recommendations with respect to the constitution of the establishment and the redistribution or diminution of the officers were embodied in the Report, but in the opinion of the Admiralty it was very doubtful whether these arrangements could be carried out till an Act of Parliament had been obtained for the purpose. They could scarcely be charged with neglect of duty in not having carried out all the suggestions contained in a Report which had

Lord Clarence Paget

only been two months in their possession, and which it was only due to the officers of the hospital to submit in the first instance for their consideration. As he had already mentioned, the Admiralty had prepared a plan for the improvement of the schools, which he hoped before long would be carried into effect, and during the recess the questions of the model lodging-houses and other matters for the comfort of the pensioners would be taken up; and when Parliament met again the Board would be prepared to state the course they would adopt in reference to this Report.

SIR MICHAEL SEYMOUR said, that he shared the feeling of regret expressed by the Commissioners in their Report that a noble institution like Greenwich Hospital had fallen so far short of the intentions of its founder. He found that in 1805 the charge for salaries and maintenance of the institution amounted to £21,800; it supported 2,460 pensioners, the expenses in connection with them being £69,700. In 1859 the amount of salaries and maintenance had increased to £55,700; only 1,600 pensioners were sheltered by the hospital, the cost of whom had fallen to £44,000. The upper school too was far too predominant in numbers, and he thought that patronage had much to do with the increase. He had the greatest pleasure, therefore, in supporting the Motion of his gallant Friend.

MR. BRISCOE said, that although he had not the honour of belonging to the profession of the navy he wished to say that he thought the thanks of the House were due to the gallant Admiral who had brought this subject under their notice, and also to the Commissioners who had investigated it with so much ability. Their Report ought to be studied by every person who took an interest in the welfare of the navy. As to the answer of the noble Lord, he could not receive it with entire satisfaction. He was glad to hear that the Government intended to consider the subject of the schools and model lodging-houses; but the most important question was the proper application of the funds of the hospital. He was sure that no one who had read the Report of the Commission could come to any other conclusion than that there had been a scandalous misapplication of the funds of Greenwich Hospital, and that great injustice had been done to the seamen of the country. He believed that there was no necessity for an Act of Parliament, and that the Board of Admiralty had full powers to carry out the main recommendations of the Commission, which was all that the gallant Admiral required. He wished that the Government had promised that the funds, amounting to £156,000 a year, should in future be applied faithfully to the benefit of our sailors and of their widows and children. There could be no excuse of want of money, because there was a surplus of £28,000 a year, and the expenditure of that surplus in mining operations was, to say the least of it, very doubtful. There was little difference between the Resolution to which the noble Lord the Secretary of the Admiralty was ready to assent and the Resolution of the gallant Admiral. If pressed to a division, he should give the Motion his cordial support.

LORD JOHN RUSSELL said, he did not think that his hon. Friend (Mr. Briscoe) exactly understood how this question had arisen. His hon. Friend seemed to imagine that this Report had somehow fallen from the skies, and that the Admiralty felt great unwillingness to carry it into effect. But the facts were that the Board of Admiralty themselves deemed the subject fit for inquiry, that they appointed the Commission, that the Commission had only just reported, and that it was the intention of the Admiralty to consider that Report. No one said that every recommendation of the Commission ought to be literally carried into effect, and the only pledge therefore which the Government could properly give was, that they would consider the Report with a view to carrying it into effect in a manner most conducive to the public service. There were two questions of great importance to be considered. One was whether an Act of Parliament was necessary. His hon. Friend said that no Act was necessary; but, with great submission to him, he thought that if the Admiralty had any doubt they would do better to consult the Law Officers of the Crown rather than trust entirely to the opinion of his hon. Friend or of any one not learned in the state of the law upon the subject. The other question was, whether the House should be asked to vote a considerable sum of money in addition to the revenue of the hospital. Those points certainly required consideration. They were not to be decided at once without a moment's thought, and therefore his noble Friend the Secretary to the Admiralty said, that having appointed the Commission themselves, having just received their Report, and being perfectly ready to consider

it with a view to carry its recommendations into effect, the Board of Admiralty ought to have time to do so, and that the House ought not to pledge itself by a vote that every recommendation should be carried into effect without regard to the amount of money required or whether an Act of Parliament was necessary or not. He thought that reply perfectly reasonable, and that to adopt the Resolution was not a practical mode to attain the end which the gallant Admiral had in view.

MR. ALDERMAN SALOMONS said, the proposition of the noble Lord the Secretary to the Admiralty was a very reasonable one, as they had come to the discussion unprepared, and really expected a discussion of a very different nature. As to the schools, the funds might be appropriated in respect to them with much greater advantage to the public service. There were some parts within the hospital which were capable of improvement, and with regard to which it was in the power of the Board of Admiralty to take immediate action. Of this kind was the case of petty officers who were compelled to mess with those who had been common sailors in the same ship. Then there was a mixing up of sailors and marines, and as they never agreed very well when on board ship, it was a matter of no surprise that they did not agree in the hospital. The means of admission might be facilitated, and many minor restrictions might be removed which operated as a hardship on the sailors. It certainly was too much, however, to force the Report on the Government before the Board of Admiralty had a full opportunity of considering its details.

SIR JOHN PAKINGTON said, he believed that the hon. and gallant Admiral had done no more than his duty in directing the attention of the House to the important and interesting Report on Greenwich Hospital. He trusted, however, that after the statement of the noble Lord opposite the gallant Admiral would not press his Motion to a division. It had been said that the Motion must not be construed literally; but they could only look to the words of the Motion as it stood, the fair and reasonable interpretation of which was that all the essential and important recommendations of the Commission were forthwith to be carried into effect. He for one was not prepared to go that length. The impression on his mind when at the Admiralty was that the state of the hospital was not satisfactory, and that an inquiry should be instituted. The present Board of Admiralty, adopting the same view, appointed a Commission, and he concurred most cordially in the tribute of admiration that had been paid to the full and able Report which they had prepared. They had now before them a full aad able Report, and they had heard from the noble Lord opposite what were the intentions of the Government. Still that Report had not been in the hands of the Government more than two months, and therefore he thought that the noble Lord had met the Motion in a perfectly fair spirit, when he pledged the Board of Admiralty to take the Report into consideration, and at the commencement of next Session to state how far they were prepared to carry its more important recommendations into effect. They could hardly expect the Admiralty to say more than that, nor was he prepared to pledge himself absolutely to support all the recommendations of the Commissioners. He would, however, strongly press on the Admiralty the question of the pensions and the destitute condition of the wives of our seamen. Nothing had created a stronger feeling of indignation in his mind than to find that numbers of the wives of seamen in Greenwich Hospital were actually receiving parish pay, and that applications were frequent to the hospital to discharge the husbands, in order that their wives might be discharged from the unions. There were various other portions of the Report which he thought well deserving their attention, and he sincerely hoped that steps would be taken to place this fine institution on a satisfactory footing.

MR. LINDSAY said, he thought there ought to be a material change, which should be carried into effect as soon as possible, but he did not think it right to bind the Government down to details by Resolution. However able the Report was he could not agree in all its provisions, and he would propose that a change should be made in the terms of the Resolution to the effect that the Report should be taken into consideration with a view to carrying the recommendations into effect in such a manner as might be most conducive to the public interest.

MR. SPEAKER said, an Amendment could not be moved to the Motion of the hon. and gallant Admiral.

MR. LINDSAY said, he offered the Amendment as a suggestion to his hon. and gallant Friend with a view of preventing a division.

MR. HENLEY said, that the Report of the Committee disclosed a very extraordinary state of things. No one could peruse it without being satisfied that unless some interference had taken place the whole proceeds of that noble establishment would have been swallowed up by people for whom it was never intended. The misapplication of the funds, the enormous expenditure of the establishment, the unfavourable contrast which it presented to similar institutions on the other side of the water, were all set forth in the Report; and, with these facts before them, the Government could have no difficulty in determining what course to pursue. He thought it should be left entirely to the discretion of the Government to devise a remedy, and that they ought not to be tied down to any particular plan. When the noble Lord expressed his fear that the Report gave too sanguine a view of the revenue of the hospital, he was sorry no hint was given that the pruning knife would be vigorously applied to the establishment, which had a tendency to expand in a very rapid manner. The question was full of interest, and from the Report of the Committee on Greenwich Hospital on the one hand, and the Report of the Manning Commission on the other, it was not difficult to understand why seamen were disinclined to enter the Royal Navy. The present state of things was one which, to say the least of it, left ample room for amendment. He hoped the gallant Admiral would amend his Resolution, or, better still, withdraw it, leaving the whole matter to the responsibility of the Admiralty. If they did act, then would be the time for the House to express their opinion on the Report and the conduct of the Government.

VISCOUNT PALMERSTON: Sir, I think what has fallen from the right hon. Gentleman who has just sat down is really the good sense of the matter. I should hope the House will concur with him; that this discussion may now be considered closed; that you, Sir, may now leave the chair, and that we may go into Committee of Supply. If this were a case in which an important recommendation had been made by a Committee or Commission to which Government had paid no attention; if there were good grounds to suppose that it was not the intention of the Government to pay any attention to it, and the Report had been lying a long time on the table, there might be good reason or opportunity for hon. Members to interfere and press by Resolution on Government the necessity for action. But this is not a case of that kind. There is a Report of a Commission appointed by the present Board of Admiralty; the Report, as stated by my noble Friend, has only been in the hands of the Admiralty a couple of months, if so long, and the noble Lord the Secretary for the Admiralty has declared that it is the intention of the Admiralty at the earliest opportunity to take the Report into consideration, with a view to acting upon it. Well, now, that seems a state of things in which the House need not interpose between the Government and their responsibility, and at the close of the Session dictate to Her Majesty's Government the manner in which they are to act upon the Report. I hope the House will adopt the recommendation of the right hon. Gentleman, and, having received from the noble Lord the Secretary for the Admiralty an intimation of their intention to act upon the Report, they will leave the matter to the responsibility of the Government.

LORD LOVAINE said, he quite concurred with what had fallen from the noble Lord. He should be very sorry, in such a case, to tie the hands of the Admiralty; but he would remind the House that whatever they did by way of pensions for those serving in the navy, they must do the same for the sister service.

ADMIRAL DUNCOMBE recommended the gallant Admiral to withdraw the Motion, or adopt the suggestion of the noble Lord the Secretary for the Admiralty. He could not support it in its present form. The erection of model lodging-houses for the families of the pensioners was a step in the right direction, but he hoped they would be, in the first instance, adopted only to a limited extent, till it was seen whether they gave satisfaction.

SIR JAMES ELPHINSTONE inquired whether the noble Lord the Secretary for the Admiralty would lay on the table the opinions of the officers of Greenwich Hospital with regard to the Report of the Commission. He understood that Sir James Gordon had written a very able statement on the subject, which it was most desirable should be produced.

LORD CLARENCE PAGET said, he had no objection to the production of that Report if it were moved for.

Amendment, by leave, *withdrawn*.

SIR CHARLES NAPIER said, he would now move his Resolution with the suggested alterations.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, the Report of the Commission on Greenwich Hospital should be taken into the immediate consideration of the Government, with the view of carrying into effect the recommendations contained in the Report in such manner as may be most conducive to the public interests.'"

—instead thereof.

VISCOUNT PALMERSTON said, he hoped the gallant Admiral would not press the Motion to a division after the declarations of the Government.

LORD JOHN MANNERS said, that the gallant Admiral's Motion merely expressed what the Government had already undertaken to do, and he saw no necessity for pressing it.

Question, "That the words proposed to be left out stand part of the Question,"

Put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY.—NAVY ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

(1.) £12,000, Retirement to Officers of the Navy.

SIR CHARLES NAPIER said, he saw no necessity for retirement in the higher lists of naval officers. It was impossible for him to consent to the noble Lord's plan, which was very incomplete and full of inconsistencies. Captains, when they arrived at the head of the list, were to be placed on the list of retired officers at 20*s.* a day; at present those officers received 25*s.* a day, and the noble Lord was about to take off 5*s.* Now, that was not fair, nor was it satisfactory to the service, not a man of which had, to his knowledge, spoken favourably of it. The scheme would place at the disposal of the Admiralty a great many vacancies, and enable it, by a system of favouritism, to fill them up with young and inexperienced officers, to the prejudice of old and deserving officers of many times their length of service. If the period should come again when it was difficult to get an admiral under sixty years of age it might be advisable to establish a fresh retirement; but when there were plenty of qualified officers in their prime who could be appointed to the rank of admiral, he saw no reason for asking the House to vote £15,000 or £20,000 a year to carry out such a useless object. He trusted, therefore, that the noble Lord would not persevere with his scheme.

SIR JAMES ELPHINSTONE said, he was opposed to this proposal on three grounds—first, because it would cut off mates' time; secondly, because it did not allow the time an officer served in the Coastguard to count in his favour; and thirdly, because of the manner in which it dealt with commanders on the reserved list. There was no more reason why the time for which an officer served as mate—when he probably discharged very important duties—should be cut off, than there was for cutting off the time of a lieutenant or adjutant in the army from his period of service. A captain in the navy informed him that he had acted as first lieutenant of the commodore's ship on the coast of Africa while he was a mate; that another mate commanded a 20-gun corvette; and that another mate did the duty of first lieutenant of the same corvette. Thus these three officers on the coast of Africa at that period were mates, and yet not one hour of that service was to be allowed to count. Again, why should they strike off the time during which an officer was employed in the Coastguard — perhaps as irksome a service as any that an officer could have to perform, and one in which they were exposed to many casualties? He could name officers who had been maimed and wounded on those stations called the fighting stations, in which there had been skirmishes nearly as formidable as little actions. If they took the actual work a Coastguard officer was called upon to perform, it was fully as hard as that discharged by officers serving either in the Mediterranean or on board the guardships at the home ports. The officers on the reserved list derived their position from an actual bargain with the Admiralty. One of them wrote to tell him that in July, 1856, the Admiralty refused to allow him to command a merchant steamer on the ground that "officers of high rank are not supposed to accept civil engagements." The Admiralty now proposed to reduce this officer to the rank of commander. Some of these officers had served at Trafalgar and the Nile. The whole increase of pay they demanded would be but small, and yet, while the Admiralty were wasting millions of money in the malconstruction of ships and in building useless vessels, they refused these officers the miserable and paltry sum to which they were entitled by the express and deliberate bargain that the Admiralty had entered

into with them. He had submitted the order in Council of 1851 to the eminent lawyer, Mr. Lush, Q.C., for his opinion. Mr. Lush stated, in answer, that the question was not one of legal cognizance, but that if the order in Council had been embodied in an Act of Parliament, or was in the nature of a contract that could be enforced in a court of law, he should have no difficulty in advising that the claims of the captains upon the reserved list were well founded. That opinion was in a remarkable manner confirmed by the hon. and learned Attorney General the other day in regard to compensation to persons whose offices were abolished, they themselves being ready still to discharge their duty. He agreed with the right hon. Gentleman the Member for Droitwich that this question ought to be referred to a Commission, and investigated as a whole. Great dissatisfaction existed among the officers in the navy. The naval service was in fact an underpaid service, and officers were called upon to contribute to it from their private means. Complaints had now reached a height that was prejudicial to the discipline of the navy, and the question ought to be examined by a Commission, consisting not only of professional men, but also of those who understood what a fair day's wages for a fair day's work really was.

SIR MICHAEL SEYMOUR said, he could not help thinking that the proposal of the noble Lord the Secretary to the Admiralty fell far short of the measure that was needed for the settlement of a question that was becoming quite alarming. All classes of naval officers had a more or less reasonable claim for consideration at the hands of the noble Lord. His plan had one condition, that of age, which must be of an arbitrary and in some respects unjust character in regard to the officers affected by it. Take the case, too, of mates. In the Commission on the various services that sat twenty years ago, presided over by the late Duke of Wellington, it was agreed that mates in the navy were as fully entitled to be regarded as officers as were ensigns in the army. It was very hard that officers who had commanded gunboats in the French war as mates and acting lieutenants were not allowed to count their service as mates. He knew one instance where an officer commanded a gunboat as mate from 1809 until 1814, and he justly complained that the whole of this time was taken no notice of in his favour. A lieutenant must serve nine years as mate to entitle him to a certain amount of half-pay; and there was one case where a gentleman had served within a few weeks of that time, but he had been for a long time a mate. Again, as to captains' half-pay, a good deal of hardship would be imposed. Half-pay was in many cases, not a retaining fee, but a final pension, and it deserved consideration whether officers who had not served much should be entitled to rise in the amount of their half-pay. If the principle of retirement on account of age was to be introduced, it ought to be applied with impartiality to all ranks. He could not support the scheme before the Committee, and he should be glad to see a Commission or a Committee appointed to consider the whole subject of pay, pensions, and retirements.

SIR JOHN PAKINGTON: Sir, I am very much disappointed at the course which the Board of Admiralty has taken with regard to this retirement plan. The question has been before the House upon a previous occasion, and I never heard any question discussed in a fairer spirit, and with less approach to anything like party feeling on one side of the House or the other, the only object in view being the good of the naval service. But from neither side of the House did I hear a single speech in favour of the Government scheme. After that discussion I received innumerable letters from officers of all ranks, from flag officers down to lieutenants of long standing, thanking me for my opposition to the measure, and deprecating it as unworthy of the Admiralty and most unacceptable to the service, and I had hoped that, considering the opposition to the plan which was manifested in this House, the Government would not have persevered with it. At the head of this retirement scheme the noble Lord has placed these remarks:—

"There are three requisites for an efficient navy,—first, that the principal ranks should be supplied with a sufficient number of officers in the prime of life; secondly, that officers who are desirous and fit to serve should find employment; and, thirdly, that encouragement should be offered either by promotion or otherwise, to induce officers to serve willingly as long as they are efficient."

I defy my noble Friend to prove that this scheme will fulfil any one of these conditions. The first is the most important; but what will this scheme do to effect that object? I know that my noble Friend will tell me that he has adopted the principle

of compulsory retirement by age to a certain point, and that, therefore, so far as that goes he has followed the plan which I ventured to propose. I do not think that my noble Friend is justified in using that argument, because I entirely agree with what has just fallen from my hon. and gallant Friend, that to justify the application to the navy of the principle of compulsory retirement, which is a strong one to adopt, it ought to be applied fairly throughout the service. I contend that if you are to adopt the principle of retirement by age you must, in order to make it fair and acceptable, combine it with some other plan, which will give to officers the encouragement and the benefit of a regular flow of promotion. This plan does not do that. You tell the junior ranks of officers that at a certain age they are to be compelled to retire, but you admit that you are afraid to apply this principle to the senior ranks. The result will be that there will be no flow of promotion. The captains and flag officers will not get out of the way, and the retirement by age will be enforced upon the junior ranks without any compensation. Another objection to the plan has been adverted to already—namely, that you do not allow officers in counting their service to reckon the time served as mate. I think that that is a great injustice. I do entreat the Admiralty, if they are disposed to deal with this subject at all, to do so upon wide and comprehensive principles, and upon a plan which shall not only be beneficial but acceptable to the naval service. The service repudiate this plan; they dislike it. [Lord CLARENCE PAGET dissented.] My noble Friend thinks not. Perhaps he can give me authorities for that opinion. I can only say that I have received a great many letters from officers of rank, saying that the plan is not acceptable to them, that, on the contrary, they dislike and repudiate it. The case is one of extreme hardship. I cannot forget what Admiral Hope, an admirable man as well as an excellent officer, told me last year—perhaps as it was a private conversation I ought not to mention it, but I state it to his honour—that when visiting the north of England on the Harbour of Refuge Commission, he met at Newcastle one officer who had served with him when they were midshipmen together, but who was still a lieutenant in the navy. Perhaps such cases must happen in the service, but they are severely felt, and we ought to do all we can to make them less frequent. Again, I have had letters from officers who served as mates doing the duty, but not having the rank of lieutenants. It is very hard that such men should not be allowed to count the time during which they so served as mates. These are the things which make the proposed plan so unacceptable to the navy, and I deeply regret that the present Board of Admiralty, in their desire to force an objectionable system upon the service, should refuse a proposal which I intend to bring forward in good faith, and with no party feeling,—namely, that a well constituted Commission should be appointed to inquire into the whole subject. On Tuesday evening next I shall make that Motion, and I implore the noble Lord at the head of the Government, who must wish to do what is right by the navy, before that day comes, to consider whether we ought not to follow in the present case an example which has more than once been offered by the army, and refer to a well-constituted Commission the consideration of these difficult and complicated questions. Meanwhile I regret the course which the Government are taking. I think they are making a great mistake. Their plan is not one that ought to be adopted. I know it to be unpalatable and unacceptable to the navy, and if the hon. and gallant Gentleman who has taken the lead in opposition to this Vote asks the Committee to divide I shall certainly deem it my duty to vote with him.

LORD CLARENCE PAGET:—To a naval officer in the position which I have the honour to hold, there cannot, I think, be a more painful duty than that of bringing forward a scheme for the benefit of his profession. Nothing is more easy than to state plausible objections to any plan that may be proposed for bettering the situation of officers in the Navy. It is quite impossible to deal with a great service, including a variety of conflicting interests, so as to prevent the occurrence of cases of hardship. I suppose that is the reason why the right hon. Baronet opposite, who was at the head of the Admiralty a year and a half, never brought before us any scheme for improving the position of the officers of the navy. He saw a thousand difficulties in his way; and found that under any plan he might adopt cases of hardship must occur. Nevertheless, considering how poignantly he feels the present lamentable state of the navy, and what he has told us respecting the general discontent which prevails in the service, I am

surprised that he remained so long at the head of the Admiralty without bringing some comprehensive scheme for all ranks before us. The plan which he left behind him at the Admiralty, which he did not submit to Parliament, but which has, at his desire, been laid on the table, would have been at once more expensive and, I believe, less advantageous to the navy than the one which I have laid before the House. We propose to limit our exertions to those ranks in which there is no flow of promotion. During the past year promotion has been almost at a standstill with respect both to commanders and to lieutenants, and we propose to apply relief where the shoe really pinches. I admit that in the event of war, when you require a large number afloat, that admirals above a certain age should retire for the benefit of the service; but that is not necessary at the present moment, and any scheme for the compulsory retirement of old admirals, such as that recommended by the right hon. Baronet opposite, would only break the hearts of distinguished officers who served us in all our great wars. Men like Lord Dundonald would certainly object very strongly to be placed upon a retired list; they would feel it to be a stigma upon them, and they would not be far wrong. But the right hon. Baronet does not propose to create a flow of promotion; he simply wants to reduce the flag list by striking off a number of old admirals. I admit that the flag list is too large; but nature will clear it, and there is no necessity for wounding the feelings of distinguished officers on the brink of the grave. Our scheme, therefore, does not touch the flag officers. The other objections which have been stated to our scheme are—first, that reserved captains are not to be put in the same position as captains on the active list; secondly, that mates' time is not to be counted; and thirdly, that Coastguard time is not to be reckoned as of the same value as sea time. I shall deal with the last objection first. Surely nobody will say that the duties, perils, and responsibilities of a Coastguard officer, especially in time of war, are to be compared for a moment with those of a sea-going officer. To give a Coastguard officer the same claim as a sea-going officer, would be to put the same value upon service performed at home, and service performed in foreign and unhealthy climates. It would interfere to a serious extent with the promotion of sea-going officers, and would certainly not tend to the good of the navy. With respect to mates' time, it is all very well to say that we should allow mates' time to be counted; but how would such a system operate in practice? How would this affect the navy of the present day? I am quite aware that in old times mates were left in that position for many years; but we are not legislating for the past but for the future. The officers of the present day have served scarcely above two years as mates; so that by increasing the period of service, including mates' time, to entitle them to increased pay, which you must do if mates' time is to be held to be of the same value as lieutenants' time, you would by so much damage their position. That was what the Admiralty, dealing for the present and the future, could not, with all respect for the old officers, propose to do; and now with respect to the officers on the reserved list. I am perfectly willing to admit that the case pointed out by my gallant Friend is a hard case; but it must not be supposed that the Admiralty are cutting down any person's pay, for not a single officer will be put in a worse position than before. All that we say is, that if an officer arrives at sixty years of age, and has not served his country above a certain number of years, that officer should retire on his present pay; but that if he has served above a certain number of years, he should then have increased pay; so that all who have faithfully served their country would be benefited by the scheme. There is this distinction between the present scheme and that proposed by the right hon. Gentleman—that this is principally for the benefit of the junior ranks of the navy, those who have no friends and no influence. I cannot admit that his has sufficiently kept them in view. There was one great oversight in the proposal which the right hon. Gentleman left at the Admiralty on quitting office, and that had reference to the half-pay of lieutenants on the active service list. This is one of the most expensive parts of our scheme. We propose with regard to the lieutenants on the active list—the young men of the present day—that, according to their service afloat, their half-pay should increase from 4*s.* to 8*s.* 6*d.* a day. These are the principal features of the scheme I have had the honour to submit to the House—the full details of which are on the table. I must deny the existence of the general discontent that has been spoken of, for I have

received a great number of letters approving the scheme. These letters, however, state that the scheme does not go far enough; and I am willing to admit that; but if the Chancellor of the Exchequer can be persuaded to give us double the sum I will produce a better scheme. The Government, however, must deal with the question not only in reference to the officers of the navy, but in comparison with the officers in the army. I have always been told that my gallant brethren in the navy are the worst enemies of the service in this respect—that when any measure is brought forward for the benefit of the service, they throw difficulties in its way by bringing forward individual cases of hardship. I do trust that any such remarks may not mar the success of this scheme. I do not say that hereafter it may not be enlarged upon; but I maintain that it is in the right direction, and a very great boon to the junior branches of the service, and I, therefore, earnestly hope that the House will consent to the Estimate which is under discussion.

Sir JOHN PAKINGTON explained, that in what he said just now he did not refer to his own scheme, but whenever the proper time arrived he should be prepared to defend it. What he had said was, that the scheme of the present Admiralty was bad and defective, and the noble Lord threw the responsibility on the Chancellor of the Exchequer, who would not, the noble Lord said, consent to the expense of a good scheme. But it was the duty of the Admiralty to tell the Chancellor of the Exchequer that they would not be induced by him to propose a bad scheme. The noble Lord then taunted him by observing that while at the Admiralty he had not proposed to deal with these questions, but it should be remembered that during the greater part of that time he devoted his attention to supply those deficiencies which he found existing in the number of ships. Nevertheless, the late Board did pay attention to this subject and produced the scheme which had been laid on the table, and which, he believed, was acceptable to the navy. It had been his intention to deal with every one of the questions alluded to by the noble Lord. He dealt with the medical officers, and was going on to deal with other ranks in the service; and why was it that that intention was not carried into effect? The noble Lord forgot the pressing demand which was said to exist last year on the part of the country for a good Reform Bill, and for the sake of which the late Administration were turned out of office before he had been able to deal with that and a great many other questions which he was prepared to entertain.

Lord CLARENCE PAGET said, that the right hon. Gentleman was mistaken in thinking he had stated that the Chancellor of the Exchequer refused to allow a larger sum, and therefore a better scheme could not be produced. What he had said was, that the Government were bound to consider the question of pounds shillings and pence, and that no doubt, with a larger sum of money, a very comprehensive scheme might be produced.

Sir FRANCIS BARING observed, that though it was said that nobody approved the noble Lord's scheme, there was, he believed, a great deal to be approved in it. He thought the increase of the half-pay according to the sea service of the officers a very good arrangement. The scheme applied a remedy where the shoe pinched. The case was so difficult a one that it was almost impossible to suggest a plan which should work equally in war or peace, still more in a time of transition from war to peace. He was not very fond of the limit of age, but in this instance, as he understood it, the limit was not one of age only, but of age combined with service. With regard to captains, the object of removing all captains above 60 from the active list was to reduce them to 350, in order that the course of promotion might be clear. But they were at that number already, and this being all that was wanted, he thought they might leave the list alone until some pressing inconvenience arose. With regard to the Coastguard it ought not to be made, as it were, a degraded service. The principle ought to be, that every branch of the service should be treated as if it were a part of the whole, and that all classes of *employés* should be dealt with alike. Generally speaking, however, he thought the scheme a good one, though it was not difficult to pick holes in it.

Sir CHARLES NAPIER said, the noble Lord had given no sufficient reason why the mate's time should not count in the same way as a commander was allowed to count his lieutenant's time.

Mr. WARRE asked, why the memorial of the captains on the reserved list had not received the assent of the Admiralty?

Mr. CONINGHAM said, he thought

that true economy was to do justice to the service; and he was of opinion that, considering the onerous duties which devolved upon the Coast-guard officers, scant justice was done to them in the new arrangement.

LORD CLARENCE PAGET said, the reserved captains had never served in that rank, but had been promoted at once from commander to captain. They were allowed to claim their time equally with other captains.

SIR JAMES ELPHINSTONE observed that in the Civil Service every day of a man's service counted, and he could not see why the same rule should not prevail in the naval service.

Vote *agreed to.*

(2.) £33,000, Naval Operations in China.

SIR CHARLES NAPIER complained that upon the last Vote he and others had cried "No," but nevertheless the Chairman had passed on to the next item.

THE CHAIRMAN said, he had put the Question twice, and upon the second occasion no cry of "No" was raised, and therefore he declared the Vote agreed to.

MR. BAILLIE COCHRANE moved that the Chairman report Progress.

SIR GEORGE LEWIS suggested to the hon. Gentleman that he might make any remarks he might wish to address to the House on the bringing up of the Report.

MR. BAILLIE COCHRANE complained that the sum proposed to be voted was not an adequate reward for the services performed, for it would amount to only about £2 to each man, though they had been engaged two years in this service. He understood that a distinct understanding would be come to with the troops about to be engaged in the coming operations in China. He hoped the navy would be put on an equal footing with the army in any such arrangement.

LORD CLARENCE PAGET said, he had stated to the House the other night that the army on service in China received certain advantages over the army serving in other parts of the world. The troops serving in China had a better allowance of provisions, and they also had less "stoppages" than their colleagues elsewhere. He believed the advantages enjoyed by men so engaged were equivalent to a money value of 2*d.* per day, and he proposed to give the seamen and Marines on that service a similar sum for one year, irrespective of the Canton booty.

SIR CHARLES NAPIER said, he wished to give notice that in consequence of an unfair advantage having, as he considered, been taken when the last Vote was put, he should divide the House on the bringing up of the Report.

SIR JOHN PAKINGTON said, he did not think that there was the least intention of unfairness on the part of the right hon. Gentleman in the chair, but the hon. and gallant Admiral, and several other Members, had distinctly said "No," when the question was put a first time, however it might have been when the question was put a second time. That raised the point why the Question should be put a second time—a matter which should be put beyond the possibility of dispute. He thought that when the Question was put a second time it ought to have been put more distinctly.

VISCOUNT PALMERSTON: I think in all such matters it is desirable the rules of the House should be strictly adhered to. It is not sufficient for hon. Gentlemen to cry "No" to call for a division; but, unless those who differ from the Speaker's or the Chairman's decision declare that the "Ayes" or the "Noes" have it, a division is not called for. Although this may not be a distinction that would strike everybody it is a distinction established by the rules of the House, and ought to be observed. My hon. and gallant Friend, I recollect perfectly, did not say, "The Noes have it," and it is not enough to say "No," to challenge a division.

THE CHAIRMAN: The practice, as far as my experience goes, is frequent. The Speaker constantly puts the Question twice and even thrice. If he has any doubt as to the sense of the House, he puts the Question a second time, and if he is still doubtful as to whether it is the desire of that House to take a division, he puts the Question a third time; and if it does not receive a distinct challenge from any one Gentleman, the practice is to declare that "the Ayes" or the "Noes" have it. Following that example, as is my duty, I consider that I have consulted the pleasure of the Committee by putting the Question a second time; because the only hon. Member who challenged, when I put the Question the first time, was the hon. and gallant Member for Southwark.

SIR CHARLES NAPIER: When the Report is brought up I shall take very good care to comply with the practice of the House.

Vote *agreed to.*

House *resumed*.
Resolutions to be reported *To-morrow*.
Committee to sit again *To-morrow*.

LONDON CORPORATION BILL.

COMMITTEE.

SIR GEORGE LEWIS: I beg to move that the Order for the Adjourned Debate on this Bill be discharged.

Order for resuming Adjourned Debate on Committee [24th April] read, and *discharged*.

Bill *withdrawn*.

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, July 20, 1860.

MINUTES.] PUBLIC BILLS.—1ª Tenure and Improvement of Land (Ireland); Coast of Africa, &c., Act Amendment; Offences within Her Majesty's Possessions Abroad.

2ª Mines Regulation and Inspection; Tramways (Ireland); Isle of Man Harbours; Dominica Hurricane Loan; Admiralty Court Jurisdiction.

3ª Local Taxation Returns; Metropolitan Building Act (1855) Amendment.

TITHE COMMUTATION BILL.

COMMITTEE.

House in Committee (according to order).

THE EARL OF DERBY objected to the provision in the measure which gave power to the Commissioners to compel the redemption where the rent-charge did not exceed £15, although neither the person paying nor the person receiving sought to have the charge redeemed. He could not conceive on what ground the clause had been introduced.

EARL DE GREY AND RIPON said, that the provision applied only to a few parishes, where the cost of making an apportionment would exceed the cost of redemption, and that the persons whom it affected had requested the Tithe Commissioners to insert it. He reminded their Lordships that the Bill had been fully considered by a Select Committee.

THE EARL OF DERBY still objected to the Commissioners constituting themselves judges as to whether redemption should take place, notwithstanding that the payor might desire to continue paying and the payee to continue receiving.

Amendments made; the Report thereof to be received on *Tuesday* next.

MINES REGULATION AND INSPECTION BILL.—SECOND READING.

Order of the Day for the Second Reading read.

LORD RAVENSWORTH said, that the professed object of the Bill was to give greater security to persons employed in mining, but it went further by appointing certain persons to stand, in reference to young persons employed in mines, *in loco parentis*. Under the Factory Act, if the parents did not take sufficient charge of their offspring, the State stepped in and assumed the performance of their duties. As the law now stood very young children were not allowed to work in mines; but boys between ten years of age and twelve were allowed to work in them, provided they could show a certificate of having received a certain amount of education. He thought it might be desirable to obtain the opinion of the House how far it might be necessary to adopt the second clause of the Bill, or whether it might not be desirable to omit it altogether. There was no objection on the part of persons interested in mines to the general scope of the Bill, but the point to be considered was whether it was right to impose certain restrictions in the case of certain trades which were not common to other trades. He did not intend to oppose that stage of the Bill, but he would propose some Amendments when it was in Committee.

Bill read 2ª, and *committed* to a Committee of the Whole House on *Monday* next.

TRAMWAYS (IRELAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE MARQUESS OF CLANRICARDE moved that the Bill be now read the second time. The measure had received the support of men of all parties in Ireland. Last year a measure on the same subject passed the other House without opposition, and stood for a second reading in their Lordships' House on the 14th of April. Parliament, however, having been prorogued a few days afterwards, the Bill necessarily dropped. It had been objected to the Bill

that these tramways would be so good and so cheap that they would compete with the established railways; but there was a clause in the Bill which amply provided against any such consequence. There were, too, all kinds of securities in the Bill against the invasion of the rights of property—much ampler securities, in fact, than at present existed in the case of common roads. A great deal of pains had been taken by the Select Committee of the other House with this Bill, and it had passed through the House without any opposition. Under this Bill tramways could be made at a less expense than if a special Act were necessary, and they would be extremely convenient in the crowded parts and suburbs of Dublin, if conducted upon the system which had been so successful in America. He was informed upon good authority that in that country 34,000,000 persons had been carried with only twelve cases of bodily injury, and he defied comparison in safety between tramways and any other kind of conveyance. Upon every ground he trusted their Lordships would not refuse to give the Bill a second reading.

Moved, That the Bill be now read 2ª.

LORD MONTEAGLE said, that the measure would prove very advantageous to Ireland; but he thought some of its provisions would require careful consideration in Committee, and it might appear at first to some noble Lords that the Bill contained extraordinary and surprising powers; but they should recollect that in Ireland roads could be made without the sanction of Parliament for the purpose, while in England the consent of Parliament would be necessary in the first instance. He should be most happy to give his support to the Bill being read a second time.

LORD REDESDALE said, he concurred in the advantages of tramways under certain circumstances, and he did not see why, if land was allowed to be taken for railways, it should not be allowed to be taken for tramways. But he must warn their Lordships that this Bill proposed to introduce a new principle into their private legislation. It proposed, by a general Act, to confer the power of taking land to the decision of an inferior tribunal. Now, if this were done, there was no reason why tramways should not have the same privileges as railways, and he put it to their Lordships whether they were prepared to allow such undertakings to be carried out without the specific sanction, in every case, of a Parliamentary Committee. But he believed in point of fact the real object of the Bill was to promote the establishment of tramways, to be ultimately converted into railways. If any system for taking land by a more economical method could be introduced it ought not to be legislated for Ireland only, but for the entire country. If this system were adopted it would be necessary to have a Railway Board.

THE MARQUESS OF CLANRICARDE: There would be the Board of Works.

LORD REDESDALE: These tramways would be worked by animal power, and would cross inconveniently roads on a level, and inferior lines might be selected and made that it would hereafter be difficult to convert into railways, or make locomotive power applicable. Unless their Lordships were prepared to alter this Tramways Bill into a Railway Bill, and introduce an alteration into the whole principle of private legislation as regarded Ireland, he thought they should not sanction this Bill.

THE EARL OF LUCAN said, he had the strongest possible objection to the Bill. If the Bill was good for Ireland, it was equally so for England and Scotland; but if it was returned to the House of Commons with that addition, it would not receive a moment's consideration from the House. The railway interest would not tolerate it. The Bill was for the establishment of railways under the disguise of tramways. The horse tramways which would be constructed under the Bill if it passed, would, after a time, be converted into locomotive railways to compete with those already in existence. Would they think of substituting the grand jury in Ireland for the Legislature in these matters? According to the Bill the company was not to be formed until it had gone before the grand jury and a deposit was paid. The grand juries were to act under the advice of the county surveyor; and the result would be that they would become the agents of the tramway company. In short, it would be a job that would run through the whole country. The Bill was an unjust Bill, a tyrannical Bill, and inconsistent with right and justice. He should move its rejection, and propose that it be read on that day six months.

Amendment *moved*, to leave out ("now,") and insert ("this Day Six Months").

LORD LIFFORD said, there was no fear that inferior lines of tramway would run across the country, because as much care was taken to select good lines as in the

case of railways. The lines must be approved by the Irish Board of Works, and afterwards by the Lord Lieutenant, and then ultimately they must come before Parliament for approval, the only difference being that the Lord Lieutenant would take charge of each Bill, and that the promoters would be saved the expense of a private Bill. He trusted that their Lordships would read the Bill a second time.

THE EARL OF MAYO said, he came down with the intention of opposing this Bill, believing that there was an ultimate design of turning these tramways into railways. After hearing the speeches of the noble Lords who advocated the Bill, he had, however, altered his opinion, and should support the second reading.

After a few words from the Marquess of CLANRICARDE,

THE EARL OF LUCAN withdrew his Amendment, but intimated that he should renew it if the Bill were passed in anything like its present shape by the Select Committee.

Amendment, by leave of the House, *withdrawn*. Then the original Motion *agreed to*. Bill read 2ª accordingly, and referred to a Select Committee; and on the *Monday* following the Lords following were named of the Committee:—

M. Bath	L. Ponsonby
E. Derby	L. Redesdale
E. Mayo	L. Mont Eagle (*M. Sligo*)
E. Lucan	L. Silchester (*E. Longford*)
E. Ducie	L. Somerhill (*M. Clanricarde*)
V. Leinster	L. Worlingham
V. De Vesci	L. Stanley of Alderley
V. Lifford	L. Monteagle of Brandon
V. Hutchinson (*E. Donoughmor*)	
V. Eversley	
L. Boyle	

House adjourned at half-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 20, 1860.

MINUTES.] PUBLIC BILLS.—1° Ionian Islands (Marriages); Corrupt Practices Prevention Act (1854) Continuance; Metropolitan Police Force (Dockyards); Leases Confirmation (Ireland).

2° Maynooth College; Spirit Duties; Census (Scotland); Excise Duties; Anchors and Chain Cables.

3° Prisons (Scotland); Herring Fisheries (Scotland; Railways Act (Ireland) (1851); Amendment; Highways (South Wales).

Lord Lifford

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENTS BILL,

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee),

Clause 1 (Stock to be Cancelled).

MR. SOTHERON ESTCOURT said, it was an inevitable consequence of the manner in which this Bill had been conducted—a long period having always elapsed between its appearances before the House—that the general principle of the measure was discussed over and over again, and that the House was doomed to hear, time after time, a repetition of the same arguments in regard to it. That was the more inevitable when the first clause had to be discussed, for, in point of fact, the first clause involved the whole principle of the Bill. The measure would cancel not less than £30,000,000 of stock, and the House was naturally anxious to know what security was to be offered as a substitute for that large amount of stock, and that question opened up the subject of the second clause, the creation of the State deposit, No. 1. They had yet to know the agency by which that creation was to be conducted, and the persons to be responsible. He objected to the transference of the securities from one form to another. The whole amount was at present held by the Government as a security to the local banks upon identically the same footing with the same amount of stock held by the Government in the name of any single person. That was the greatest security which it was in the power of Parliament to offer. He was, therefore, jealous of any alteration in that kind of security. It was proposed by the Bill to cancel an amount of stock equal in round figures to £29,000,000, in addition to the further sum of £2,000,000, the difference between the amount of securities held by the Government and the liabilities to the savings banks. All that sum was to be transferred to a book which was to be kept in the National Debt Office, and was no longer to be liable to the fluctuations in the Funds; and the Chancellor of the Exchequer was to insert in that book every year a sum which was to represent the deficiency between the interest receivable and the interest payable to the savings banks. Now the savings banks were entitled at any time to receive their money, and that might entail a great loss on the State, because the public might be called

upon to pay at a time when the stock would be considerably below par. He thought it would be a much better plan, as recommended by the Commission which had sat upon the subject, to lay a statement of the deficiency annually before Parliament, and let provision be made for it as for the other requirements of the year. He did not think sufficient cause had been made out to justify the new mode of management. It was not merely a savings banks question, it was a question of public policy. That which was now proposed with respect to savings banks a future Chancellor of the Exchequer might propose with regard to some other fund. Therefore, opposing as he did the whole Bill, he should move that the first clause be omitted, in order to give effect to the objection which he had to the Bill.

MR. BRISCOE said, the question at issue between the right hon. Gentleman the Chancellor of the Exchequer and those who opposed the Bill was this:—The Chancellor of the Exchequer and the Government considered that they should be bankers for the large sums of money deposited in the savings banks, whereas those who opposed the Bill thought that the moneys of the savings banks should be dealt with by a body of trustees, separate and distinct from the Government, and that no one should have power to use these moneys except to pay the depositors. That was the view he took of the question. He thought the Chancellor of the Exchequer should have no power to make use of this money. If he required money at any time it should be obtained in a constitutional manner, and not taken from a fund consigned for safety and security to the Government of the country. He thought the Chancellor of the Exchequer would act wisely in withdrawing the Bill.

MR. HUBBARD said, he thought it would be impracticable to keep such a separate account of the savings-banks' funds as had been recommended. The real security of the savings-banks' depositors was the credit of the country, and if the Bill was intended to add anything to that security he thought it wholly unnecessary; but the Bill went beyond that, and aimed at simplifying the management of these funds in the hands of the Government. Objections had been taken to the mode in which the Chancellor of the Exchequer made use of the savings-banks' funds to carry out financial schemes of the Government. He heartily joined in deprecating any such use of these funds. The savings-banks' money was in the hands of the Government for security, but not as a means of financial intrigue. The Chancellor of the Exchequer had been able, by means of the large sum in his power, to carry out unseen operations on the Stock Exchange, which enabled him to prepare the way for some great scheme of the Government; but that was a course of proceeding most unfair and unjustifiable, and the sooner it was exploded the better. In this respect, however, he regarded the Bill as an immense improvement, because it provided the means of dealing with this large sum as a book-debt that the Chancellor of the Exchequer could not touch. The money was by the Bill taken out of the possibility of jobbery. Particular clauses of the Bill might be open to objection, but he wished to express his general approval of the measure. There had been a good many petitions, apparently from the same mint, presented against the Bill; but, with the exception of some fears that had been expressed as to a reduction of interest—for which he admitted there were some grounds—there was nothing in the Bill which justified the petitions that had been levelled against it.

MR. HENLEY said, he must protest against a Bill affecting such large interests being brought forward at a period of the Session when it was impossible for it to receive the discussion which its importance demanded, and in a House so thin as invariably was the case at morning sittings. He wanted to know who called for the Bill, and he would ask where were the petitions of those who were its supporters? The tendency of the Bill was greatly to shake the confidence of the depositors in savings banks. It had been said that the petitions presented against the Bill were nearly similar in terms, but the reason of that was obvious, because the managers of savings banks knew very well the imminent danger in which they would be placed by the passing of the Bill of the interest to the depositors being reduced. He believed the savings banks had wisely taken alarm; he believed that it was seriously intended to reduce their interest, and that this Bill was laying the foundation of that measure, for people were apt to judge more from deeds than from words. The Chancellor of the Exchequer spoke as if the savings-banks' money would be taken out of his hands; but by the Bill he would keep in his hands ample funds for all that any Chancellor of

the Exchequer might want to do in the way of jobbery. He repeated that the real object of the Bill was to reduce the interest to savings-banks' depositors, and he could scarcely see any other.

THE CHANCELLOR OF THE EXCHEQUER said, he thought he had reason to complain of the language of the right hon. Gentleman (Mr. Henley), language which had gone to the extreme verge of Parliamentary licence. He was not warranted in saying that the manifest object of the Bill was to enable the Chancellor of the Exchequer to do that which he knew the Chancellor of the Exchequer had absolutely disclaimed. He (the Chancellor of the Exchequer) had distinctly stated that there was no intention to reduce the interest on savings banks' deposits, and the right hon. Gentleman abused the liberty of speech which was enjoyed in that House when he made allegations applicable not to matters of policy or opinion, but to personal intentions. Perhaps the right hon. Gentleman might not pay much attention to his assertions on this point, but he surely must see the force of the argument, that the best answer to the allegation about reducing the rate of interest was that the effect of the Bill as it stood was to enlarge the income of the fund, and to make provision for its further enlargement hereafter; and he need hardly add that a Bill that enlarged the income of the fund could not be made an excuse for diminishing the interest. One material item of that enlargement of income proposed by the Bill was to invest a sum—say four or five millions—in securities bearing a larger rate of interest than the present investments, and which in the course of a year or two might increase the income by £40,000 or £50,000. He had a word or two to say with regard to the objections taken out of doors to the Bill. There were, no doubt, certain officers of savings banks who had an interest in maintaining the power they now had of cutting and carving on the sum that formed the difference between the £3 5*s.* per cent paid by the public, and the sum paid to depositors. These officers endeavoured to maintain their own interests by sending in petitions against the Bill, which, as they thought, tended to diminish the funds available for defraying the expenses of savings banks, and raising all those beautiful buildings that were to be seen in so many of the towns of this country—buildings used for two or three hours a week for savings-bank purposes, and which formed very agreeable residences for those officers. They very naturally opposed the Bill, but he did not believe there was the slightest indication of the depositors being alarmed at any of its provisions. The state of the case as regarded the security of the depositors was this:—The moral obligation of the country was full and absolute to return to the trustees of savings banks both principal and interest, and that moral obligation was recorded in an Act of Parliament; but there was no legal machinery by which effect could be given to the legal obligation. It was merely a moral obligation legally recorded. Now, if it could be supposed, as an extreme case, that all the banks in the country were at once to demand from the Government the repayment of the whole sum that was due to them, it would not be in the power of the Government to make that repayment. He would positively state that the Commissioners of the National Debt had at present no power to do anything except to realize their assets, and hand over those insufficient assets in part satisfaction of the claim. But let the Bill before the Committee be passed, and so long as there was a shilling left available in the Consolidated Fund, the whole of the funds of the country would be answerable to satisfy the whole of these obligations. Indeed, he confessed that it had been an error not to have created this full and perfect legal title at an earlier period. There had no doubt been practical safety between the savings banks and the Government, but the full legal machinery to enforce that obligation had not existed, and it was very desirable to supply that want, so that the trustees of savings banks, on behalf of their depositors, might be in as good a position as any man who drew a dividend from his money in the funds four times in the year. It was quite true that a book debt, as this had been called, was not a convertible security, but he provided means of substituting marketable securities for that book debt in the extreme and remote case of the demand for the means of realizing the amount exceeding the amount of stock which was retained. In any case there would ultimately be a resort to the Consolidated Fund. Now it was admitted that there was a large existing deficiency between the assets and liabilities of the National Debt Commissioners on the savings bank account. He proposed to deal with that deficiency, amounting to £3,500,000, first by rectifying the

capital account, and then by providing machinery which would gradually restore the income of the fund to an equality with the annual charges upon it. He did not think he should have been justified in throwing upon the country, at that time, the burthen of at once making good that deficiency, so he proposed to add it to the amount of the obligations already acknowledged ; and at the same time, whilst extinguishing an amount of nominal stock held on that account, and thus making a saving of £9,000 or £10,000 a year, he would adopt a natural and simple system instead of the present artificial one, and would make it openly appear on the account that the Government held so much money repayable at call. It would be quite impracticable to adopt the plan which had been suggested, of taking each particular deposit as a separate investment, and it would be no favour to the depositors to offer to take their money and invest it in the Funds, since they could do that for themselves. The Bill did involve a considerable diminution of the powers of the Chancellor of the Exchequer, though it was not, as had been truly observed, by the mere creation of £31,000,000 of deposit account that his powers were materially diminished. Two-thirds, however, of the amount, which might be invested in other securities than those now permitted by law, would practically be so much removed from the control of the Chancellor of the Exchequer. It would not be in his power to make use of those stocks for financial purposes, in the manner in which probably, upon many great occasions, the existing securities had been employed. The way in which the Chancellor of the Exchequer had been accustomed to manage his great operations was this. He sold stock, and with the proceeds he purchased Exchequer bills, and then again he had funded his Exchequer bills, all which he had been enabled to do without bringing his operations under the review of Parliament. Now, by the Bill the Chancellor of the Exchequer would be deprived to some extent of the opportunity of practising that operation of selling stock and converting it into Exchequer bills at his convenience. It must thenceforth be an operation necessarily limited and temporary in its nature ; and it must, if this Bill became the law, always be brought under the notice of Parliament before it took effect. But if the House did not choose to pass this Bill, although the public would be somewhat poorer, and the legal title of the savings-bank trustees to their funds held by Government would remain imperfect, the Chancellor of the Exchequer would continue to enjoy what was supposed to be the luxury of being able to deal with a large sum of money—a power which he (Mr. Gladstone) was now endeavouring to reduce. He therefore hoped the Committee would at once agree to this first clause of the Bill.

MR. HENLEY said, the right hon. Gentleman seemed to be annoyed at something he had said as to his intention. He hoped the right hon. Gentleman would make allowance for him, considering the great length of time that had elapsed since the discussion took place on the Bill. In what he said he had no intention to go further than this, that people judged only by what they saw in the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he was perfectly satisfied.

MR. HANKEY said, he thought there must be a re-adjustment of the savings-bank account in some way or other, but he objected to the mode in which the Chancellor of the Exchequer proposed to do it. Though he did not believe that any individual Chancellor of the Exchequer he had known would abuse the power of dealing with the funds, he was distinctly in favour of their being placed under the management of responsible and permanent trustees.

SIR FRANCIS BARING said, he should support the clause, which he thought materially improved the security given to the depositors. Some Gentlemen were in favour of a separate body of trustees to manage the fund, but the adoption of that proposal would by no means be favourable to the security of the depositors.

SIR HENRY WILLOUGHBY said, that before they went to a division he wished to remind the Committee that it was proposed by this clause to cancel securities to the extent of £28,962,742. That was exercising more than a banking power, and it was quite clear that it was a financial arrangement of a very gigantic and novel character. He objected to the proposal to entrust the management of the funds to an ex-officio Commission that would not act, thereby really leaving the management in the hands of the Chancellor of the Exchequer of the day. Then came the question whether they ought to confide the power of changing the securities to any Chancellor of the Exchequer. He trusted

the Committee would not consent to the clause, not alone because the proposition was objectionable, but also because they could not at that period of the year give the measure the consideration to which it was entitled.

COLONEL SYKES opposed the clause, and expressed his conviction that the provisions of the Bill generally would not be satisfactory to the country.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 78; Noes 116: Majority 38.

THE CHANCELLOR OF THE EXCHEQUER: I have only to move, Sir, that you leave the chair, as the loss of the first clause destroys the Bill.

Motion *agreed to.*

House *resumed.* [No Report].

RIFLED MUSKETS.—QUESTION.

MR. HUSSEY VIVIAN said, he would beg to ask the Secretary of State for War, what number of Rifled Muskets have been manufactured at the Government Establishment at Enfield during the twelve months ending the 30th of June last, and at what rate the manufacture is now proceeding; and what number of Rifled Muskets have been received from Contractors during the same period, and what number the Government are still liable to receive under Contract?

MR. SIDNEY HERBERT: Sir, the number of rifles made at Enfield during the year ending the 30th of June was 90,707, which is at the weekly average of 1,744. But they are now making at a higher weekly average—namely, 1,900, rising to 2,000 as the new machinery erected comes into operation. We have received 30,416 rifled muskets from contractors, and the Government are still liable to receive under contract 99,626.

DISTRICT PROBAT REGISTRARS. QUESTION.

MR. HADFIELD said, he wished to ask Mr. Chancellor of the Exchequer, Whether it is intended by the Government that the payment of District Registrars appointed under the Probate Act (20 & 21 *Vict.*, c. 77) by fees shall be continued; or whether the Government will take into consideration the extent of services performed, and order payment for the same (under the 111th Section of the said Act) by salaries, and carry the fees to the Consolidated Fund account, and make a reduction of fees payable by the public?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Government have already acted on the principle to which the question of my hon. Friend points. Some time ago a Minute of the Treasury placed these Officers upon salaries, under powers given to the Government by Act of Parliament, and requiring that after receiving their salaries they should account for the balance of fees to the public. But some of the Officers affected by that order made objection and appealed against it, which appeal is still under consideration. The principle, however, which my hon. Friend indicates has been adopted.

BONDING PORTS.—QUESTION.

MR. HADFIELD said, he would now beg to ask Mr. Chancellor of the Exchequer if his attention has been called to the loss sustained by the Revenue in consequence of certain small Ports and Creeks where Goods for Bonding are not imported at all, and in other places to insignificant amounts, and the Duties collected are disproportionate to, and in some cases below, the cost; and whether he proposes to revise and correct the same?

THE CHANCELLOR OF THE EXCHEQUER: No one, Sir, in reviewing the comparative charges and receipts of the different ports of the country can fail to be struck by the extreme disparity; but at the same time my hon. Friend will allow me to say that it would be a mistake to estimate the charges of each of those ports by reference to the revenue received, because there are many services to be carried on by the Customs department, and there is the whole business of the prevention of smuggling. These services, of themselves, are unproductive, but must be sustained. But the whole matter is a fit subject for the consideration of the Government, as, indeed, I mentioned at an early period of the Session; and the Government are engaged in the consideration of what steps can be taken with a view to the diminution of those charges. The subject, however, is a very extensive one, because it connects itself with other questions as to the consolidation in certain instances of duties now carried on in different departments. All I can say is, I can assure my hon. Friend that I am very sensible of the importance of the subject, and very desirous

to take measures in the direction to which he points, but it would be impossible to do anything in the present Session.

ROMAN CATHOLICS IN THE NAVY.

QUESTION.

MR. BELLEW said, he wished to ask the Secretary of the Admiralty, Whether if there be any objection to carrying into effect the suggestions contained in paragraph No. seven of the Memorial presented to the late Government respecting the treatment of Catholic sailors in the Royal Navy?

LORD CLARENCE PAGET said, the paragraph to which his hon. Friend alluded was to the effect that the religion of every seaman should be stated as part of his description in the office of the Admiralty, and that every seaman should be obliged to describe his religion. The Admiralty did not think it would be advisable or conducive to the harmony and good feeling of the service to enforce such a rule.

THE DISTURBANCES IN SYRIA.

QUESTION.

SIR JAMES FERGUSSON said, he wished to put a question to the noble Lord the Foreign Secretary on a subject in respect to which he had given notice of his intention that evening to move for papers. Could the noble Lord state to the House whether Her Majesty's Government were in possession of any information affirmative of the report which had appeared in the newspapers that troops had been placed on board of French ships of war to be sent to the coast of Syria? Next, he wished to ask whether Her Majesty's Government intended to join with the French Government in any active intervention on that coast? He begged also to inquire what was the nature of the papers which he understood a Member of the Government in the other House had promised should be laid before Parliament on this subject—whether they would be despatches from Her Majesty's representatives in the Levant, or merely a narrative of events? Lastly, he had to ask whether there would be any objection to produce the despatches which the Foreign Office had received from the Consul General at Beyrout?

LORD JOHN RUSSELL: We have no intelligence that any troops have been placed on board of French ships with a view to interference in Syria; but the French Government are in communication with the Great Powers of Europe, and I believe with the Porte, with a view to consider whether an intervention should not be made for the purpose of assisting in putting down the authors of the massacres in Syria; and that is a subject which is at present occupying the attention of Her Majesty's Government as well as of the French Government. I do not believe there is any intention on the part of France to act alone in this matter. With regard to any interference on the part of Her Majesty's Government, it will not go beyond that which I stated on a former occasion—namely, that some ships of the Line and other vessels will be stationed on the coast of Syria, with a view to prevent the renewal or continuance of these massacres; and that the Admiral will be empowered, if he thinks it necessary, to land the Marines in Syria, but not to go beyond the coast. The papers to which the hon. Member has referred are now printed, and nearly ready to be produced. They are in fact only the narrative given by the different Consuls in Syria of what has lately taken place there. With respect to the Motion for papers of which the hon. Gentleman has given notice, if he will make the terms of the Motion general and applicable to our other Consuls in Syria as well as the Consul General at Beyrout, I see no objection to its adoption.

Moved, That the House at its rising adjourn till Monday.

PERSONAL EXPLANATIONS.

SIR CHARLES WOOD: I hope, Sir, I may be permitted to avail myself of this opportunity to ask the attention of the House for a very short time in reference to an attack which was made upon me last night in my absence. I am quite sure that the House will not refuse to grant me that indulgence. I learnt, partly from what I heard from Members of this House, and partly from what I have seen this morning, that the right hon. Gentleman the Member for Stroud (Mr. Horsman) came down to the House with papers in his pocket, and made upon me what was certainly a most bitter personal attack. Sir, I think the right hon. Gentleman might have apprised me that such was his intention. I do not know that I had any right to his courtesy, but I think I might have claimed, from that sense of justice and fair dealing which

I believe distinguishes every gentleman and every Englishman, that he should at least have so far apprised me of his intentions, that, if he did not choose to tell me the nature of the attack he meant to make upon me, he might at least have given me such warning that I might have been present in my place to hear what he had to lay to my charge. I shall not, however, further allude to that conduct on the part of the right hon. Gentleman, of the fairness of which I leave the House to be the judge; and I mention it only to excuse myself for now obtruding this matter again on the attention of the House.

The right hon. Gentleman repeated the charge which he made against me some time ago of suppressing papers and wilfully keeping them back from the House. I conceive I have shown, on a former occasion, how groundless that accusation is. In the course of the debate on the second reading of the Bill for the amalgamation of the Indian forces, the right hon. Gentleman quoted a telegram from Lord Clyde dated November, 1858; and so little was I aware of what he was referring to, that I mentioned to my hon. Friend the Member for Falmouth (Mr. T. G. Baring), then sitting next to me, that I thought "1858" must be a misprint for "1859." On my suggesting this to him, the right hon. Gentleman said it was not so, but that he found it in a paper which I had suppressed. Now, I have since found that the telegram was contained in papers which were moved for by my hon. Friend the Member for Perth (Mr. Kinnaird) without the slightest reference to the project for amalgamating the two armies. I was asked by him at the close of last Session whether I had any objection to producing these papers. I objected to presenting them at the time because the inquiry was not complete. I had not seen the papers, and it seemed to me improper, under the circumstances, to agree to their production. At the beginning of this Session my hon. Friend renewed his request, and I at once acceded to it, and the papers were granted, as an unopposed return. Now, it appears to me, that I may fairly say my personal duty was concluded at that time. I cannot hold myself, nor do I think the House will hold me responsible for the progress either of the printing or the correction of the proofs or such other details as are done in the office, and of which I knew nothing. It was not till I inquired next day that I found how the matter stood, and learnt what had happened between the printer and the Secretary of the Military Department. The right hon. Gentleman says I had this brought to my knowledge three days before, and that with that knowledge I stated my ignorance of the fact of these papers being in the office. My hon. Friend the Member for Falmouth stated last night quite truly that I personally had no knowledge whatever of the matter, and I can only repeat my utter denial of having had any knowledge of it at all. I have since found that there was certainly delay in the clerical department of the Military Secretary, and that copies of part of these papers were placed in the hands of some members of the Military Committee of my Council; but neither I nor my hon. Friend the Member for Falmouth saw those papers. From those members of the Council—whether directly or indirectly, I know not, and I care not to know—the right hon. Gentleman must have obtained his information of the contents of those papers, which up to the time when the debate took place I had never seen; but I am quite certain that no member of my Council, who are all men of honour, would ever have said or insinuated what is undoubtedly untrue—namely, that I had wilfully kept back or suppressed these documents. That charge must, therefore, have emanated from the right hon. Gentleman's own imagination.

I come now to the new accusation which the right hon. Gentleman has brought against me. He stated last night that he moved for some papers on the 28th of June. That statement is not correct. It was on the 28th of June that the notice of Motion appeared on the Votes. The notice which stood in the right hon. Gentleman's name was for three papers:—First, a correspondence which took place, not in my time, but in the year 1858, between the Secretary for War and the noble Lord opposite, then President of the Board of Control; secondly, the opinions of the law officers of the Crown; and, thirdly, some despatches. The 28th happened to be the day of the meeting of my Council, and also that fixed for the second reading of the European Forces Bill. Hon. Members will easily imagine that it was a busy day with me, and, in fact, it was not until I came to this House and took up the Papers that I saw the right hon. Gentleman's notice. The first notice was for the production of a correspondence between the Secretaries of State for War and India.

Sir Charles Wood

The papers, if they existed, must, of course, have been in both departments, and it would not have been right for me to have consented to their production without the consent of my right hon. Friend (Mr. Sidney Herbert). I showed him the notice, and asked whether his attention had been called to it, and whether he knew anything about the papers? My right hon. Friend told me that the papers were not in existence. In the course of the evening the right hon. Gentleman the Member for Stroud came and sat down upon the Treasury Bench on the other side of my hon. Friend the Member for Falmouth (Mr. T. G. Baring) with whom I was sitting, and asked me if I had any objection to the production of these papers? I told him that I had seen the notice but a short time before; that I had spoken to my right hon. Friend the Secretary of State for War, who had told me that the first papers were not in existence; that with regard to the second paper which he wished to move for he must know that it was not the practice to produce the opinions of the Law Officers of the Crown, but that to the production of the third set of papers, which was the only set which belonged exclusively to the Indian Department, I had no objection, and that he might move for them as an unopposed return. That is all that passed on that occasion. The right hon. Gentleman said last night—

"The right hon. Gentleman told me it did not exist. I told him I knew it did exist, and that it was in his own office, and I begged I might have the correspondence. I told him the correspondence was in his own office. He insisted it was not."

I beg to assure the House that that is a perfectly imaginary conversation; one which never took place. I did not say, and I could not have said what the right hon. Gentleman attributes to me, because the only information which I possessed as to the existence or non-existence of the papers was derived from my right hon. Friend the Secretary of State for War, who must have known from his own office whether they existed or not. Having seen the notice for the first time in this House, and having had no opportunity of inquiring at my office, it is impossible that I could have said anything as to the existence of the papers there. I stated what had been told me by my right hon. Friend, who was a perfectly competent person to give information, because the papers must have existed in his office as well as in mine. Fortunately I have a witness as to this conversation, because my hon. Friend the Member for Falmouth was sitting between the right hon. Gentleman and myself. He heard every word that passed, and will, if necessary, confirm my assertion that no such conversation as that stated by the right hon. Gentleman took place upon that occasion. From that time forward I never heard a syllable upon the subject from the right hon. Gentleman, until on Wednesday I received the letter which he read to the House last night. He did not move for the papers which he states that I had in my possession at the time. Some days afterwards, however, he moved that portion of the notice to which I had said that I had no objection. The right hon. Gentleman also said last night that, on Tuesday I think, he showed these papers to my right hon. Friend. The very statement which he made in the next sentence showed that he did no such thing, because he said that my right hon. Friend asked him for the dates of the papers, in order that he might inquire whether or not they did exist, and promised to give an answer when he came to the House that night. My right hon. Friend did not come down to the House that evening, and therefore, when the right hon. Gentleman moved for the papers next day, and stated that it was an unopposed return, he did so without the slightest warrant, because neither from my right hon. Friend nor from myself had he heard that we did not object to their production. The right hon. Gentleman went on to state what, in point of fact, he could not know, that my right hon. Friend told me of the information which he had received from him, that it was he himself who, in point of fact, gave me the information which enabled me to find the papers, and that therefore when I wrote to tell him that I had found them, and offered their production, he owed me very little gratitude. That, again, is totally inaccurate. What really happened was this, that on Tuesday morning last I saw a notice of Motion for the production of papers given by the hon. and gallant Member for Westminster (Sir De Lacy Evans); I sent for the papers, and on seeing them, which I then did for the first time, I found that they were apparently those for which the right hon. Gentleman had asked me on the 28th of June. I immediately went to the Horse Guards and asked the Commander-in-Chief, one of whose letters was included in the correspondence, whether he had any objection to its production. I

then came to this House with the papers in my pocket, intending to show them to my right hon. Friend the Secretary for War, and ask whether he had any objection to their being produced. As I have already said, my right hon. Friend was not in the House that evening, and it was not until Wednesday morning that I had an opportunity of showing to him for the first time the papers in question. On receiving from him the assurance that he had no objection to their production, I took the earliest opportunity that I properly could to inform the right hon. Member for Stroud that I had no objection to the production of the papers, and that he might move for them as an unopposed return. I quite admit that I did not inquire for the papers in my own office until I saw the notice of the hon. and gallant Member for Westminster. I relied upon the information of my right hon. Friend that they were not in existence, and my attention was not again attracted to the subject until I saw the notice of the gallant Member for Westminster. In answer to my note I received a not very civil letter from the right hon. Gentleman, which was delivered to me when the Cabinet was sitting, and which I showed to my right hon. Friend, pointing out to him the inaccuracies of the statement which it contained. So much for the question of the papers.

I wish before I sit down to make a very few observations upon another charge of the right hon. Gentleman as to my conduct towards the Indian Council. I do not intend to go into that question at large, and so far as the charge concerns myself I should be quite disposed to let it pass; but I think that if I suffered it to remain uncontradicted it might be painful to the members of the Council of India, who are not quite so well used as I am to the habitual language of the right hon. Gentleman. He stated that I had treated the members of the Council with contempt, and had reduced them to insignificance. Now, Sir, I am happy to say that from the first nothing could be more satisfactory or agreeable than my intercourse with the members of the Council. There has been the most full, frank, and free intercourse between us upon all subjects, and so smoothly has the system worked that I do not think the Council has been divided more than half a dozen times. Upon the question of the Indian army, no doubt, I differed from the council, and they complained that I had not consulted them formally before the decision of the Government was come to. I have stated the reasons why that course was not taken in a paper which is on the table of the House. I beg that hon. Gentlemen will bear in mind that the question is not whether I consulted every member of the Council fully and completely upon the subject, or whether or not I was in complete possession of their opinions. It was my duty to make myself acquainted with the opinions of all persons of weight and authority on Indian matters, not only in the Council, but out of the Council, before I came to any decision upon so momentous a question. The question simply is whether the members of the Council were formally consulted in such a manner as to enable them, under the provisions of the Act, to record their opinions. Now, Sir, for the reasons which are stated in the paper to which I have already referred — namely, that it was a question for the decision of the Government, and not of the Council — this did not appear to me to be a matter which came under the words of the Act. Such a course can only be taken when a difference of opinion arises upon a question to be decided in the Indian Council; but the question of the army is one for the decision, not of the Council, but of the Cabinet. I did not take this course merely upon my own authority. I consulted my colleagues in the Government upon the subject, and it was their unanimous decision that it was the right course to adopt. It was the course taken by the previous Government, who came to a decision upon the question of the Indian army, but did not consult the Indian Council before they did so. I put it to every hon. Member of this House whether a course which was thought right by the Government which created the Council, and by the Government which succeeded, can be properly said to be a course which was intended by me to throw contempt upon the Indian Council, and to reduce it to insignificance. In point of fact, as soon as I thought that I could properly put the question before the Council, in order to enable the members to record their opinions upon it, I did so. I may have been wrong in doing so, but at all events, if I erred I erred on the side of wishing to show deference to their opinions. I made the offer to them twice, once to the whole Council, and again to the vice-president, and they declined to avail themselves of it. Ultimately, when, after a long interval, they came to the con-

clusion that they wished to record their opinions, I took the same step which I had offered to do before, and which enabled them to do so.

The next point to which I wish to allude has reference to two Bills which are not before the House, but with the contents of which, as discussed in the Council, the right hon. Gentleman the Member for Stroud seems to be well acquainted. I know not, of course, whence he received his information, but he should have stated correctly, if at all, the circumstances connected with those two Bills. He gave the House to understand that, upon the measures in question, I differed wholly and entirely from my Council, whose opinions, I think he added, though I may be wrong, I was disposed to override.

MR. HORSMAN: I did not say so.

SIR CHARLES WOOD: I may have been misinformed.

MR. HORSMAN:—What I said was that you differed from a majority of your Council.

SIR CHARLES WOOD: It so happens that upon one of the Bills, that relating to the establishment of certain high courts of judicature, there was no difference of opinion at all in the Council.

MR. HORSMAN: I did not allude to it.

SIR CHARLES WOOD: As to the other Bill, that relating to the Civil Service, there was no difference of opinion in the Council except upon one clause. Upon one clause there was a difference of opinion, but a large minority concurred in the view which I took, and therefore I did not differ from the whole of my Council, far less did I attempt to override their opinion. I agreed with a large minority and determined to introduce the clause into the Bill. The clause was not a child of my own brain. It was prepared by the noble Lord who preceded me in the office of Secretary of State for India, and who left behind him a Bill ready drawn, going further than I propose to do in the clause to which I refer. Here, again, I may be right or I may be wrong; I am not going to discuss the merits of the question, but it cannot justly be said that to proceed in a course which was thought expedient by two successive Secretaries of State, and by a large minority of the Indian Council, is treating the Council with contempt or overriding the opinion of a majority of its members. I do not wish to prolong my explanation beyond that which seems to be necessary to vindicate myself from charges made without any foundation whatever. It is not my intention to enter into the question of the merits either of the Bills to which I have alluded, or of the course which I may ultimately think necessary to take upon them. My object has been to show the utter and complete inaccuracy of the statement which the right hon. Gentleman the Member for Stroud has made with reference to the production of certain documents, and to prove that the charge of having treated with contempt the members of the Indian Council — gentlemen from whom I have received the most cordial assistance, and to whom I have on many occasions expressed my warmest gratitude— is wholly without foundation. I should feel ashamed of myself if I had left uncontradicted a charge which, however it may affect me, could not but inflict serious pain upon them.

MR. HORSMAN: I do not think I have any complaint to make of the tone or even, so far as I could hear it, of the matter of the speech of the right hon. Gentleman. But there is one remarkable omission, at which, considering that he was complaining of my having attacked him in his absence yesterday, I cannot help feeling some astonishment. His complaint is that I attacked him in his absence. Will he be good enough to inform us why or how the spirit moved him to leave the House immediately before I rose to address it? I think that is not altogether, in the circumstances, either an uninteresting or an unimportant question. I saw the right hon. Gentleman in the House very shortly before I rose to address it, and, not being able, from this seat, to see what Minister may or may not be in his place, I had a right to believe that the right hon. Gentleman was on the Treasury bench, because he had one very great advantage of me and of other Members of the House who were not in the secrets of the Cabinet, and who came down here yesterday in the innocent belief that it was the intention of the Government to render the present Session to some extent, at least, memorable as having witnessed the passing of one useful measure. Having abandoned their Reform Bill, and having met with an accident in their finance, there was an impression that they intended to adhere to their only other important measure, and to amend the Law of Bankruptcy, in order to save themselves from the disgrace of complete political insolvency. We came down yesterday, therefore, under the firm belief

that the Bankruptcy Bill was to take up the whole evening. I came to the House with not the least idea that we were to go into Committee of Supply, with not the least expectation that I would have an opportunity either of making that speech or reading that correspondence, during the speaking and reading of which the right hon. Gentleman as it appears was so unaccountably and strangely absent. But the right hon. Gentleman knew what I did not know. He knew that the Bankruptcy Bill was to be given up; he knew that we were to go into Committee of Supply; he knew that the Indian Army Bill stood first among the orders for to-day, and he knew that the noble Lord at the head of the Government was going to announce that fact unexpectedly to the House. Moreover, he had my letter in his pocket; he saw me in my place; he knew that the announcement of the Prime Minister would call me up, and that I should make a statement to which it would be his duty to reply. Yet the right hon. Gentleman suddenly vanished from the House, and having done so he ventures to accuse me of attacking him in his absence. Every hon. Member of the House knows that upon the Motion for going into Committee of Supply Ministers are liable to have questions put to them, but it so happens in the present instance that the right hon. Gentleman was aware that a question would be addressed to him. He knew that a discussion would be raised on the subject of the Indian army. I saw him in his place immediately before; I believed he was still in his place when I rose to address the House, and he has yet to explain how it was he left the House at the very moment a discussion was coming on in which he knew it would be his duty to take part. The right hon. Gentleman has said that I brought the correspondence down yesterday on purpose to read it and make an attack upon him. It is obvious I could have done no such thing, because I thought the Bankruptcy Bill would take up the whole evening, and I could not foresee that I should have an opportunity of reading the correspondence. I brought it down for the purpose of showing it to my hon. Friend the Member for Aryshire (Sir James Fergusson), who had given notice of an Amendment upon the Motion for going into Committee on the Indian Army Bill, and I told my hon. Friend that after that correspondence, which I supposed the noble Lord at the head of the Government had seen, the Bill would probably be postponed until the papers promised to us were in our hands. I said the same thing to other Members of the House whom I see in their places, and I have no doubt they will, if necessary, confirm my statement. I did not intend to read the correspondence. But the noble Lord at the head of the Government suddenly got up and, without any question being put to him, volunteered a statement to the effect that the first business taken to-day would be the Indian Army Bill. [Viscount PALMERSTON: A question was put to me.] The noble Lord will excuse me. The right hon. Gentleman the Member for Bucks asked a question about the paper duties, and another about fortifications, and the noble Lord stated that those subjects would not come on to-day, adding that the Indian Army Bill, on which no question had been put to him, would be taken first. I heard that with great surprise. I believed the Secretary of State for India was in his place, and I am not sure, even now, that he did not hear the noble Lord make that announcement. I expected him to rise after the hon. Baronet the Member for Evesham. I was surprised he did not. I rose, therefore, on the impulse of the moment. Before coming into the House I had no design of speaking or of reading the correspondence; but that sudden announcement having been made by the noble Lord, believing that the right hon. Gentleman was in his place, and believing likewise that the correspondence was known to the Prime Minister, I thought myself justified in reading it to the House. I cannot help thinking that what has taken place raises an important question as to the treatment by the right hon. Gentleman of his own colleagues. His conduct towards them seems to have been quite as objectionable as his conduct towards the House. What did we hear last night from the right hon. Gentleman the Chancellor of the Duchy of Lancaster? That the right hon. Gentleman had not made known to his colleagues the opposition which was to be raised to the Indian Army Bill. His letter was delivered to me with a message that he was at the Cabinet, and begging I would send my answer to the Cabinet. I did so. He received it in the presence of his colleagues. They must have been at that time discussing, among other things, the business of the House, and considering what measures they should sacrifice in order to shorten the Session. I ask whether the right hon. Gentleman

ought not to have told his colleagues that his Indian Bills were going to be strongly opposed, and that any attempt to press them through the House of Commons in the absence of papers which had been ordered, would probably prolong the Session several days? If he had made that known to his colleagues what would have happened? Can any one doubt that something would have happened similar to that which took place yesterday, when the noble Lord at the head of the Government, instantly he became aware of the circumstances, administered a severe practical rebuke to his colleague, by postponing the very Bill which the right hon. Gentleman, with a full knowledge of those circumstances, had endeavoured to press forward with undue haste? If my letter had been placed in the hands of the noble Lord he would have said "Oh! our clever Secretary of State has got us into another mess about these Indian papers, and we must get out of it by tying these Indian Bills to the Attorney General's Bill, and by throwing them over together." Every one who knew the good sense and fair dealing of the noble Lord, must feel that that would have been the course he would have pursued. But the right hon. Gentleman did not give his colleagues that opportunity. He suppressed the fact that these Bills were going to be strongly opposed; and what more did he do? The right hon. Gentleman presses the Bill on, gives it precedence over all other measures, though a short Bill and the least urgent, and at the same time, with considerate and characteristic generosity, he graciously promises these papers, which he knows he has taken sure means to make too late. What could be the reason of his writing to me on Wednesday, telling me I might move for these papers which I held to be essential to the discussion of the Bill at the very moment when he put the Bill at the head of the Orders of the Day for Friday? The right hon. Gentleman took every means in his power to get the Bill on before the papers could be before the House. Under these circumstances, I can only repeat that I feel that the right hon. Gentleman has neither behaved fairly to this House nor to his colleagues; that the information we gave to him ought to have been laid before his colleagues, and that the Bill ought to have been postponed.

I will state very shortly what the right hon. Gentleman said about the papers. My statement last night was that the right hon. Gentleman led us into many divisions by assuring us that he knew nothing whatever of the papers, and he himself had shown by his own statement that it was known to his Secretary, if not to himself, that they were at the time in the printer's hands. Remember that on the morning of the 28th these divisions took place. At the evening sitting of that day the right hon. Gentleman told the House that there were still 300 pages to be printed—that the printing had been delayed by the papers being sent back to a department of his own office, and kept there for revision, and that this matter was not brought to his notice by the Under Secretary until the 27th ultimo, when a note was written stating that hon. Members were inquiring for the papers. This was before the divisions took place, and then came an enigmatical sentence from the right hon. Gentleman stating that the steps he had taken upon that information evinced a desire on his part that the printing should be pressed on as rapidly as possible. Does not that mean that the steps taken were the getting the papers out of the hands of the Military Secretary, and sending them to the printer? What else does it mean? The hon. Under Secretary was sitting by the side of the right hon. Gentleman when he made his statement, and must naturally have felt that the printer had nothing to do with it.

MR. T. G. BARING said, that he was not by the side of the Secretary for India at the time.

MR. SPEAKER observed that, though he had not hitherto interrupted the right hon. Gentleman, he must now point out that reading from newspapers a report of a debate in that House was out of order.

MR. HORSMAN: I should not have alluded to that matter unless the right hon. Gentleman had referred to it; but may I not ask another question about the papers? Is it not a fact that the printing of them was retarded by the right hon. Gentleman or his Secretary, in order to make way for more pressing matter which the right hon. Gentleman had in hand? I will not descend into the question whether the conversation between the right hon. Gentleman and myself was imaginary or not; but the right hon. Gentleman is inaccurate in one point. He says that the Under-Secretary was sitting by when the conversation occurred. There were, however, two conversations, and after I returned to my seat the right hon. Gentleman invited me back again, when we had

a second conversation. Again, the right hon. Gentleman said that I showed the papers to the right hon. Gentleman the Secretary for War. I mentioned the date of the papers, but I never professed to have seen or have shown the papers. With respect to the conversation which occurred with the right hon. Gentleman the Secretary for War, if he states that there is any difference on that point I will admit the error to be on my side. I will not follow the right hon. Gentleman into the subject of the conversations that took place. My statement was short, and next week we shall have another opportunity of going into the matter; but I stated that with respect to the Indian Army Bill the right hon. Gentleman was at issue with the whole of the Council, and with respect to the Civil Service Bill he was at issue with the majority of the Council, though, according to the Act of Parliament, it was expected that he should take them into counsel; and that he had not given to the Indian Council the weight and authority which Parliament intended. I stated that during the whole of the Session complaints were made against the right hon. Gentleman, which I am not disposed to modify or retract; that we had the utmost difficulty in getting requisite information; that he had himself misinformed us as to the papers in his office, and that when he promised we should have the papers before going into Committee on the Bill, he nevertheless pressed on the Bill before the papers were in the hands of Members. On the 28th of June I put a Notice on the Paper for other papers, and it was not till three weeks after that the right hon. Gentleman admitted that these papers were in existence. Would any other Minister, after notice had been put on the Paper, and after he was told that these papers were in existence, have been three weeks without inquiring whether they existed or not, while during the whole of that period he was pressing forward the Bill on the table with indecent haste? All those interested in Indian affairs concur in the opinion that the right hon. Gentleman has not treated us fairly, has not given us information in time, and has hurried on his Bill unduly, has overridden the Indian Council, not giving them a due opportunity of recording their dissent. There are dissents with respect to the Civil Service Bill, but they are not yet laid upon the table. I have nothing more to say. I think I have shown that in the first instance I am not responsible for the absence of the right hon. Gentleman, and that if there is any inconvenience accruing to him from that absence he himself is the not unintentional cause of it. I have shown that I did not come here to read the correspondence, but that I was induced to do so by the speech of the noble Lord, and I can only say that I do not modify, qualify, or retract one single syllable of the complaint I made.

SIR CHARLES WOOD said, he rose to explain why he left the House on the previous night. An hon. Friend brought him a message that Sir Richard Airey wished to see him, and he went out of the House to speak to him.

VISCOUNT PALMERSTON:—As the right hon. Gentleman has alluded to me I wish to say one or two words on the matter. I must say that I never heard a more lame apology or excuse for the most discourteous and unfair proceeding that ever took place in my memory in the House of Commons than that which the right hon. Gentleman has attempted to make. I hope and believe that the right hon. Gentleman is the only Member in this House who would have so conducted himself on such an occasion. What is the statement of the right hon. Gentleman? Why, forsooth! he had in his pocket the correspondence which he said he brought down for the purpose of showing to me. ["No, no!"]

MR. HORSMAN: I said that I brought it down for the purpose of showing it to the hon. Member for Ayrshire.

VISCOUNT PALMERSTON: Well, that makes the matter worse. The right hon. Gentleman had in his pocket a correspondence which he thought afforded good reasons why I, having announced yesterday that the India Army Amalgamation Bill would come on to-day, ought not to persist in that Motion, and yet the right hon. Gentleman now says that he had no intention to show me that correspondence. The right hon. Gentleman says that he had fair reason to suppose because he had seen my right hon. Friend the Secretary for India in the House at an early period of the evening that therefore he must have been in the House when he made the attack, because he thought that every Member of Government should be in the House of Commons when Supply comes on. That is a rule which I do not find recorded in the Orders of the House, but we will assume, therefore, that it was the rule

which the right hon. Gentleman observed when he was in office. Now, let me in common fairness ask this question. A Member may be in the neighbourhood of the House, or he may leave it for a short time, but does it follow that he is necessarily to remain here? Even when a call of the House takes place he is not compelled to stay in his place afterwards; and, therefore, no man is entitled to assume that because a Member is present at a particular moment he is necessarily to be present half-an-hour or an hour later. But the right hon. Gentleman had in his head and in his pocket an attack—a virulent, an unfair, an unhandsome attack on my right hon. Friend. I will not use strong language, though I might do so if I followed the example of the right hon. Gentleman, who yesterday made use of expressions which I did not think it worth while to notice, because they are not such as are usual in this House. Why, Sir, any man of common feeling and of common generosity—any man who felt and knew the social obligations existing between man and man would, before he got up to make such an attack, have taken the trouble to ascertain whether my right hon. Friend was in his place, and remained in his place. He ought also to have given my right hon. Friend notice of his intention. Perhaps that would be expecting too much from the right hon. Gentleman, but any other man in the House would have given such a notice. He saw my right hon. Friend in the early part of the evening. Why did he not go up to him and say, "I am going to animadvert on your conduct and to read a correspondence which has passed between us; pray have the goodness to stay in your place?" That is the course which hon. Members usually take, and had that course been taken here, and had my right hon. Friend not then attended in his place, the right hon. Gentleman would have been entitled to say that the Secretary for India had mysteriously absented himself after full notice given of an attack which it was evident, therefore, he was unprepared to meet.

That, however, is not the state of the case. The right hon. Gentleman says that I brought it all upon my right hon. Friend. Now, what was my statement yesterday? Not that the Indian Army Bill was coming on last evening. The right hon. Gentleman was not driven into a corner, as it were, by such an announcement; though even then I think the courtesy usual between Member and Member would have led him to go to my right hon. Friend and say to him, "You have given notice of a Bill to-night, and I have reasons why I think it is one which ought not to come on. There are papers which I think most important to be produced in order to its due consideration, and they have not been produced. I am sure you will feel the impropriety of bringing on that Bill to-night." That would have been a very proper appeal, and, under such circumstanees, I should have felt myself authorized to comply with his request. Then, the right hon. Gentleman says I volunteered the statement. Sir, I did no such thing. I was asked a question about the course of public business. Minute details do not impress themselves very distinctly upon the memory, but what occurred, I think, was this:—I was asked a question respecting the course of business, not for yesterday only but for to-day, and I stated—if not in answer to a direct question, at all events from a desire to give full information—what measures would be taken this evening. That being so, and the Bill to which the right hon. Gentleman objected standing not for last night but for this evening, there was surely ample time for the courteous appeal which hon. Gentlemen usually make in such cases, stating reasons why the Bill should not come on as proposed. But the right hon. Gentleman is also omniscient. It seems that he has his ear at the keyhole of the Indian Council, and knows completely everything that passes there. He knows who is consulted, and which way minorities and majorities go; he knows even the assumed feelings of the Members of the Council, who, he says, believe that they are reduced to insignificance by my right hon. Friend. Well, Sir, I must ask the right hon. Gentleman to confine his mysterious knowledge to the Indian Council, and not extend it by leading us to infer that his ear is equally applied to the keyhole of the Cabinet. He states with the utmost confidence, and in that sort of offhand way in which he makes his assertions, that at the time when my right hon. Friend received a communication from him the Cabinet were discussing the measures they intended to drop, and those they would go on with. Now, I am bound to secrecy, though the right hon. Gentleman seems to be released from any obligation of the kind. Without violating my duty, however, I may go so far as to say that the right hon. Gentleman has been speaking of matters of

which he is totally and entirely ignorant. That is not, perhaps, a singular case. But, on the part of my Colleagues, I can assure the House that we grant the right hon. Gentleman our full forgiveness for any imaginary breach of the secrecy of the Cabinet which he conceives himself at liberty to commit. I think the right hon. Gentleman has made out no case whatever, and I most sincerely lament, from the regard which I have for him personally, that he should have done what I am sure every man who both observes and values the courteous mode of proceeding usual between Members of this House must have regarded with the greatest concern and regret.

MR. HORSMAN: The noble Lord misunderstood me in one point. I said distinctly that my intention to speak was owing to his own announcement, my full belief being that he had seen my communication.

KENSINGTON GARDENS.

OBSERVATIONS.

MR. EDWIN JAMES said, he wished to divert the House to more harmonious topics. Hon. Members would probably not be sorry to stop a discussion of a most unfortunate character, and which he thought was not calculated to increase the public respect for this House. He had given notice of a question which involved the comfort and convenience of many thousands of the inhabitants of the Metropolis, and the House would probably allow him shortly to direct their attention to the subject. He referred to the encroachment which, under the direction of the First Commissioner of Works, had been made upon the tranquillity and privacy of Kensington Gardens. Some few days since the inhabitants of that portion of the Metropolis were very much surprised to find a road staked out in those gardens with a large number of iron hurdles. At first they thought it was the contemplated road between Tyburnia and Belgravia, so much desired for the accommodation of the public; but it turned out that the right hon. Gentleman had merely apportioned that strip of ground for the convenience of equestrians, male and female, more especially lawyers and doctors. The right hon. Gentleman said it would enliven the neighbourhood if they had an opportunity of seeing lawyers and doctors riding there for exercise; and, he added, that those persons, when they did ride, were obliged, their time being limited, to ride as fast as they could. Now, if there was one thing calculated to make a man feel the reverse of lively, it was the sight of a lawyer on horseback. Sedentary people, it had been observed, seldom had a good seat, and, to employ a legal phrase, he might say that a lawyer had never entered into a covenant for quiet enjoyment with the animal on whose back he was mounted. To such persons mischievous boys were in the habit of saying, "Don't you think, Sir, you would be more comfortable if you were to get inside?" Equestrian lawyers, therefore, were the last persons in the world calculated to excite admiration, which was one of the grounds mentioned by the right hon. Gentleman for the formation of this new ride. As to doctors, he believed they very seldom rode; but he was quite sure that they would henceforth frequent this spot on the chance of the accidents which could certainly occur there. An important memorial against the road had already been presented by the inhabitants, and a deputation had waited on the right hon. Gentleman. Their remonstrance against the innovation was based on no vulgar feeling, as between pedestrians and equestrians, the lower orders and the upper ten thousand. The memorial was signed by 1,500 of some of the wealthiest inhabitants of the neighbourhood; and the deputation was attended by merchants and gentlemen of position, headed by an able Judge, the Recorder of London. They stated that they remonstrated on account of the threatened interference with the tranquillity of these gardens; and as an instance, it was mentioned that the very day before two large dogs were noticed which were following some persons on horseback, and which, having got through the hurdles, frightened almost into convulsions some of the small children who were playing there at the time. The reply of the right hon. Gentleman was, "I will take care it is put a stop to; and I will put a green man," was the right hon. Gentleman's expression, "to see that no dogs shall be running about." It would be a very green man, indeed, who would attempt to interfere with a large St. Bernard mastiff, or a deerhound which might be following his master at full speed up the ride. Another argument used by the right hon. Gentleman was, that persons on foot like to see the riders. But what was the answer of those who desired to retain the privacy of the gardens? They said, "Let those who like to see the

Viscount Palmerston

riders go to that part where thousands of persons with such tastes do go, Rotten Row." There they could see doctors, lawyers, and the more accomplished equestrian, who—

> "With one heel insidiously aside,
> Provokes the caper he pretends to chide."

But those who wanted to send their children to the gardens in safety were not those who wanted to see riders. He had given notice that he should ask the right hon. Gentleman whether Her Majesty had given her sanction to a ride being formed in Kensington Gardens, and as he was extremely unwilling to bring that illustrious name unnecessarily into any subject of debate, he would state his reason for putting the question. Those gardens had always been considered as the property of the Crown, and they had always been devoted to the use of pedestrians. As far back as 1705 they read of the fact that Sir Isaac Newton wandered there during the latter part of his life, and died in the neighbourhood; Crabbe wrote many of his poems there; Mill, the Indian historian, availed himself of their privacy; Her Majesty drew her first breath in Kensington Palace; she there held her first Council, which had been described in the gorgeous language of the author of *Sybil*. The public therefore naturally believed that the gardens were more particularly the property of the Crown. No monarch had ever been more solicitous for the comfort and convenience of her subjects than her gracious Majesty; and he thought the right hon. Gentleman was bound to state to the House whether before taking any step he had obtained the sanction of the Sovereign. The noble Lord the Member for Middlesex (Lord Enfield) in introducing a deputation, put a question to the right hon. Gentleman, who gave an answer that was perfectly astonishing. The noble Lord asked whether the right hon. Gentleman had received any applications from anybody before he made this encroachment, and the answer was there had been no applications. Then at whose suggestion had it been done? Applications for similar encroachments had been made to former Commissioners of Works, and they had uniformly refused them. In 1851, a ride was made for equestrians out of Kensington Gardens, but that was only because a large portion of the space which had been long appropriated to equestrians was occupied by the Exhibition building. Upon that occasion a great movement took place, and a deputation waited upon Lord Seymour, who gave a pledge that when the Crystal Palace was removed the new ride should be discontinued. In the present instance he thought the public had some right to complain that the right hon. Gentleman, from some motives of ambition, perhaps, that he might do something in his ædileship which former First Commissioners had not ventured to do, that was, take away from pedestrians a large portion of Kensington Gardens, upon the plea that equestrians had not already a sufficient space for exercise. A more fallacious plea could not be urged. At present an equestrian could start from the bottom of Great George Street, along Birdcage Walk, up Constitution Hill, gallop up and down Rotten Row as much as he pleased, and then could make the circuit of the Park, which would afford an amount of exercise amply sufficient for any doctor or lawyer, or more than most of them could endure. The right hon. Gentleman had done an act which was much to be regretted, and which it was to be hoped upon reconsideration he would undo. It was unpleasant to suggest anything that could wound the *amour propre* of any official, but the right hon. Gentleman had so many brilliant examples among his colleagues in the Government, of how easy it was to withdraw measures, that he might now feel inclined to withdraw the iron hurdles in Kensington Gardens. He hoped the right hon. Gentleman would seriously reconsider the question, and having had the discomfort and inconvenience which his plan would create explained to him, would not persist in a scheme which was so objectionable. He would conclude by asking whether the First Commissioner of Works had obtained the sanction of the Crown to take a portion of Kensington Gardens before setting out the Road for Equestrians, which has been done under his direction.

MR. HUBBARD said, he should have imagined, from the energy displayed by the hon. and learned Member, that the subject he brought under the notice of the House was some grave constitutional question, instead of an attack upon an arrangement which during the last ten days had been a source of enjoyment to himself (Mr. Hubbard), and his family. He had inquired of the police and park-keepers, who ridiculed the idea of danger to any one from the ride being made there, and

stated that not a single child had been run over. The only difficulty was, as he was told, that some of the ladies' crinolines would not pass through the openings between the hurdles. The police and keepers also told him that before the rails were put up they never saw any persons crossing in that direction. It was a great convenience for equestrians, but he could not support it if he believed that it would cause any inconvenience or danger to pedestrians.

VISCOUNT ENFIELD said, that with all due respect to the hon. Member who spoke last, he did not think that the "green men" were the best judges upon this question. There was not the slightest wish to encroach upon that portion of the Park which had for very many years been enjoyed by equestrians, but those whom he represented thought the rights of pedestrians should be equally sacred. The deputation that waited upon the right hon. Gentleman the day before was composed of most respectable gentlemen who lived in the neighbourhood, some for many years. It was no vulgar cry against the "upper ten thousand," but it was a question whether the inhabitants of that most respectable neighbourhood, who had for years enjoyed the comfort, the safety, and the privacy of Kensington Gardens, were now to be deprived of that enjoyment. The right hon. Gentleman had shown in many Metropolitan improvements so much desire to meet the wishes of the public, that it was to be hoped he would reconsider his decision on the present occasion, and not persist in a scheme which no one appeared to have asked for. If the right hon. Gentleman could show that representations had been made to him that the safety and convenience of equestrians demanded the formation of a new ride, he (Lord Enfield), although he might deplore the conclusion arrived at, would not say anything against it; but if no such representations had been made to him, he hoped the right hon. Gentleman would reconsider the matter, and, frankly admitting that he had committed an error of judgment, would in a short time restore Kensington Gardens to the same condition in which they were a few weeks since.

SIR JOHN PAKINGTON:—Having visited the spot to ascertain what grounds there are for complaint, I am bound to say that I believe there is no reasonable foundation for objection, and, in fact, I for one feel extremely obliged to the right hon. Gentleman. The noble Lord asked whether the ride has been made in consequence of any petitions for it. But however that might be, I am quite sure that numerously-signed petitions could be soon obtained against the removal of the ride. Looking dispassionately at the arrangements that have been made, I am bound to say they are such as to leave not the slightest ground of reasonable complaint. There is no obstruction, for every twenty yards there are openings in the hurdles, through which persons can pass, and to say that the number of horses that will be found there will cause any obstruction is pure nonsense. The hon. and learned Gentleman tells us that in 1851 Kensington Gardens were opened temporarily for equestrians, but the arrangement then was totally different. The ride then was across the very centre of the gardens; and when he speaks of the large space taken away from pedestrians, I beg to say, as the result of my observation, that no space at all has been taken from them. The ride, such as it is, is very narrow; it is round the external margin of the gardens, and there still remains a very large space entirely unencroached upon for those who frequent the gardens on foot. The hon. and learned Gentleman talks of the privacy of the gardens, and certainly there is privacy, for when I have been there I have scarcely seen any one. But, practically the result of this innovation is, that where there was one pedestrian before, you will now find ten drawn thither to enjoy the increased liveliness of the gardens caused by this ride. I think it is a most rational and acceptable addition to the enjoyment of that portion of the public who take horse exercise, without detracting one iota from pedestrians; and I earnestly hope that the right hon. Gentleman will not be deterred by what appears a most unreasonable outcry from allowing those who take exercise on horseback to continue it.

COLONEL DICKSON said, he did not think this subject worthy the consideration of the House. The opposition had originated with a few locally interested parties, who forgot that the First Commissioner of Woods and Forests possessed his authority not for the benefit of any particular section of the inhabitants of the Metropolis alone, but for those also from distant parts of the country who were obliged to spend a certain number of months every year in London. He wished to impress on the right hon. Gentleman that he was acting

for the benefit of the whole community, and in the height of the London season this ride was the only place where equestrians could take exercise. There was not sufficient room anywhere else, for equestrians had increased three or fourfold within the last six or seven years.

MR. COWPER said, he had no hesitation in saying he had not made this opening into Kensington Gardens in consequence of any representations that were made to him by any person whatever; and he took on himself the responsibility of originating it. It originated thus:—He thought in the management of the Parks intrusted to him, it was his duty to follow the maxim of seeking the greatest happiness of the greatest number; and observing the great number of persons who derived enjoyment in Hyde Park, from sitting in chairs, and watching the horses in Rotten Row, and also those in carriages who were amused in the same way, it occurred to him that the enjoyment and recreation of the public would be promoted by giving similar facilities for conjunctions of riders and walkers in some of those very beautiful portions of that magnificent area of Kensington Gardens, which were little frequented, and to a small extent subserved the recreation and amusement of the public. On a careful examination of the gardens, it appeared to him that if riders when they reached the western end of Rotten Row were enabled to pass through one of those avenues, which confessedly were not much frequented, although near the great broad walk, he should enable a larger number of persons to receive enjoyment and recreation from the western end of Kensington Gardens. Then by carrying the ride along the northern edge of Kensington Gardens, which was not used, he would enable persons who wished to ride from Bayswater to Kensington to have the advantage of a communication through these avenues. He fixed the hurdles in a temporary manner, he made no new gates, he incurred no expense. What had been done was manifestly in its nature temporary. The ride could only be open during the summer months. In its present state it would hardly be safe for horses in winter. When the time came for closing the ride at the end of the season he thought he should be able to ascertain what was really the preponderance of public opinion on the subject, so as to guide the person who occupied the office he now filled in deciding whether it would be right again to give the public the advantage and enjoyment of that ride in summer. Now, as far as he had been able to observe, he thought the preponderance, certainly of reason, was much in favour of the ride. The argument against it was that it interfered with the quiet and retirement of persons who had hitherto frequented that portion of the gardens. He could only say that if some few solitary persons who desired to be alone were prevented from pursuing their quiet meditations in that particular avenue, on account of the admittance of horses, there was ample space in the 300 acres of Kensington Gardens where they could still find themselves beyond the sound of the trampling of horses; but he thought it very doubtful whether the passage of persons on horseback did at all interfere with the quiet enjoyment of pedestrians. He felt that there would be great objection to bringing the traffic of the town through such a place as Kensington Gardens. He certainly should not desire to see any portion of Kensington Gardens, in its present condition, used for business purposes. He thought the uses of the Park were mainly for the enjoyment and recreation of the public, and such should be the primary object. The objections founded on the assumed interference with the privacy and quiet of the gardens proceeded mainly from the inhabitants of the immediate neighbourhood of the western end of Kensington Gardens; it was from some of them he had what he thought a strange remonstrance. They spoke of the ride as an invasion of their rights. Not content to regard it as a simple affair of public convenience and enjoyment, they joined with persons who were trying to swell the matter into a great social and political question. But when he asked what rights had been invaded, he could get no answer. The residents in Notting-hill and Kensington assumed that they had some privileged and exclusive right in the gardens; and the exclusion of all but pedestrians would practically exclude those who lived too far off to frequent the gardens on foot, but who could easily reach them by riding. Now, he asked by what right did they seek to exclude those who took exercise on horseback? The grounds were maintained by grants from the public money. The inhabitants of Kensington had no more right to them, either by payment or in any other way than any other portion of the public. The soil was the property of the Queen, and the money spent in maintain-

ing them was public money. It was difficult, therefore, to make out that by admitting the general public on horseback there could be an invasion of anybody's rights. He was told there had been three indignation meetings, at which it was insisted that this was a great invasion of the liberty of the subject. There were, as they all knew, in many parishes men whose only chance of becoming politicians and orators, and of obtaining vestry honours, lay in discovering some unknown grievance and in declaiming against the bloated, pampered, heartless aristocracy. But, he did not believe that when a man was rich enough to keep a horse, he necessarily became less regardful of the wants of the poor; and to endeavour to raise class against class in connection with this affair was manifestly preposterous. They read in ancient history of an equestrian order being opposed to the plebeian order; but happily in England any person with 10*s.* in his pocket and a little leisure might belong to the equestrian order and enjoy the ride. There was no real antagonism between riders and walkers. On the contrary, he maintained that they mutually promoted and assisted each other's amusement. Since riders had been admitted to Kensington Gardens a large number of persons had gone there to look at them. It was urged that the new regulation was a matter of exclusion, but surely that exclusion would be on the part of those who would refuse admission to the riders. The grounds ought to be open to the enjoyment of the public in the best and most agreeable way; and the burden of proof lay with those who wished to exclude the riding public. Again, it was said the picturesque character of the gardens was injured; but he appealed to any judge of picturesque effect whether, on the contrary, the presence of equestrians did not add considerably to the beauty of the scene. But the objection that was most pressed was the danger occasioned to children, nursery-maids, and ladies in crossing the ride on foot. He would be the last person to wish to gratify the riders if there were any ground for this apprehension, but the danger seemed to be rather imaginary, inasmuch as the children and nurses who were to be exposed to the risk of crossing the ride had at present to cross the omnibus and carriage roads before they could enter the gardens. Rotten Row was crossed by thousands of children every summer's day in passing from Belgravia to Hyde Park, and yet, as far as he knew, not a single accident had occurred in Rotten Row. If, however, the residents in the neighbourhood really believed in the existence of this danger, it might easily be obviated by erecting some light bridge by which children and their nurses might cross the space devoted to riders. He would rather like to see such a bridge, not because any child or nurse would ever go over it, but because it would stand as a monument of the visionary character of these apprehensions. It was true that there had been a memorial against the ride signed by 1,500 persons, but a counter memorial was also announced in its favour. He knew from casual intercourse and other means of information that large numbers of people who went into the gardens on foot were very thankful to have a dull portion of the grounds converted into an amusing scene, and he had heard persons say they used to take the trouble of going a mile and a half to see the riders, whereas they now had them brought close to them. It could not be denied that Englishmen and Englishwomen took pleasure in seeing equestrians, even when they did not ride themselves; and when the hon. and learned Gentleman disclaimed any desire on the part of the legal profession to share in this exercise, he was only sorry that that profession should have so degenerated. The Judges and the Bar used to ride on circuit and to Westminster Hall, and when the Lord Chancellor and the Lord Chief Justice, made their appearance on horseback in Rotten Row, their equestrianism did no discredit to the profession of which they were distinguished ornaments. He had spoken of the lawyer and the medical man only as types of that large body of hardworking men whose health and general welfare were of the utmost importance to the community, and who were obliged to take their horse exercise either early in the morning or late in the afternoon in Hyde Park. He did not allude only to Members of that House, but to the mercantile and professional classes of the Metropolis generally; and if they could have the pleasure of seeing the beauty of Kensington Gardens, without injury to any other class, he thought it was his duty, if possible, to extend to them that advantage.

Sir JOHN SHELLEY said, that the right hon. Gentleman the First Commissioner of Works had no right to say that those who had made representations to him upon the subject of the new ride in Ken-

sington Gardens were actuated by a desire for vestry renown. The deputation which waited upon the right hon. Gentleman was headed by the Recorder of the City of London; and the time for the signature of the memorial had been limited in order to anticipate, and, if possible, prevent any agitation out of doors. He believed that the right hon. Gentleman had made this alteration under the impression that it would excite no opposition, but, as it would undoubtedly do so, he trusted that his right hon. Friend would at once reconsider the decision at which he had arrived. Of all the miserable places which he ever saw, the ride, which was now a swamp, and in dry weather became so hard that no one could ride upon it, was the worst. It was altogether a mistake, and the sooner things were restored to their original condition the better.

THE PAPER DUTIES.

QUESTION.

MR. PULLER said, it might have escaped the attention of hon. Members that the notice which for some time past had been standing on the paper on the subject of the paper duties had yesterday been altered by the Chancellor of the Exchequer so as to propose a diminution of the Customs' duty on paper after the 16th of August, instead of their total abolition. For some years past the Customs' duty on paper had been $2\frac{1}{2}d.$ per lb., the object of its imposition being to compensate the home manufacturer for the Excise duty of $1\frac{1}{2}d.$ per lb., and the additional 5 per cent to which he was liable, as also for the expense to which he was put by the Excise regulations, and for the disadvantage under which he laboured in comparison with his foreign rivals through the restrictions placed by other countries on the export of rags. In France and Belgium the export of rags had been altogether prohibited, and in Germany, Holland, and other countries there had been a large duty of from 6*s.* to 9*s.* per cwt. In 1853 the subject was distinctly brought under the notice of the Chancellor of the Exchequer, who then contemplated an equalization between the Customs' duty and the Excise; but the paper manufacturers of this country made out a good case, and his proposal to reduce the Customs' duty was abandoned expressly on the ground that they would be exposed to an unfair competition if such a measure were adopted. When the Chancellor of the Exchequer this year proposed the total abolition of both the Excise and Customs' duties on paper, our manufacturers were again thrown into consternation. The Foreign Secretary had intimated that the Government would use their best endeavours to induce other States to repeal or modify their restrictions on the exportation of the raw material, and on a subsequent evening the House had listened with pleasure to the announcement made by the noble Lord that the French Government had consented to substitute for their previous system of prohibition a small export duty on rags. The home manufacturers thought, when the House of Lords rejected the Bill for the repeal of the Excise duty, that the proposal to deal with the Customs' duty on paper would be abandoned by the Chancellor of the Exchequer. But they had now been undeceived, because the right hon. Gentleman had given notice of a Motion to reduce the Customs' duty to such an amount as would exactly compensate the Engligh manufacturer for the Excise duty, and for the expense occasioned by the Excise regulations, but would not leave him any protection at all in respect of the existing restrictions on the export of the raw material from other countries. Under these circumstances he begged to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government has succeeded in obtaining from any of the Continental Governments the abolition or modification of the taxes or restrictions imposed by them on the export of Rags; whether it be true that the French Government has abandoned its project of substituting a Duty on the export of Rags for the prohibition which now exists; and, whether any Communication has been received from the French Government, claiming that, under the recent Treaty of Commerce, the Customs' Duty on French Paper imported into this country be diminished?

LORD JOHN RUSSELL: With regard to the first question, I certainly did undertake, as the hon. Gentleman has stated, to represent to foreign Governments that it would be the desire of Her Majesty's Government that some change should be made with regard to the export of rags, that where there was a prohibition it should be abolished, and that where there was an export duty that duty should be reduced. I am sorry to say that those representations have not been successful; that, although some of the foreign Governments

promised to consider the matter, no efficient steps have been taken for that purpose, and that many Governments replied that the paper manufacturers objected to any diminution of duty or removal of prohibition. That is the answer which we have received from Austria, Prussia, and from other Powers. With regard to the second question of the hon. Gentleman, I stated some time ago that the French Government proposed to change their system of prohibition into one of duty, and accordingly they submitted to the legislative body a project for such an alteration. We have no official information upon the subject, but we understand that great opposition was made to that project, and there are great doubts whether it will be carried. It therefore does not appear at all certain that the French Government will persist in the proposition. With reference to the last question, I imagine that, the treaty of commerce having been sanctioned by Parliament, the French Government will expect that our obligations in that respect should be fulfilled. They have made no communication upon the subject, but I imagine that they consider that, as a matter of course, we shall comply with the obligations of the treaty.

THE PRINTING OF THE BIBLE.

QUESTION.

MR. BAINES rose to ask the Home Secretary, what course the Government intended to pursue as to the Queen's Printers' patent for printing the Bible. The House was aware that a Seclect Committee sat during the last Session and the present, to inquire into this subject; and in their Report they made the following recommendation, namely,—

"That the Patent of the Queen's Printers, so far as relates to the printing of Bibles and New Testaments be not renewed, and that no exclusive privilege of printing the Sacred Volume be allowed henceforth to exist."

As Chairman of the Committee, he thought it his duty to give his right hon. Friend (Sir George Lewis), the opportunity of informing the House and the public the course which he intended to take on this matter. It was not his (Mr. Baines') intention to discuss the general question on its merits, owing to the advanced stage of the Session; but there were one or two points to which he must draw the attention of the Home Secretary and the House. Whilst the Committee was yet sitting—as the former patent of the Queen's Printers expired in January, 1860—the right hon. Gentleman renewed the patent, not for any term of years, but during the Queen's pleasure. But if that patent should not be revoked by an Act of the Government, the recommendation of the Select Committee would be set aside, and the exclusive privilege of printing the Bible enjoyed by the Queen's Printers and the Universities would be continued. Now, there were on the face of the patent two great anomalies. It was in the old form, and had the vices of centuries on its head. The patent, in the first place, strictly forbade any other person than the Queen's Printers to print the Bible in England, "of any translation, with notes, or without notes;" and in the second place, it forbade the introduction into or sale in England of any Bibles printed out of England; which of course prohibited the introduction of Bibles printed in Scotland, where the printing had been free for twenty years, though under the supervision of a Bible Board. Now, the English printers were subjected to a real and twofold injustice, and the Scotch only to an apparent injustice; the two kinds of injustice being partially cured by two modes of violating the law. The patentees did not venture to enforce their rights as to the printing of the Bible with notes in England, or as to the importation of Bibles from Scotland. The Scotch printers introduced their Bibles, which were sold as freely in London as in Edinburgh or Glasgow. But the English printers were prevented from printing the authorized version without note or comment—thus losing the privilege of printing the book which was more largely sold than any other book in the world, and although they printed editions of the Bible with notes, yet, in so doing, they were subjected to the payment of the paper duty, from which the Queen's Printers, the Universities, and the Scotch printers were exempted. Therefore, the English printers had to bear an unjust competition with the Scotch printers. In order to show how severely this pressed upon them he would state that he had within these few days presented to the Lords of the Treasury a memorial from the enterprising firm of Messrs John Cassell and Co., of London, in which they said that they were issuing an illustrated Family Bible, for which they had had a sale of nearly 200,000 copies, but "that the paper tax upon this issue amounted to a sum of more than £3,000 per annum,

which is substantially a tax to that amount upon the free circulation of the Bible among the classes for whom it is most desirable to provide religious instruction." He did not comment upon these facts, but he thought it right to mention them, and to ask the Government and the House to consider whether the law ought to be left in such a state as to be constantly violated. If unhappily the Government should be so inconsistent with its free-trade policy as to uphold the patent, he should next Session invite the attention of the House to the subject, in the hope that the Parliament which had abolished the customs duties on 400 articles, and thrown open every trade for the supply of every want of the people, would abolish the last and worst monopoly, that of printing the Word of God, and give us that perfect freedom of competition which the experience of all ages and countries showed to be the surest guarantee for cheapness and excellence.

MR. DUNLOP said, he wished to ask the Secretary of State for the Home Department, Whether it is the intention of Government to maintain to the Queen's Printers the power renewed by the Patent lately granted of preventing the importation into England of Bibles printed elsewhere, and, in particular, of copies of the authorized version of the Scriptures printed in Scotland, by licence, and under the revision of Her Majesty's Bible Board of Scotland?

SIR GEORGE LEWIS said, if he had taken advantage of the reappointment of the Select Committee on the printing of the Bible to amend the patent he should have exposed himself to the charge of want of good faith. The hon. Member for Leeds would probably have said that he had met his argument against the patent by altering it, and therefore he had taken care to renew it exactly in its existing form. His own opinion was that, looking to the extreme cheapness of the editions of the Bible and of the Common Prayer Book published in this country, and the great variety of forms in which they were issued, the Bible and Prayer Book were, in fact, published as cheaply under the present system as they would be if the printing were thrown open to public competition. He objected to the expression "monopoly," used by the hon. Member for Leeds (Mr. Baines), because practically there was a very active competition with respect to the printing of the Bible and the Book of Common Prayer between the Queen's Printer and the two Universities; and every one was aware that the most determined competition might prevail among a very limited number of individuals or of corporate bodies. He believed it was impossible that the Bible could be printed more cheaply than it was printed at present; and there seemed to be a general persuasion in the public mind that it ought not to be printed without some public control and supervision. In Scotland, where it was said the printing of the Bible was free, not a single sheet could be published until it was sanctioned by the Bible Board. A certain expense was involved in the maintenance of that Board, which was paid by the public money; but in England the necessity of paid officers was avoided by the contrivance, which appeared both effectual and economical, of limiting the right of printing the Bible to the two Universities and the Queen's Printer. With respect to the importation of Bibles printed in Scotland, and with respect to the printing of Bibles with notes or illustrations, or in foreign languages, no practical inconvenience existed. The exclusive right exercised by the Queen's Printer and the two Universities was practically limited to the printing of the authorized version without note or comment, and the importation of Bibles from Scotland was perfectly free, there being agencies in London, who kept by them a large supply of Bibles and Prayer Books printed in Scotland. The hon. Gentleman said that this was a violation of the law; but it was not, properly speaking, a violation of the law, but a violation of the Queen's Printer's patent, and, of course, if he chose to waive his right, he had a right to do so. He was not aware of any practical inconvenience in the present state of things; but, if any should be felt, he should be ready to issue an Amendment of the patent. With regard to the Universities, he believed that what was desired could be effected without legislation; but neither the Queen's Printer nor the Universities desired to exercise those rights, which had not been exercised for many years.

PARTY BANNERS IN IRELAND.

QUESTION.

MR. COGAN said, he rose to ask the Chief Secretary for Ireland, Whether the Government have received information that, from the 1st to the 12th of July, Orange

Flags have been flying from the towers and steeples of a great number of churches in the North of Ireland; and, if so, whether Government intend to propose any legislative enactment to further restrain the public exhibition of Party Banners and Flags in Ireland; and to call the attention of the House to the state of the North of Ireland? It was with much pain that, thirty years after Catholic Emancipation, he felt compelled to draw the attention of the House to atrocities springing from religious fanaticism in the North of Ireland, which could not be equalled in any country in Europe, and were only paralleled by those dreadful events now taking place in Syria. He (Mr. Cogan) had already given notice that he would introduce a Bill to prohibit these irritating displays; but he believed he could show to the House that a necessity existed for such an enactment, which he hoped would induce the Government to take up the matter themselves as it was clearly impossible for a private Member at that period of the Session to be able to carry any such measure. The hon. Member for Armagh (Sir William Verner), the deputy grand master of the Orange Society in Ireland, was last night understood to give his assent to the introduction of some measure to put an end to the public exhibition of party emblems in Ireland; and, doubtless, animated by humane feelings, shocked at the recent outrages, had thus intimated that the exhibition of party banners in Ireland could not but be attended with danger to the public peace. While giving him every credit for so acting, he felt bound to declare, at the same time, that he believed that a deep responsibility rested on the hon. Member and others of station and property in the North of Ireland for assisting to prolong the existence of the Orange Society, by giving the authority of their names and influence to it. He believed he need not then enter into any lengthened argument for the purpose of showing that that society had been productive of considerable mischief in Ireland. So far back as the year 1813 it had been condemned by Lord Castlereagh and Mr. Canning. It had since that time frequently occupied the attention of the House, and in the year 1832 its proceedings had rendered necessary the Party Processions Act, which had been introduced by the present Earl of Derby, who was severely attacked by Mr. Shaw for saying that the Orangemen of Ireland alone persisted in keeping up religious animosities, and that their only object in meeting was to insult their Catholic fellow subjects and to defy the Government; also the late Mr. O'Connell, who for many years indulged the vain hope of conciliating the Orange party, and others, strongly opposed the measure as an infringement of the constitutional liberties of the people, and alleged that the Emancipation Act would put an end to the atrocities against which it was directed. Outrage followed outrage, however, in the North of Ireland, and they were doomed to see similar disastrous events as those that occurred in 1840. In 1845 Parliament thought they would give a chance to the Orangemen in Ireland, and they allowed the Act to expire. It was not until other outrages occurred that the attention of Parliament was again awakened to the subject, and all those who, in 1832, were opposed to it were reluctantly compelled to admit that the exceptional circumstances of the North of Ireland rendered its re-enactment a matter of necessity. In 1850, then, the Act was revived by the unanimous vote of the House, including even the hon. Members from the North of Ireland who were Members of the Society. Still the conduct of the Orange body looked so dangerous to the peace and tranquillity of the country as to demand the serious attention of Parliament. A Committee was appointed to inquire into the whole subject, and the result was, three Reports in which it was declared that the existence of the Orange Society was dangerous to the peace and prosperity of the country. Addresses were presented to the Throne by both Houses calling for the suppression of the society. Gentlemen connected with the North of Ireland and in high position, both in this and the other House of Parliament, declared their compliance with the wish expressed by their Sovereign that the body should be dissolved. Again a hope was entertained that a feeling of brotherly love would be established in the country, and that the insults of an old religious ascendancy which had passed away would be abandoned. He regretted to say, however, that again they were disappointed. Men of great influence and ability, and deserving of great respect, yet carried away by religious prejudices, again sought to revive the Orange Society. Lawyers were consulted to advise how or by what means the law could be evaded. The right hon. Joseph Napier, the late Lord Chancellor of Ireland, drew up a code of laws in 1845 for the revival of the Orange Society. He (Mr.

Cogan) did not mean to implicate Mr. Napier with the Orange Society by his doing so. That learned Gentleman, who had been a distinguished and esteemed Member of that House, merely acted on that occasion in his capacity as an eminent lawyer; but he regretted that he did not use his great influence with his party for the purpose of suppressing a body that had done such great mischief. In May, 1849, the Orange Society was again revived, and in July, 1849, just two months afterwards, the dreadful massacre of Dolly's Brae, with the details of which the House was no doubt familiar, took place. The Earl of Derby, in speaking of that affair, in which a village was burned down and many lives lost — condemned in as strong language as possible the atrocities of the Orange party. On a recent occasion unfortunately they had seen all that bad feeling spring again into existence at the unfortunate meeting of Derrymacash, where a number of persons were fired upon by the Orange party. Although he was pleased to hear that the Government intended to frame a provision to check such disturbances by preventing the exhibition of Orange flags and banners upon churches and other places, still the organization of which this outbreak was the outward sign would remain. Until that organization was destroyed, there could be no hope of the permanent re-establishment of peace in Ireland. Now it was in the power of Parliament to destroy that organization. If the law were vigorously put in force, and no magistrate and no Lord or Deputy Lieutenant were allowed to belong to these exclusive and secret societies—and he was ready to prove, if it were considered necessary, from the Report on the Belfast riots, that they were both exclusive and secret—the Government would at once go to the root of the evil. If, however, they were not prepared to take such a step, he would appeal to the good feeling of the gentlemen in the North of Ireland whether there was any practical use in this organization, and whether it did not create more mischief than good. What could be a stronger proof of its dangerous character than the letter which the gallant Member for Armagh had lately penned with such good taste, and calling upon the Orangemen to abstain from those riots which usually took place on the 1st and 12th of July of every year? Other measures also should be taken. The Government, for instance, might direct their attention to the jury system in Ireland, with a view of rendering it impossible for Orange juries to try Orange offenders. At present, as Judge Fletcher stated, Catholics in the North of Ireland had no assurance that justice would be done to them when they or when Orangemen were brought for trial before an Orange jury. On one occasion Chief Justice Bushe said, after the acquittal of an Orangeman in the county of Down, "That is your verdict, gentlemen; thank God it is not mine!" Moreover, there could be no proper faith in the administration of justice when Members of the Orange Society were on the bench. No man should be retained in the commission of the peace, or should be allowed to sit on a jury, who belonged to this or to any other secret society, whether they were orange or green. He (Mr. Cogan) would put down both the one and the other; he believed they were the great curse of the country, and at the root of all its evils. He did not wish to speak with harshness of those clergymen who allowed their churches to be decorated with Orange flags and banners when they knew they were calculated to insult and arouse the angry passions of a large portion of their fellow countrymen; he believed many of them were compelled to do so against their will. He should only say that he regarded such a mode of church decorations as a desecration of the house of God, who preached peace and good will to men. Upon a church adjoining the court in Lurgan, where an investigation about the shooting down of sixteen Catholics by the Orange procession at Derrymacash was going on, there were to be seen, long after the 12th of July, four Orange flags flaunting in the breeze. Was not that a desecration of the house of God? Few Gentlemen in that House were aware of the length to which these things were carried in the North of Ireland. There at all times Catholics were exposed to annoyance and insult, "To Hell with the Pope" being a common street cry, which was shouted in the streets at all times. Very recently a Catholic gentleman was chosen sheriff of the county of Fermanagh. He was a man universally respected and esteemed, but he was prevented from dining with the grand jury, because the standing toast was an insult to his religion, it being the "Glorious, pious, and immortal memory." Would or should such a thing be longer tolerated! He (Mr. Cogan) would not object in England to drink the health of William III., whom he considered to have introduced many reforms; but in Ireland that toast was intended as an insult to Ca-

tholics, and as such was distasteful to them ; in the one country his name was identified with civil and religious liberty, but in the other it was connected with the most shameful religious persecution and penal laws — and was intended to mean Protestant ascendancy. Sir Robert Peel long ago condemned the practice of observing anniversaries, which were made the occasions of disorder, and why did the Protestant gentlemen of Ireland to this day encourage and permit such baneful practices to continue ? Sir Robert Peel had said that that toast was meant to commemorate the battle of the Boyne, and to celebrate the defeat of the Roman Catholics. Mr. Lefroy, the present Lord Chief Justice in Ireland, who was then a Member of that House, said they might as well declare that the battle of Waterloo should no longer be commemorated. Well, they had lived to see the day when, in deference to the feelings of their French Ally, that great event was no longer commemorated; and were the feelings of their own fellow-subjects to be still disregarded ? He would only remind the House that in 1857 Belfast was for days the scene of almost civil war, one class of citizens being arrayed in arms against another class. Commissioners were appointed to inquire into the causes of the outbreak, and they reported that the observance of the July anniversary was the main cause of all the disorders. He would not enter at any length into the details of the recent outrage. A riot was provoked by the insulting and irritating conduct of the Orange party. On the morning of the 12th upwards of 5,000 Orangemen with 28 drums and fifes were marching through Lurgan, it being market day—and on the return of some of these in the evening some one of them fired a pistol at the cross on the chapel at Derrymacash — so it began. It is not material who actually commenced the riot, but it was certain that the Orange party alone indulged in firing. Sixteen persons were wounded, two of them dangerously, and the persons who were responsible for that were those who encouraged or took part in such irritating proceedings. One part of the evil was to be dealt with, but he wished to see the Orange Society entirely abolished; he believed there would be no peace in the North of Ireland till that was done. He wished hon. Gentlemen would exert themselves to that end, and if the right hon. Gentleman the Member for Bucks would persuade his followers to abandon and discourage the society, he would probably obtain a larger number of supporters; for in Ireland the chief ground of objection to a Conservative Government was, that its entering into office was regarded as the signal for a renewal of insults to the Catholics and the assertion of Protestant ascendancy. They had been offended and outraged by some who now sat on the Treasury bench, but they still supported them, because they disliked more the advent of a Government which would lead to Orange ascendancy. They had not forgiven the Durham letter, and never could forgive it ; and there were many other things which the Whigs had done not to be forgotten, and if the right hon. Gentlemen opposite were wise, they would take advantage of this, and bid for power in Ireland. He hoped the right hon. Gentleman the present Secretary for Ireland would take warning by this. If he could be instrumental in putting down these party organizations, which had been productive of so much mischief, and could bring all the people of Ireland, of whatever creed or party, to live together as fellow-citizens of one country, he would deserve the gratitude of Ireland.

MR. DAWSON said, he had listened with great attention and deep interest to the observations of the hon. Member for Kildare (Mr. Cogan), in which the hon. Member had alluded to a series of events which were greatly to be deplored by every Member of the House. He (Mr. Dawson) was deeply interested in the good name and the prosperity of Ireland, and especially the North of Ireland ; and no one could deprecate more than he those useless and insulting displays which invariably accompanied these July anniversaries. He had seen many of these manifestations, but they had always grated on his feelings, because he was aware that they recalled party triumphs which ought to be forgotten, and prefigured the establishment of ascendancy which he never desired to see exercised by any class. So far he agreed with the hon. Member for Kildare in the very able statement which he had made, but he would ask the House not to continue the discussion of an irritating matter, or to use any partisan expression which might tend to widen differences already existing in certain districts in Ireland. He must remind the House that the excitement was confined to certain localities, and did not prevail throughout the whole of Ulster ; but leading articles, written on the telegraphic reports of proceedings in

the House, frequently appeared in Irish newspapers, and therefore he would suggest to hon. Members to refrain from any language which would afford ground for articles that would not lead to that good feeling which he was sure it was the wish of the House to promote. He was well acquainted with the town of Lurgan, and he was able to corroborate the statement of the hon. Member that the magistrates had used their utmost exertions to bring the offenders in this matter to justice. He had that morning received a letter from Lord Lurgan, which stated that the magistrates were unanimously determined to sift this deplorable case to the bottom, and that they would spare no pains for the purpose. It was almost unnecessary to say that he had never been a member of an Orange body. Nobody regretted their existence more than he did, and he had always been of opinion that secret societies, of whatever party, had been the curse of Ireland. If the efforts of the local magistracy were seconded by the Government, there was every reason to believe that tranquillity and a spirit of confidence would soon be restored.

MR. CARDWELL said, he thought that after the able and dispassionate statement of the hon. Gentleman the Member for Kildare, and the candid speech of the hon. Gentleman who had just sat down, it would be better on the whole that the discussion on this subject should not be protracted. He believed that, whatever party was in power, such occurrences as these would be viewed with the deepest regret by the Government, and every Government would view with the liveliest satisfaction the dissolution of the societies which led to such occurrences, and which postponed the day when the people of Ireland would live together as one united and loyal people. Last year he had the pleasure of stating that these anniversaries passed over in the most satisfactory manner, and there was every reason to hope that such would be the case this year. Unhappily, there had occurred riots in Armagh at the beginning of the month. It led to forty-five persons making their appearance at the assizes, and now there was this disturbance. The main cause of these disturbances was a social condition which it was their duty to remove, as far as possible, by social and moral means; but there were also defects in the law which the Government intended to ask Parliament to remedy at once, notwithstanding the short period which remained of the present Session. He might mention, in answer to a question which had been put to him, that the town of Belfast was under proclamation at the time referred to, and still remained in the same condition. The town of Lurgan would be put under proclamation immediately. The defective state of the law had already attracted the attention of Government, but he was glad that their attention had been so early called to it by the hon. Baronet opposite (Sir William Verner). Nothing could exceed the exertions which had been made by the magistrates of Lurgan, but, as their investigation had not yet terminated and he had no official information, therefore, on the subject, it would be right for him to abstain from further dwelling on it. He drew, however, a very favourable augury for the future from the temperate, but forcible observations which had fallen from Gentlemen on both sides of the House. They could not be lost on any part of the community, and he trusted that the generous sentiments which had been elicited by the discussion on these occurrences when conveyed to Ireland would strengthen the efforts which would be made by the Government, not only to put down these disturbances, but to remove the causes of them.

MR. WHITESIDE said, that though the statement of the hon. Member for Kildare was, in some respects, a proper one, he (Mr. Whiteside) must take issue with him on the picture which he had drawn of the province of Ulster. He said that, to his (Mr. Cogan's) knowledge, justice had not been done by Judges and by juries acting in that part of Ireland. He (Mr. Whiteside) begged to tell the hon. Gentleman that he had been present at many trials in Ulster, at which, without an instant's hesitation, juries brought in a verdict against men for having walked in procession. He had seen one man sent to gaol there for six months for whistling a party tune. It was monstrous to say that the Judges of the land—most of whom were of the same religious persuasion as the hon. Member himself—would not administer the law impartially.

MR. COGAN in explanation said, that he had made no allusion to the Judges of the land. What he had said was, that it must be injurious to the administration of justice to have men administering the law who were members of an Orange Society.

MR. WHITESIDE: The hon. Gentle-

man had asked a very sensible question as to what had led to the reconstruction of the Orange Society. He (Mr. Whiteside) would answer the question for him, although no one could answer it better than the right hon. Baronet the Member for Carlisle. It was as well the whole truth should be spoken. After the dissolution of the Orange Societies Mr. O'Connell commenced the greatest agitation which was ever seen in any country in the world. It appeared that the Orange party at Lurgan, on the occasion referred to, consisted of a number of people, 500 in all, men, women and children, who had gone to church—and he supposed he must regret that they had done so if it gave offence—and who were returning. It was not such numbers Mr. O'Connell brought together. When he was engaged in revolutionizing Ireland, he brought together hundreds of thousands of strong men, and, as he believed, brave men. The right hon. Gentleman the Member for Carlisle (Sir James Graham) was then Secretary for Ireland, and he directed a prosecution against Mr. O'Connell for those meetings and societies, which were very unlike the small affair at Lurgan, because they were well organized by a man of consummate ability as an agitator, and their avowed object was to change the Government of the country. It was a legitimate object in which Garibaldi had succeeded elsewhere. Mr. O'Connell did not admire English administration, and he wished to get rid of it if he could. It was exactly at that time that a body of persons of opposite opinions held meetings and drew up resolutions for the express purpose—it might have been wrong, but for the express purpose of disputing with Mr. O'Connell the possession of the country. That was the short history of the resuscitation of these societies. No one had laboured more in the good and wise attempt to repress the excesses of any body of politicians than Lord Eglinton. There were disturbances at Belfast, but 100 constables were sent down, and on the first occasion of a riot afterwards, they caught the rioters. The rioters were sent to gaol for a month, and they heard no more of riots at Belfast. He was not satisfied with the conduct of the officials on that occasion. If there were any procession which was forbidden by the law, how came it to pass that it was permitted to proceed? He doubted very much whether there was any procession; but, if there were, all the persons were engaged in an illegal act, and the process of detection was very simple, because it took place in broad day-light. These persons went to church. They left it, and he was told that a man's treading on a match was mistaken for the shot of a pistol. The firing at a cross was a very unlikely thing to take place, and he had heard with great pleasure that it was a fiction, and that nothing of the kind had occurred. What did occur, he was informed, was more natural. A shower of stones came from behind hedges and ditches as these people were proceeding home. He understood that they had no arms, and not even sticks; but, being naturally pugnacious they retired, and got into some house where there were arms. They returned, and, though in a great minority, forced a passage home. It was a very lamentable transaction, and, no matter who were right or who were wrong, he hoped all would be punished. If there were any illegal procession, there was law enough to punish them. But a riot in one corner of Ulster did not justify the description which had been given of a province nearly as large as Scotland. There was no part of Ireland where the Roman Catholics were more comfortable or were better paid, and he trusted they would live happily with those who differed from them; one mode to accomplish which was to repress those feelings to which the hon. Gentleman had directed his observations. It would be far better, in this instance, to have allowed these persons to go home, to have marked them, to have given information, and to have prosecuted them for the procession, if it were an illegal procession. He was very sorry that the transaction had occurred; but, he was sure, there was no spot in Her Majesty's dominions where justice was more efficiently administered than in that part of Ireland.

SIR WILLIAM VERNER said, the hon. Member for Kildare had endeavoured to make this impression on the House—that the only persons guilty of any outrages in Ireland were those whom the hon. Gentleman might call Orangemen if he liked, but who were the Protestants of Ireland, for it was against them as a body, and not against the Orange Society only, that the objection lay. He asked the hon. Member could he produce a single instance in which the Protestants had ever shot a person in broad daylight, in presence of hundreds of people, without one of them being found to come forward and

give evidence against the murderer? The House was not fully aware of the nature of the society which had caused the remodelling and reforming of the Orange body. He meant the Ribbon Society. He would state a case to show what this society was. A gentleman who succeeded to a property in the North of Ireland appointed an agent to take charge of it. The agent went upon the property, and one of the first things he endeavoured to do was to establish a school. The schoolmaster was a Protestant, and in open daylight a party went to his house, dragged him out, and murdered him in presence of his two daughters, in front of his house. The murderer was taken with his coat covered with blood; the daughters identified him as engaged on the occasion, so that there could be no mistake. He was brought to trial in Armagh; and on two several occasions the jury disagreed and there was no verdict. This was stated to be owing to the presence of Ribbonmen on the juries; for by one of the oaths of the Ribbon Society the members bound themselves to on no account give evidence against a brother Ribbonman, no matter what the offence. The man was brought to trial a third time, the prosecutor having taken especial care to exclude Ribbonmen from the jury. The consequence was that the prisoner was found guilty and hung. In 1848, when Ireland was very disturbed, and the troops were obliged to be sent out of Dublin, the Lord Lieutenant could not find 200 men to depend upon without having recourse to the Orangemen. He accepted the services of 200 of them, and placed arms in their hands.

CEYLON RAILWAY.

QUESTION.

SIR WILLIAM GALLWEY said, he had a notice on the paper to put certain questions to the Under-Secretary of State for the Colonies, regarding the Ceylon Railway; and he wished to express a hope that some statement would be made that might tend to tranquillize the minds of the colonists in that Island, who were excessively disturbed at the prospect of an enormous railway expenditure which threatened them; and that some measure would be suggested, if possible, to extricate them from the position in which they found themselves; very much owing to the mismanagement of the Colonial Office. He would say a very few words as to the origin, progress, and present state of the Ceylon Railway. In 1856 the Governor in Council passed what was technically called an ordinance for reviving the Ceylon Railway Company, and calling on the Island to grant the sum of £1,200,000 to complete it. The decision of the Governor and of the Legislative Council was received in the Island with the greatest consternation. It was alleged that was not the result of a free expression of opinion on the part of the Representatives of the Island in the Legislative Council. The Council consisted of eighteen Members, eight of whom were official persons, on whom the Government could bring influence to bear; and the ordinance was carried by a majority of only one. The matter was referred home, and the Secretary for the Colonies was called upon to send out a competent engineer; and if he decided that the line could be made for £1,200,000, that then the Colonial Office should make arrangements with a Company to carry it out for that sum. The Colonial Secretary sent out Captain Moorsom; but unfortunately, as he was informed by that gentleman, with no instructions to make a working survey. Captain Moorsom made what was called a "flying survey," and declared that the line could be made for that sum; and by that course the agreement became an absolute one, and the colonists found themselves pledged not to make a railway for a definite sum, but pledged to a company to pay six per cent on an indefinite sum. The Company caused their own engineer to make another survey, when, to the horror of the colonists, he reported that the railway could not be made for a less sum than £2,250,000. When he stated to the House that this would entail an addition to the export duty on coffee of from 2½ to about 8 per cent, they would see that the consternation of the colonists was very natural. It might be said that Sir Henry Ward's somewhat rash conduct in regard to this railway was confirmed by subsequent addresses from the colonists. But at the time of the great railway excitement in Ceylon, there was a Cambridge house in colombo, and he was told that the festivities held there produced these addresses in support of the Governor's proceedings. The railway had also been negligent and extravagant in carrying on its works; and he appealed to the hon. Baronet, the Member for Portsmouth (Sir James Elphinstone), who was connected with the direction of the Company, to afford some explanation of its conduct. When

the colonists referred to the Home Government for a complete survey, and an agreement defining the sum they were to pay, they also expressed a strong desire to have some gentleman possessing the confidence of the Island, and well acquainted with the locality through which the line was to pass, appointed on the direction of the railway to take care of their interests. To their great surprise and extreme disgust, however, instead of their request being complied with, they found the Government sending out a *précis* clerk from the Colonial Office to undertake that duty. He wished, therefore, to ask the Under-Secretary of State for the Colonies to suspend all expenditure on the Ceylon Railway, except such as is absolutely necessary for the preservation of works in progress; to inquire, in the event of the connection between the Railway Company and the colony being severed, whether the Government will submit to a strict audit all claims for repayment made by the Ceylon Railway Company; and whether the recent expenditure on surveys (swelling the sums expended under this head to above £100,000) was undertaken by the desire, or with the knowledge, of the Colonial Legislature?

MR. P. W. MARTIN asked what reason there could be for expending £2,000,000 upon an undertaking which a responsible English contractor was prepared to complete for a much smaller sum?

SIR JAMES ELPHINSTONE said, that the House was not the proper place for discussing railway politics. The general meeting of the Ceylon Railway Company would be held next week, when he believed explanations would be given which would be satisfactory to the public in regard to the position of the undertaking. The cost of the surveys for the line was £39,000, not £100,000, as had been stated.

MR. CHICHESTER FORTESCUE said, he must protest against the assumption that this railway project, though unfortunately not now in a flourishing position, had been in any degree forced upon the people of Ceylon by the Colonial Department. The Government had been repeatedly urged by the colonists to promote the making of a line between Kandy and the port of Colombo; and on their application Lord Taunton, when at the Colonial Office, entered into a provisional agreement with the Ceylon Railway Company. It was true that the provisional agreement was sanctioned only by a majority of one in the Legislative Council of Ceylon; but the Governor made its adoption an open question in the Council, and it was strongly opposed by the then Colonial Secretary, and present Governor of Ceylon. After Captain Moorsom's report was received, stating that the project might be carried out much within the limit of £1,200,000, the feeling of the colonists generally was decidedly favourable to the undertaking. The hon. Member was very naturally disappointed at what had since happened; but there had certainly been nothing approaching to a wish on the part of the Home authorities to force this project on a reluctant community. Some months ago his noble Friend at the head of the Colonial Office consulted the late eminent Mr. Stephenson upon the subject of this railway, and by his advice suspended all works upon the line, with very few exceptions. At the same time he ordered home Mr. Doyne, the resident engineer, and sent out the agents of two eminent contracting firms, in order that materials might be prepared for offering a contract. Since then the whole matter had been submitted to Mr. Hawkshaw, who recommended that the railway should be proceeded with at an estimated cost of £1,800,000. Certain offers for the surrender of the contract had been made by the company to the Colonial Office, and these, together with all the circumstances of the case, would be submitted to the Legislative Council, and to those commercial bodies which were entitled to be consulted in the matter, before any decision was arrived at. He apprehended that no such offer would be accepted without a thorough investigation of the affairs of the company. That statement nearly amounted to an answer to the second question of the hon. Baronet. With respect to the third question, he begged also to say that nothing would be done without consulting the wishes of the colony.

MR. BUCHANAN complained that, although this railway had not been made, the planters had for some time been subjected to an additional export duty on their produce on its account.

MR. DUDLEY FORTESCUE said, that as one of the ill-used planters referred to, he thought that the complaints which had been just made were well founded.

Motion *agreed to*. House at rising to adjourn till *Monday* next.

MAYNOOTH COLLEGE BILL.

SECOND READING.

Order for Second Reading read.

MR. CARDWELL said, he rose to move the second reading of this Bill. When the Maynooth Act was introduced in 1845 a provision was contemplated by the Government and Parliament with respect to the annual repairs of the college. It was proposed, according to the statement of Sir Robert Peel, that the Board of Works should undertake the repairs of the college, in order that the business should be conducted with the greatest economy, and that the cost should be included in the annual estimates of the Board. Accordingly, in the Act itself the Board of Works were made Commissioners for the purpose, among others, of enlarging, improving, repairing, and furnishing from time to time the buildings constituting the College of Maynooth. That arrangement continued until 1851, which was the last year in which Parliament voted any sum of money for repairs at Maynooth. There was in the Treasury a balance which served the purpose in 1852. In 1853 the Government included in the estimate for the Board of Works the usual sum for the repairs of the college, but on the Motion of the hon. Member for Warwickshire, that Vote was rejected by a small majority, and no Vote had since been taken for Maynooth. Last year a memorial, praying that the annual Vote should be renewed, was presented to the Irish Government by the authorities of the college. The answer he returned was that it was then too late to consider the subject, and that even with regard to future years he could hold out no expectation that the Government would think it expedient to propose an annual Vote to Parliament. When the trustees of the college held their annual meeting in the present year he directed their attention to the Report of the Harrowby Commission, in which were set forth all the wants which the building now had in order to fit it for the purposes for which it was intended by Parliament. All the money originally appropriated had been expended, but the works were still in an unfinished state, and he could not understand the policy, when we had spent a large sum of money in erecting a building for the education of a number of men who were to be in an important degree the guides of the Irish population, of keeping those persons in a position of discomfort. If the building was not to be allowed to fall to pieces, money from some source must be found. It was hopeless to think of an annual Vote; but the Harrowby Commission had recommended a different arrangement, and the trustees of the college had informed him that, while they could not relinquish their claim to a Vote of Parliament for annual repairs, they felt themselves constrained under present circumstances to accept any reasonable expedient by which the building might be saved from falling to decay, and the health and comfort of its inmates might be secured. Having received that communication, he thought it right immediately to ask the permission of the House to give effect to that arrangement. It was proposed to deal with the sum of £5,000 a year as mentioned in the last paragraph of the Report. That amount was by the Maynooth Act assigned in sums of £20 each to 250 senior students, and the Commissioners recommended that the fund for repairs should be obtained by suspending those payments. Then came the question, how was the amount to be applied? For the annual repairs the whole sum would be more than sufficient, but the whole sum was not immediately available, as the trustees would not suspend the allowances to any of those pupils to whom they were already given. Their interests would continue to be preserved, and it was only by the suspension of the allowances to new pupils that funds could be obtained. At the same time it would not be right to suspend the allowances with respect to the whole of the new students, as it was necessary to afford some encouragement to merit in any scholastic institution. At any rate, the whole sum would not be available for some period. The application of the money would not be limited to mere repairs, but the chapel —a necessary building in any scholastic institution — would be finished, and care would be taken to provide proper ventilation, lighting by gas, and baths. To meet this expense it was proposed to allow, with the previous sanction of the Treasury, the Commissioners of Public Works in Ireland, who had a sum of money in their hands similar to that which the Exchequer Loan Commissioners dispensed, to make advances to complete the college and keep it in repair, on the credit of the sum of £5,000 a year. It was not intended to make any addition to the college directly or indirectly, but simply to complete it and repair that which would otherwise fall

to ruin. He was sorry that the hon. Member for Warwickshire intended to offer opposition to the Bill, and he should have thought that the hon. Member, having great objection to the endowments of the pupils of the college, would have supported the Bill, which drew on those endowments for the repairs of the college. The House must either permit a building erected at great expense to fall to ruin—a result which would have most important consequences of a moral and political character — or, since it would not appropriate funds for the repair of the building, it must consent to the present Bill, which trespassed on the funds assigned to the students.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. SPOONER said, he rose to move that the Bill be read a second time that day three months. As the House was aware, he dissented altogether to the institution, as he thought it was contrary to the Protestant constitution of this country to do anything in support of a system of education completely subversive of the Protestant religion. He would not enter into details on the present occasion, his general views having been so often stated in respect to a perpetual charge on the Consolidated Fund for Maynooth. He objected to the Bill on two grounds. First, that it enabled the Government to apply grants of public money to the extension of the College of Maynooth, and secondly, that it entailed the cost of the annual repairs of the college upon the country. Ever since 1853 the House had declared that they would have nothing to do with the repairs, and they took away the powers of the Commissioners, not because they grudged the money, but because they thought it an object to which the sanction of Parliament ought not to be given. But he had still stronger objections to the second clause, by which the trustees and Commissioners were authorized to borrow and lend money for that purpose. The moment that was done the country was responsible for the payment of the loan. The House was in reality now asked to give perpetuity to the grant. It was nothing more nor less than paying money in perpetuity for that to which he was conscientiously opposed. He felt no enmity against the Roman Catholics. They ought to enjoy their civil rights, but he did object to any assistance being given by a Protestant Parliament to the propagation of the Roman Catholic religion. The doctrines taught in that college were completely subversive of the articles of our pure Reformed Church, which articles the Sovereign of this country was bound by the Coronation Oath to maintain. These doctrines were, moreover, contrary to the Word of God, and such as a Protestant nation ought not to encourage. He believed that this country owed the great blessings which it had so long enjoyed to its Protestantism; and he believed further, that the judgment of Heaven would fall on us if we diverged from it. As long as he had a seat in the House he felt bound to express his conviction. He had another objection to the Bill. The right hon. Gentleman opposite had put a face upon the question it really did not bear. It was not to keep a public building in repair; it was not to make the pupils in the college comfortable that the Bill was proposed; it was to undo what Parliament had done in 1853, and, by a side-wind, to sanction a departure from what Parliament then had enacted, and to introduce a practice entirely contrary and opposed to our pure Protestant Constitution.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

SIR WILLIAM VERNER seconded the Amendment, which he believed would meet with the approbation of the country. He wished to know whether the funds which it was now proposed to apply might not be used for the purpose of extending the present buildings and increasing the number of pupils?

MR. WHALLEY said, he also objected to the Bill, not because the doctrines taught in the College were contrary to the Word of God—not because the object of the Bill might be to increase the number of Roman Catholic pupils in the College, but because the object was to remove the annual grants made to the College from the jurisdiction of Parliament. The 2nd clause enabled the trustees to borrow money on the security of the grant; and immediately that section was passed the grant, instead of being a subject of discussion year by year, whether it should be renewed or not, would be removed from the pale of discussion, for the money borrowed would be borrowed by authority of Parliament. The House had been by a recent Bill supported by the

Government, called on to recognize the doctrine, discipline, laws, canons, and usages of the Roman Catholic Church. He had made some inquiry into those matters, and if any one was prepared to contend that the doctrines, discipline, laws, canons, and usages of the Roman Catholic Church were such as to entitle the college to further support, he for one was prepared to enter upon the discussion, if the promoters of the Bill were willing to submit the subject to such discussion; but if not, then this Bill — pretending to be for repairing the buildings of Maynooth, but being really for the purpose of changing altogether the nature of the existing grant by removing it beyond the ordinary control of that House, and thereby preventing future discussion of the doctrines, discipline, laws, canons, and usages there taught and used—ought to be rejected.

MR. GEORGE said, he should support the second reading. He believed that the principle of the Bill was not that there should be a shilling added to the grant, but that there should be an authority to devote the surplus money already granted to the repairs of the building. Therefore he gave his assent to the second reading.

MR. BUTT said, he was not satisfied with the Bill, and could not consent to vote for it if it abrogated a pledge solemnly given by Parliament that there should not be an annual grant to Maynooth for the purpose of repairs. He thought that it did amount to a distinct pledge that the repairs should be defrayed by Parliament, and he hoped that when the Bill went through Committee words would be inserted which would leave open the important question of an annual grant.

MR. NEWDEGATE: Sir, I wish to make a few remarks with regard to the position in which the House stands in reference to this Bill. I believe that I can show that the House is asked to stultify itself by agreeing to any such measure. In the first place, the Bill proposes that the same number of students shall be educated at Maynooth as were provided for by the Act of 1845—namely, 520; and next, that the allowance which was deemed to be adequate by the framers of that enactment for the maintenance of the students shall be diminished by the sum considered requisite, not merely for repairs, but for furnishing and finishing the new compartments of the establishment at Maynooth. Parliament must, therefore, have been clearly wrong, according to this Bill, when, in 1845, it decided that £30,000 a year was not more than sufficient for the maintenance and instruction of the pupils at Maynooth. The House is now asked to declare, and particularly those hon. Members who supported the Act of 1845, that the amount they agreed to on that occasion was in excess, and that they did not know at the time how cheaply these Roman Catholic priests might be brought up. That is the first point which the House is now called upon to stultify itself. The second point upon which the House is asked to stultify itself is this:—It is invited to declare that the House has wrongfully refused to provide separately for the repairs of Maynooth since 1851. I fully admit that, as observed by the hon. Member for Youghal, there has been an omission—that the House did not do its work in 1851 so completely as it ought to have done, and that it would have been more consistent to have repealed the statutory obligation which appears to rest upon the Commissioners of Public Works in Ireland, under the Act of 1845. Well, that, I confess, was an oversight; but by the solemn decision of the House, arrived at after a long struggle, it was decided that these annual grants for the repairs of Maynooth should not be continued; and notwithstanding what has been stated by the hon. and learned Member opposite (Mr. Butt), the Government, in deference to the feeling of the House and the country, have accepted the decision of the House that no further money should be voted for repairs. That is the second point in reference to which the House is called upon to stultify itself; because, what is the difference between appropriating money granted for an analogous purpose for repairs, and granting new funds for that specific purpose? It is the same thing, in fact; and that is the operation to which we are now called upon to assent. I must now call to the recollection of the House the circumstances which were so lightly passed over by the right hon. Gentleman the Chief Secretary for Ireland. The right hon. Gentleman says that people build houses and do not count the cost, and that by accident there was an excess in the Estimate of £30,000 for the repairs and new buildings at Maynooth contemplated by the Act of 1845; but that is simply a gloss put upon a grave subject. The facts of the case are these. I have taken great pains in going through the whole of the evidence up to this day, and these are the facts. In 1845 there was

not only a sum of £30,000 granted for salaries and the maintenance of the students at Maynooth, but another £30,000 was given to provide adequate accommodation for the residents at Maynooth. Well, Sir, what was done? £30,000 was ample. I have shown on a previous occasion, from the evidence of Mr. Carus Wilson and of Sir Francis Head, that it was far more than ample to provide, by repairs and enlargement of the building, for the accommodation of the 520 students and the requisite staff of professors. What was done? Did they repair the old existing college? Not in the least. Did they merely add such a number of buildings as should provide a separate apartment for each of the students? Not at all. No, the authorities of the college gave Mr. Pugin, the architect, *carte blanche* for the magnificent scheme he proposed, and carefully asked for no estimate of its cost. That scheme was placed before the Commissioners of 1855, and there are drawings in their Report showing what it is, and how much of it has been completed. It provided, not for the better accommodation of the 520 students already in the institution, but, by adding 215 rooms to the existing ones, and which were quite sufficient, has already provided accommodation for 735 students. Why do I say that the accommodation in 1845, if the repairs were done—and they were done by separate Votes of this House—was quite sufficient for 520 students? Because the visitors who were appointed under the Act of Parliament reviewed in 1846 the state of the college, and found that there were 522 students at college, of whom 512 were resident; that they were not sleeping three in a bed, as was alleged in 1845; but that, with very moderate repairs of the then existing buildings, they were, to use the expression in the concluding paragraph of the Report, "on the whole, in a very satisfactory condition." That Report I have now beside me. I will give you another proof to justify my assertion. There was no haste exhibited on the part of the authorities of Maynooth to undertake the new buildings. Not at all. In 1847 the visitors complained that no steps had been taken beyond laying the foundation of these great buildings, and implied no astonishment at the perfect satisfaction which reigned at Maynooth with the accommodation then existing. Again, in 1851, the principal reported, on behalf of the students, that he had nothing to complain of. He stated it for them, and they stated it for themselves. Yet not one room of the 215 new rooms was then occupied. Since then, it appears that, by falling back upon voluntary contributions and the property which the college possesses, these rooms have been brought into a state fit for habitation. And what do the visitors now report? They report from the president of Maynooth that it is absolutely necessary, if this enormously increased accommodation is to be preserved in a state of repair, that some additional funds should be provided. How are they to be found? The right hon. Gentleman the Chief Secretary has told you, by taking from the provision for the maintenance of the professors and students, which in 1845 was not deemed excessive, the sum of £5,000 a year, or thereabouts. And for what purpose? Why, for the purpose of completing an addition to the college of 215 rooms, thus providing accommodation to that extent in excess of the amount limited by the Act of 1845. I put it to the House, then, are we not asked to stultify ourselves? But beyond that, we are asked to pledge the faith of Parliament to the continuance of the whole sum by the appropriation of this grant. I know that in these days Protestantism is not so rife as in 1851; still I conclude that there are some Protestants left in this House. I know there are in the country; and I do not think that the revelations of the Commission of 1855 have reconciled them to this institution. I do not believe that it is one whit more popular now than ever it was. Doubts are entertained as to the nature of the teaching in the College of Maynooth; whether it is that tolerant Roman Catholicism which prevailed at the commencement of the century, or whether it is that intolerant ultramontane system which has been of late too manifest. The visitors report that the marked circumstance of this last year is the formal and final rejection of the Gallican doctrines, as inculcated by Baily, by the authorities of Maynooth, and the adoption of the ultramontane which are now dominant at Rome, in the form of the work of Scavini; and that work of Scavini is a compendium of the doctrines of Liguori, which are again derived of the teaching of the Jesuit Bussenbaum. I repeat that you have it stated in the visitor's report that the marked circumstance at Maynooth this year is the formal and final adoption of the teaching of ultramontane or Jesuit doctrines. Considering that it was thought right in 1845 to endow Maynooth, and provide

for the wants and comforts of 520 students, in order to conciliate the Roman Catholics, I think the House will decide wrongly if it takes from that sum an amount which is estimated by the surveyor of Maynooth at £32,000, as necessary to complete the buildings and provide furniture, in accordance with Mr. Pugin's plan of enlargement, the whole cost of which has been estimated at £62,000, £30,000 being already spent upon the new buildings. The remaining £32,000, remember, is exclusive of all repairs, and will be applied to completing the accommodation in excess of that which in 1846 was quite sufficient. The Commissioners admit that the number of priests necessary for Ireland, with her diminished population, is not so great as formerly. Upon what grounds, then, of common sense can the House be asked to provide for accommodation for the education and maintenance of more students at Maynooth than were deemed sufficient in 1845? The Commissioners in 1855, and the visitors from year to year declare that that which has been really advantageous and really conciliatory in the Maynooth grant has been the better provision made by the Act of 1845 for the actual maintenance and teaching of the students; and it is that which you are now going to trench upon to the extent I have described by providing for the completion of an extension of the buildings at Maynooth, which is contrary to the Act of 1845. I think I have said enough to show that if you pass this Bill you are not at the end of the course upon which you are entering. You are asked to sanction an unlimited borrowing power. Grant that, and you sanction this grant in perpetuity. You diminish the comforts of the students resident at Maynooth permanently, and adopt a course calculated to prevent that institution from ever reverting to the position upon which it was founded by Mr. Pitt; that is, of being aided by Parliament, but supported mainly by voluntary contributions. Is there any reason to suppose that, if you agree to this measure, you will be able to stop here? Two years ago I ventured to tell certain right hon. Gentlemen sitting on the front bench below, and who were then in the Government, that if they reversed their votes against the grant, from that moment would increased demands be made by the more active members of the Roman Catholic body. I told them that charters would be demanded, that a university would be demanded, and that concession, instead of satisfying, would only stimulate demands. And so it proved. Last year the hon. Member for Dungarvan, and other Members of this House, including the present Attorney General for Ireland, waited on the right hon. Gentleman the Member for Buckinghamshire, then Chancellor of the Exchequer, to demand of him a charter for a Roman Catholic university; and the Attorney General stated, and the hon. Member for Dungarvan stated, that a sum of not less than £80,000 had been subscribed for that purpose. Well, if £80,000 can be so easily found for the establishment of a Roman Catholic university in Ireland, who can believe that funds would not be available for the repairs of the College of Maynooth? Protestants as well as Roman Catholics know that it is far easier to obtain public subscriptions for building purposes than for purposes of endowment; but by the present measure you are creating a building fund, and excluding the application to the maintenance of the fabric of Maynooth of funds which you know are ready for Roman Catholic purposes, while you place the students on short commons. Look around you in this country. It is a well-known fact that large sums are collected in this country which go to the Propaganda. Roman Catholic Members must excuse me. What I am stating is the question, and is fact. It is well known that the Propaganda receive considerable sums from this country and Ireland; but nothing like so large as those which they send hither for what they term the conversion, or, as I interpret it, the subjugation of England. Let them apply some of this money to the maintenance of the College of Maynooth. Look around you, I say again. On all sides you find springing up chapels, convents, monasteries, missions. Who, then, can doubt the abundance of Roman Catholic funds? I contend, therefore, that it is but right Maynooth should revert to its original foundation—the constitution established by Mr. Pitt; and should depend for its repairs and enlargement upon the voluntary contributions of the members of the Roman Catholic persuasion. When Lord Redesdale was Lord Chancellor of Ireland, in 1807, he prayed his Sovereign not to expect him to continue to act as visitor of Maynooth, for he told his Sovereign that he found that he appeared there in a state of ridiculous nullity, totally unable to control a seminary that was conducted upon Jesuit principles. Neither the present nor any Government

of this country has any chance of controlling those principles but through the interference of the laity of the Roman Catholic Church. I believe that forcing Maynooth to depend upon voluntary contributions in some degree is the only means of bringing to bear the action of the Roman Catholic laity so as to correct a system of teaching and of discipline which is year by year deteriorating into a form more adverse to the constitution of this country.

MR. BELLEW said, that with reference to the observations of the hon. Member for North Warwickshire, he might read an extract from a letter of the President of the College of Maynooth, which stated that "so far from its being true that the £30,000 was applied to any other than building purposes, some money had been paid by the trustees out of other funds, in addition to that £30,000, towards the expenses of building. The number of students never exceeded 520, except in 1853, when there were fourteen attached to the college whose charges were borne by private individuals."

Question put,

The House *divided*—Ayes 135 ; Noes 57 : Majority 78.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

SUPPLY—REPORT.

The Report of the Committee of Supply was brought up.

On the Vote of £12,000 for Retiring Allowances of Officers of the Navy,

SIR CHARLES NAPIER opposed the Vote, which he said would be entirely useless for the purpose for which it was proposed. He had not met with any one in or out of the navy who approved the scheme. He had a certificate in proof of a statement which he made last night, and which was then contradicted, that a seaman who had lost an arm had been awarded a pension of £18 4*s.* for one year. He wished to know why the Admiralty should give the man the trouble of coming again at the end of the year, since they could not put on his arm again. With a war in China, and confusion in Europe, it was the duty of the House to do everything they could to assist in manning the British navy, which, up to the present time, had not been accomplished.

ADMIRAL WALCOTT : I think my noble Friend the Secretary of the Admiralty has scarcely been treated in that spirit of generosity which is due to him, with respect to that scheme of naval retirement which he has submitted to the House, at the instance of the Board whom he represents. For my own part, I am fully aware that he holds earnestly at heart the welfare of his brother officers and the good of his profession; but I am bound to confess that I regard that scheme as arbitrary in its enactments and harsh in its provisions. My noble Friend frankly owns that had he been entrusted with a larger sum than £12,000 at his disposal, he could have produced a better scheme. Let me, then, advise him to withdraw it in its present form, and at a more favourable opportunity, when a more liberal sum is at his command, reproduce it in an amended shape, calculated to meet the exigencies of the service and to enlist the sympathy of the profession. Should it appear indispensable to the well-being of the Royal Navy, in the opinion of this House and the country, that officers, on attaining the age of sixty years, must be removed from the active list, painful though the sacrifice may be, it must be borne by them. The necessity, however, should be proved beyond dispute which calls for a step so extreme ; and, if positively demanded, the blow to their natural feelings of sorrow should be softened by a considerate regard for their future welfare to the close of life. Such treatment they have deserved by the zeal, fidelity, and courage which they devoted to their country from earliest youth, in every hour and in every service when England required it. And if now for her good they are to be bidden to acquiesce in a compulsory removal and retirement, and to forego all opportunities henceforth of winning high place or emolument in their profession, it is only common justice which would award them a liberal acknowledgment of their past services. "True valour still a true respect should have." I would invite the attention of the Secretary to the Admiralty to consider the extremely hard position in which mates in the Royal Navy will be placed if they are debarred from counting a portion of the time which they passed in that rank. Many of them have held the appointment of acting lieutenant, and a considerable number, after having passed the examination for a lieutenant's commission, have remained without promotion for several years. I would, therefore, recommend that a portion of that time should be reckoned as a lieutenant's

service, in order to entitle them to an increase of allowance on retirement. I must confess to some doubts as to the advantages which, it is presumed, will accrue from a Commission such as it is proposed to nominate; its efficacy could only be secured by the appointment of impartial and intelligent members qualified to form a just judgment. I have made these observations in the hope that I am assisting to create good precedents as well as to follow them, and urging an honourable and just cause; for I cannot fail to remember that, unless we treat the services of others in our own time fairly and tenderly, it is a debt that will be sure to be paid when we are gone.

Resolutions *agreed to.*

House adjourned at half after Two o'clock, till Monday next.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES.

VOLUME CLIX.

FOURTH VOLUME OF SESSION 1860.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ACCESSARIES AND ABETTORS BILL,
c. 2R.* 280

ADAMS, Mr. W. P., *Clackmannan, &c.*
India—Bengal Civilians, 187

ADDERLEY, Rt. Hn. C. B., *Staffordshire, W.*
Census (England), Com. *cl.* 4, 1739
Education, 2R. 2021, 2029
Mines Regulation, &c., Com. *cl.* 1, 400; *cl.* 2, 851, 853
New Zealand, Disturbances in, 525, 2035
Nuisances Removal, &c., Com. *cl.* 4, 1660
Roman Catholic Charities, Com. *cl.* 2, 490, 491, 492; Re-com. *cl.* 1, 826; *cl.* 2, Amend. 832; *cl.* 3, Amend. 1689, 1690, 1691, 1692, 1694

Admiralty, Board of
c. Com. moved for (Admiral Duncombe), 334; Motion withdrawn, 368

Admiralty Court Jurisdiction Bill,
c. Bill withdrawn, 280

Admiralty Court Jurisdiction (No. 2) *Bill,*
c. 1R.* 225; 2R.* 934; 3R.* 1658
l. 1R.* 1742; 2R.* 2215

Adulteration of Food or Drink Bill,
l. Com. *cl.* 1, Amend. (Lord Teynham), 759; Amend. neg. 760
3R.* 1069

ADVOCATE, The Lord, (Rt. Hon. J. Moncreiff), *Edinburgh*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 2, 322; *cl.* 3, 323, 324; *cl.* 6, 325, 326; *cl.* 8, 327; *cl.* 14, 508; *cl.* 28, 511; *cl.* 29, 512; *cl.* 21, 513, 514, 1520; *cl.* 7, 1521; *cl.* 9, 1522; *add. cl.* 1524
Game Licences (Scotland), 1200
Land, Valuation of, (Scotland) Act Amendment, 2R. 742
Representation of the People, Com. 71
Representation of the People (Scotland), Bill withdrawn, 144
Schoolmasters, Scottish, 1526

Africa, Coast of, Act Amendment Bill,
l. 1R.* 2215

Aggravated Assaults Act Amendment Bill,
c. Com. 733; Amend. (Visct. Enfield), 734, [*o. q.*, A. 57, N. 174, M. 117] 740

Agricultural Servants Bill,
c. 1R.* 225

AIRLIE, Earl of
Church Rates Abolition, 2R. 654
Labourers' Cottages (Scotland), Com. 2126

ALCOCK, Mr. T., *Surrey, E.*
Representation of the People, Com. 62

Anchors and Chain Cables—Merchant Service,
c. Leave, 217; House counted out, 218; 1R.* 1761

Anchors, Trotman's
l. Question (Earl of Hardwicke), 1181
c. Question (Visct. Raynham), 560; (Mr. Mildmay), 1217

ANGERSTEIN, Mr. W., *Greenwich*
Representation of the People, Com. 266

Annuity Tax Abolition (Edinburgh) Bill,
c. Com. *cl.* 2; Amend. (Mr. Blackburn), 322; Amend. withdrawn, 323;
cl. 3, Amend. (Mr. Caird), 323;
cl. 5, Amend. (Mr. Blackburn), 324, [A. 40, N. 78, M. 38] 325;
cl. 6, Amend. (Mr. Lockhart), 325;
cl. 8, Amend. (Mr. Blackburn), 326; Amend. withdrawn, 328; 2nd Amend. [*o. q.*, A. 89, N. 58, M. 31] *ib.*;
cl. 10, Amend. (Mr. Mure), 328, [A. 53, N. 85, M. 32] 329;
cl. 14, Amend. (Mr. Mure), 507;
cl. 16, 508, 512;
cl. 28, Amend. (Major C. Bruce), 510, [A. 42, N. 70, M. 28] 511;
cl. 29, 511;
cl. 21, Amend. (Mr. Stirling), 512; *cl.* neg. 514;
cl. 7, 1520; Amend. (Mr. Dunlop), [A. 11, N. 66, M. 55] 1521;
cl. 9, 1521;
add. cl. (Mr. Stirling), 1522, [A. 25, N. 87, M. 62] 1524;
add. cl. (Mr. Buchanan), 1524;
3R.* 1761
l. 1R.* 1842;
2R. 2013

Apprentices, Enlistment of
c. Question (Mr. Humberston), 1528

ARCHDALL, Capt. M. E., *Fermanagh Co.*
Appointments, Irish, Res. 1017

ARGYLL, Duke of (Lord Privy Seal),
Annuity Tax Abolition (Edinburgh), 2R. 2013
India—Prize Money, 1743, 1744

Army,
Cornetcies in Cavalry Regiments, c. Question (Mr. D. Griffith), 672
Estimates, c. 589; Amend. (Mr. B. Osborne), 612, [A. 18, N. 154, M. 136] 614; (Mr. Childers), *ib.*; Motion and Original Question withdrawn, 616
Forage—Cavalry Officers, c. Res. (Mr. D. Griffith), 566; Motion neg. 568
General Officers, c. Com. moved for (Col. Lindsay), 1336, [A. 168, N. 94, M. 14] 1341
Guydir, Dr., Case of, c. Question (Col. Greville), 1851
Knapsacks, c. Question (Col. Lindsay), 999
Medical Officers, c. Address moved (Col. Lindsay), 552; Motion withdrawn, 537
Officers' Chargers, c. Question (Major Knox), 23

[*cont.*

Army—cont.
Promotion from the Ranks, c. Address moved (Mr. M'Evoy), 562; Motion neg. 566
Purchase of Commissions, c. Question (Captain Stacpoole), 192
Rifled Guns and Muskets, l. Question (Earl of Camperdown), 492
c. Question (Mr. H. Vivian), 2227
State of the, c. Observations (Col. Dickson), 870
Surgeons, Relative Rank of, c. Question (Col. Dickson), 191
See
Cadets—Militia—Volunteers—Yeomanry

ASHLEY, Lord, *Cricklade, &c.*
Bleaching and Dyeing Works, Com. *cl.* 1, 1065

ATHERTON, Sir W., *see* SOLICITOR GENERAL, The

ATTORNEY GENERAL, The (Sir R. Bethell), *Wolverhampton*
Bankruptcy and Insolvency, Com. *cl.* 28, 1624, 1625, 1626, 1629; *cl.* 32, 1630; *cl.* 33, 1631; *cl.* 41, Amend. 1633, 1634; *cl.* 46, 1635; *cl.* 49, 1636, 1637; *cl.* 73, Amend. 1639; *cl.* 74, 1640; *cl.* 77, 1641, 1642, 1644, 1645, 1646; *cl.* 84, 1762, 1763; *cl.* 93, 1765; *cl.* 132, 1991; *cl.* 135, 1993; *cl.* 136, 1994; *cl.* 138, 1995; *cl.* 152, 2006, 2007; Adj. moved, 2156, 2162
Insolvency and Bankruptcy (Salaries, &c.), Report, 936, 939, 942, 1619
Offences against the Person, 2R. 278
Roman Catholic Charities, Consid. 617, 821; Re-com. *cl.* 1, 825, 826, 830; *cl.* 2, 831, 832
Wakefield Election, Res. 145, 146, 201

Australian Colonies—Introduction of Animals,
l. Question (Earl of Carnarvon), 498

AYRTON, Mr. A. S., *Tower Hamlets*
Bankruptcy and Insolvency, 2007; Com. 2165
European Forces (India), 2R. 1275, 1278
Locomotive, Com. *cl.* 4, 1046; *cl.* 5, 1047, 1049
Metropolis Local Management Act (No. 2), Com. 2121; *cl.* 3, Amend. 2124
Mines Regulation, &c., Com. *cl.* 1, 406, 410; *cl.* 2, 414, 847, 851, 854, 856; *cl.* 8, Amend. 971; *cl.* 10, Amend. 972, 973, 975, 976; *cl.* 19, 1330; *add cl.* 1333
Nuisances Removal, Com. *cl.* 4, 1658, 1660
Offences against the Person, 2R. 276
Roman Catholic Charities, Re-Com. *cl.* 1, 828
Savings Banks, &c., Com. 904; *cl.* 1, 1662
South Kensington Museum, Com. moved for, 728
Ways and Means—Financial Statement, Res. 4, 1986; Res. 10, 1988, 1989

BAILLIE, Mr. H. J., *Inverness-shire*
European Forces (India), 2R. 1109
India—Disarming the Natives, Papers moved for, 214, 217
Reform Bills, Scotch and Irish, 26

[*cont.*

Baillie, Mr. H. J.—*cont.*
Schoolmasters, Scottish, 1526
Supply—Civil Service Estimates, 454

Baines, Mr. E., *Leeds*
Bankruptcy and Insolvency, Com. *cl.* 28, 1625
Bible, Printing of the, 2259
Census (England), Com. *cl.* 4, Amend. 1695, 1737; *add. cl.* 1741
Education, 2R. 2033
France, Commercial Treaty with, 515
Representation of the People, Com. 112

Ball, Mr. E., *Cambridgeshire*
Ways and Means—Financial Statement, Res. 1, 1983

Ballot, Vote by, and Manhood Suffrage,
l. Res. (Lord Teynham), 4; Motion neg. 19

Bandon, Earl of
Ecclesiastical Courts, &c. (Ireland), 3R. 991
Harbours of Refuge, 1079

Bank of Ireland Bill,
l. 3R. 500; Protest, *ib.*
Royal Assent, 1312

Bank of Ireland (No. 2) *Bill,*
c. 1R.* 1847; 2R.* 1945

Bankrupt Law (*Scotland*) *Act Amendment Bill,*
l. Royal Assent, 1312

Bankruptcy and Insolvency Bill,
c. Question (Mr. Crawford), 1527
Com. *cl.* 28, 1624; *cl.* postponed, 1629;
cl. 32, 1629; *cl.* withdrawn, 1630;
cl. 33, Amend. (Mr. Murray), 1630;
cl. 40, 1630, [A. 36, N. 38, M. 2] 1633;
cl. 41, Amend. (Attorney General), 1633;
cl. 46; *cl.* 49, 1635;
cl. 67; Amend. (Sir F. Kelly), 1638;
cl. 73; *cl.* 74, 1639;
cl. 77, 1640; Amend. (Mr. E. P. Bouverie), 1641, [*o. q.*, A. 107, N. 117, M. 10] 1642;
Adj. moved (Mr. Roebuck), 1646;
Motion (Visct. Palmerston), [A. 135, N. 66, M. 69] 1647;
cl. 84, 1761; Amend (Mr. Murray), 1762, [*o. q.*, A. 89, N. 37, M. 52] 1765;
cl. 93; *cl.* 96; *cl.* 112, 1765;
cl. 129, 1990;
cl. 132, 1991, [A. 85, N. 20, M. 65] 1993:
cl. 135, Amend. (Mr. Paget), 1993, [*o. q.*, A. 77, N. 43, M. 34] 1994;
cl. 136, 1994;
cl. 138, Amend. (Mr. E. P. Bouverie), 1995;
cl. 152, Amend. (Mr. Henley), 1998; Adj. moved (Mr. Cayley), 2006;
Adj. moved (Attorney General), 2156

Bankruptcy and Insolvency (*Salaries, &c.*)
c. Rep. 934; Amend. (Sir H. Willoughby), 935; [*o. q.*, A. 98, N. 111, M. 13] 939; Adj. moved (Mr. Henley), 946; Adj. Debate, 1618

Baring, Rt. Hon. Sir F. T., *Portsmouth*
Cadetships—Navy, Com. moved for, 1345
Galway Packet Contract, 1870
Navy Estimates, 2212
Savings Banks, &c., Com. *cl.* 1, 2226
Supply—Operations in China, 1823

Baring, Mr. T., *Huntingdon*
Savings Banks, &c., Com. 902, 903; *cl.* 1, 908
Supply—China War, 1905, 1906

Baring, Mr. T. G. (Under Secretary for India), *Penryn, &c.*
Business, Public, 2178, 2179, 2242
European Forces (India), 2R. 1103

Barrow, Mr. W. H., *Nottingham, S.*
Bankruptcy and Insolvency, Com. *cl.* 40, 1632; *cl.* 132, 1992
Excise and Assessed Taxes Acts, Com. Res. 950
Highways, 2R. 1361
Insolvency and Bankruptcy (Salaries, &c.), Report, 938, 1623
Late Sittings of the House, Res. 1955

Bath, Marquess of
Labourers' Cottages (Scotland), Com. 2126

Baxter, Mr. W. E., *Montrose, &c.*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 28, 510; *cl.* 29, 511; *add. cl.* 1523
Bleaching and Dyeing Works, Com. *cl.* 1, 1056
Galway Contract, 1768, 1869
Harbours of Refuge, Res. Previous Question moved, 679
Representation of the People, Com. 64
Supply—Civil Service Estimates, 453

Bazley, Mr. T., *Manchester*
Bankruptcy and Insolvency, Com. *cl.*, 132, 1993
Education, 2R. 2031
Inland Bonding, Com. *cl.* 6, 816

Beamish, Mr. F. B., *Cork City*
Cadetships—Navy, Com. moved for, 1344
Supply—Packet Service, 1231

Beaufort, Duke of
Light-Weight Racing, 2R. Amend. 302

Beecroft, Mr. G. S., *Leeds*
Harbours of Refuge, Res. 684

Bellew, Mr. R. M., *Louth Co.*
Maynooth College, 2R. 2287
Roman Catholics in the Navy, 2229

Benefices, (*Ireland*) *Augmentation of Small, Bill,*
l. 1R.* 1507; 2R.* 1647; 3R.* 1925

Benefices, Union of, Bill,
l. Re-Com. *cl.* 15, 316; Amend. (Bishop of Oxford), 317, [Contents 10, Not-Contents 21 M. 11] 319;
cl. 21; *cl.* 27, 320;

[*cont.*

Benefices, Union of—cont.
3R. 505; Amend. (Earl of Powis), 506; Amend. neg.
c. 1R.* 559; 2R.* 934

Bentinck, Mr. G. C., *Taunton*
Ecclesiastical Commission, 2R. 754, 954

Bentinck, Mr. G. P. W., *Norfolk, W.*
Admiralty, Board of, Com. moved for, 352
Harbours of Refuge, Res. 706
Naval Reserve, Res. 436
Supply—Civil Service Estimates, 452

Berwick-upon-Tweed Election,
l. Address moved (Earl Granville), 423; Her Majesty's Answer, 1313
c. Message from the Lords, 514; Her Majesty's Answer to Address, 560

Bethell, Sir R., *see* Attorney General, The

Bible, Printing of the
c. Question (Mr. Baines), 2259

ths, &c, Registration of (Scotland) Bill,
c. Com. *cl.* 4, Adj. moved (Mr. Dalglish), [*r. p.*, A. 12, N. 76, M. 63] 1236;
cl. 17, [A. 48, N. 31, M. 17] 1236;
3R.* 1761
l. 1R.* 1841; 2R.* 2126

Black, Mr. A., *Edinburgh*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 2, 322; *cl.* 3, 323; *cl.* 4, 324; *cl.* 6, 325, 326; *cl.* 8, 327; *cl.* 10, 328; *cl.* 16, 509; *cl.* 21, 513; *cl.* 7, 1521; *add. cl.* 1523
Inch Keith, 1852
Land, Valuation of, (Scotland) Act Amendment, 2R. Amend. 741
Marriage in the Preventive Service (Scotland), 1865

Blackburn, Mr. P., *Stirlingshire*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 2, Amend. 322, 323; *cl.* 5, Amend. 324; *cl.* 6, 325; *cl.* 8, Amend. 326, 328; *cl.* 10, 329; *cl.* 16, 510; *cl.* 29, 511; *cl.* 21, 513; *add. cl.* 1523, 1524
Census (England), Com. 1741
European Forces (India), 2R. 1179
Excise and Assessed Taxes Acts, Com. Res. 950
Land, Valuation of, (Scotland) Act Amendment. 2R. 740, 743
South Kensington Museum, Com. moved for, 727

Blake, Mr. J. A., *Waterford City*
Customs and Excise, Officers of, 1526
Harbours of Refuge, Res. 708
High Sheriffs (Ireland), 874
Land, Tenure and Improvement of (Ireland), 2R. 290; Com. *cl.* 36, Amend. 1191
Peace Preservation (Ireland), Leave, 1840; Adj. moved, 1841

[*cont.*

Blake, Mr. J. A.—*cont.*
Reform Bill—Dissolution of Parliament, 23
Refreshment Houses and Wine Licences (Ireland), Com. 2011

Bleaching and Dyeing Works Bill,
c. Com. *cl.* 1, Amend. (Sir H. Cairns), 1051, [A. 190, N. 48, M. 142] 1059;
Amend. (Mr. A. F. Egerton), 1060, [A. 256, N. 42, M. 214] 1066;
cl. 2, 1067; *cl.* 6, 1068;
add. cl. (Mr. A. F. Egerton), [A. 55, N. 109, N. 54] 1069;
3R.* 1617
l. 1R.* 1647; 2R.* 1925

Bonding Ports,
c. Question (Mr. Hadfield), 2228

Bonham-Carter, Mr. J., *Winchester*
Aggravated Assaults Act Amendment, Com. 738

Bouverie, Hon. E. P., *Kilmarnock, &c.*
Bankruptcy and Insolvency, Com. *cl.* 32, 1629; *cl.* 74, 1640; *cl.* 77, Amend. 1641, 1643, 1646, 1647; *cl.* 84, 1762; *cl.* 93, 1765; *cl.* 112, 1766; *cl.* 132, 1991, 1992; *cl.* 135, 1994; *cl.* 138, 1995, 2007, 2164
Bankruptcy and Insolvency (Salaries, &c.), Report, 940, 1623
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 2, 548
Late Sittings of the House, Res. 1957
Locomotive, Com. *cl.* 4, 1045; *cl.* 5, Amend. 1048; Adj. moved, 1049
Marine Stores, Dealers in, Com. *cl.* 3, 1376
Paper Duty Repeal, Res. Adj. moved, 2105
Poor Law Board Continuance, 2R. 1311
Roman Catholic Charities, Re-Com. *cl.* 1, 829
Smithfield Market, &c., 2R. 21
Supply—Packet Service, 1227, 1232

Bowyer, Sir G., *Dundalk*
Bankruptcy and Insolvency, Com. 2167
Offences against the Person, 2R. 278
Postmaster General, Office of, 1769
Post Office Administration, 211, 214
Roman Catholic Charities, Com. 490, 491; Consid. 617, 825; Re-Com. *cl.* 1, 829; *cl.* 2, 833

Brady, Mr. J., *Leitrim Co.*
Aggravated Assaults Act Amendment, Com. 740
Coroners (No. 3), 2R. 2116
Destitution (Ireland), Address moved, 1026
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 666; Consid. *add. cl.* 1850
Metropolis Local Management (No. 2), Com. 2122
Mines Regulation, &c., Com. *cl.* 2, 852
Peace Preservation (Ireland), Leave, Adj. moved, 1839
Reform Bills, Scotch and Irish, 25
Supply—Packet Service, 1224
Vaccine Board, 1945
Volunteers (Ireland), 1858

BRIDGES, Sir B. W., *Kent E.*
European Forces (India), 2R. 1181

BRIGHT, Mr. J., *Birmingham*
Insolvency and Bankruptcy (Salaries, &c.), Report, 940
Paper Duty—Tax Bills, 1253
Representation of the People, Com. 84, 87, 88, 236
Selling and Hawking Goods on Sunday, 2R. 541
Supply—China War, 1888, 1890, 1891, 1900
Tax Bills, Res. 1, 1449, 1506, 1580, 1601; Res. 2, 1603

BRISCOE, Mr. J. I., *Surrey, W.*
Greenwich Hospital, Res. 2197
Marine Stores, Dealers in, Com. *cl.* 3, 1375
Savings Banks, &c., Com. *cl.* 1, 2221
Supply—Civil Service Estimates, 453

Bronze Coinage, The
c. Question (Mr. Hopwood), 1947

BROUGHAM, Lord
Charities, Endowed, 1R. 1; 2R. 1188
Conjugal Rights (Scotland), 2R. 2021
Ecclesiastical Commission (No. 2), 2R. 985
Evidence, Law of, Further Amendment, 1R. 1084, 1085
Harbours of Refuge, 1080
India—Leasing of Children, Returns moved for, 492;—Education. 1239; Previous Question moved, 1252, 1518
Italy—Correspondence, 1609, 1611
Jews Act Amendment, Com. 1748, 1749
Land, Titles to, (Scotland) Act Amendment, 2R. 2018
Law and Equity, Com. 840, 1616
Naples—Interference of the French, 557, 559
Palermo, Bombardment of, 146, 147
Parliamentary Business, Com. moved for, 2147
Plea on Indictment, 2R. 757
Probate and Divorce, Court of, Returns moved for, 2
Savoy, Paper moved for, 1943
Sicily, Insurrection in, 757;—Gen. Garibaldi; 1379, 1380, 1655
Slave Trade—Mozambique, Papers moved for, 923, 932
Syria, Massacres in, 1654, 1655

BROWN, Lord J. T., *Mayo Co.*
Land, Tenure and Improvement of (Ireland), Com. *cl.* 25, 998
Supply—Packet Service, 1231

BRUCE, Major C. L. Cumming, *Elgin and Nairnshire*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 6, 325, 326; *cl.* 28, Amend. 510; *cl.* 29, 511: *cl.* 21, 514; *add. cl.* 1523
Representation of the People, Com. 63
Representation of the People (Scotland), Bill withdrawn, 144

BRUCE, Mr. H. A., *Merthyr Tydvil,*
Education, 2R. 2032
Mines Regulation, &c., Com. *cl.* 1, 411; *cl.* 2, 415, 849, 852, 854; Amend. 855; *cl.* 7, Amend. 970, 971; *cl.* 10, 973, 974; Amend. 976

BUCCLEUCH, Duke of
Labourers' Cottages (Scotland), Com. 2127
Scottish Drainage, &c., Company, 3R. 1844

BUCHANAN, Mr. W., *Glasgow*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 8, 328; *cl.* 21, 514; *add. cl.* 1523, 1524
Army Estimates, 606
Bleaching and Dyeing Works, Com. *cl.* 1, 1066; Amend. 1067; *cl.* 6, 1069
Caledonian and Crinan Canals, 3R. 819
Ceylon Railway, 2276

BUCKLEY, Lieut.-Gen., E. P., *Salisbury*
Army—General Officers, Com. moved for, 1338
Cadets at Sandhurst, 1335

BURGHLEY, Lord, *Northamptonshire, N.*
Militia, Desertions from the, 330

Burial Grounds (Ireland) Act (1856) *Amendment Bill,*
c. 1R.* 322; 2R.* 761; 3R.* 1617
l. 1R.* 1647; 2R.* 2012

Business of the House,
l. Res. (Lord Redesdale), 550

Business, Parliamentary
l. Com. moved for (Earl of Derby), 2129; Motion withdrawn, 2150

Business, Public
c. Notice (Visct. Palmerston) 561; Question (Mr. Disraeli), 2168

BUTT, Mr. I., *Youghal*
Bleaching and Dyeing Works, Com. *cl.* 1, 1058 1059, 1062, 1063
Disqualified Candidates, Votes for, Leave, 537
Education, National (Ireland), Address moved, 2036, 2078
Land, Tenure and Improvement of, Com. 543; *cl.* 10, 668, 670; *cl.* 22, Amend. 992; *cl.* 25, 996; *cl.* 37, 1196; Consid. *add. cl.* 1869
Land, Tenure and Improvement of (Ireland), Com. *cl.* 10, 670
Landlord and Tenant (Ireland), (No. 2), Com. *cl.* 36, 2155
Maynooth College, 2R. 2281
Mines Regulation, &c., Com. *cl.* 10, 974;
Offences against the Person, 2R. 279
Refreshment Houses and Wine Licences (Ireland), Com. 2012
Roman Catholic Charities, Re-Com. *cl.* 1, 830
Supply—Packet Service, 1230, 1232
Tax Bills, Res. 1, 1472

BUXTON, Mr. C., *Maidstone*
Education, 2R. 2026
European Forces (India), 2R. 1143
Mines Regulation, &c., Com. *cl.* 1. 402

Cadets at Sandhurst,
c. Question (Gen. Buckley), 1335

Cadetships—Navy
c. Com. moved for (Capt. Esmonde), 1341, [A. 24, N. 81, M. 57] 1345

CAIRD, Mr. J., *Stirling, &c.*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 3. Amend. 323, 1521
Caledonian and Crinan Canals, 3R. 819
Census (England), Com. *cl.* 6, Amend. 1740, 1741
Excise and Assessed Taxes Acts, Com. Res. Amend. 948, 951, 952

CAIRNS, Sir H. M. *Belfast*
Bankruptcy and Insolvency, Com. *cl.* 28, 1628; *cl.* 33, 1631; *cl.* 49, 1637, 1638; *cl.* 77, 1642, 1645, 1646; *cl.* 152, 1999, 2007, 2160
Bleaching and Dyeing Works, Com. *cl.* 1, Amend. 1051, 1053, 1057, 1058, 1059
Insolvency and Bankruptcy (Salaries, &c.) Report, 946
Representation of the People. Com. 102, 104, 112

CAITHNESS, Earl of
Harbours of Refuge, 1080

Caledonian and Crinan Canals Bill,
c. 2R.* 225;
3R. 816; Amend. (Mr. W. Williams) 817, [*o.q.*, A. 98, N. 47, M. 51] 820

CAMPBELL, Lord—*see* CHANCELLOR, THE LORD

CAMPERDOWN, Earl of
Cornwall, Duchy of, Limitation of Actions, Com. *cl.* 1, 315
Rifled Cast Iron Guns, 492

CANTERBURY, Archbishop of
Church Rates Abolition, 2R. 645, 659
Glebe Houses, Dilapidation of, 295

CARDWELL, Rt. Hon. E. (Chief Secretary for Ireland), *Oxford City*
Academy, Royal Irish, 423
Appointments, Irish, Res. 1009
Army Estimates, 614
Brehon Law Commission, 423
Census (England), Com. *cl.* 4, 1729, 1736
Destitution (Ireland), Address moved, 1024
Dublin, Outrage in, 1530
Dundalk, Arrests in, 199
Education, National, (Ireland), Address moved, 2059, 2067
High Sheriffs, (Ireland), 879
Ireland, Destitution in, 200
Italy—Foreign Enlistment, 574
Land, Tenure and Improvement of, (Ireland), 2R. 293; Com. *cl.* 2, 548; *cl.* 4, 550; *cl.* 10, 669, 671; *cl.* 22, 992; *cl.* 25, 996, 998; *cl.* 34, 1191; *cl.* 36, 1192; *cl.* 37, 1199; *cl.* 40, 1334; Consid. *add. cl.* 1848, 1849
Landed Estates Court (Ireland), 1200

[*cont.*

CARDWELL, Rt. hon. E.—*cont.*
Landlord and Tenant (Ireland), (No. 2), Com. *cl.* 1, 2154
Maynooth College, Leave, 1606; 2R. 2277
Party Banners in Ireland, 2269
Peace Preservation (Ireland), Leave, 1839, 1840, 2156
Poor Relief (Ireland), 1530
Representation of the People (Ireland), Bill withdrawn, 144
Tyrone, Outrage in, 1879
Vaccine Board, 1946

CARNARVON, Earl of
Australian Colonies—Introduction of Animals, 498, 500
New Zealand, Disturbances in, 417

CASHEL, Bishop of
Benefices, Union of, Re-Com. *cl.* 15, 317
Ecclesiastical Courts, &c. (Ireland), 2R. 220

CASTLEROSSE, Viscount (Vice Chamberlain of the Household) *Kerry Co.*
Berwick-upon-Tweed Election, Her Majesty's Answer to Address, 560

Cathedral and Collegiate Churches Commission,
l. Question (Lord Lyttelton), 550

CAVE, Mr. S., *New Shoreham*
Slave Trade, African, 202
Supply—China War, 1896
Ways and Means—Financial Statement, Res. 4, 1985

CAYLEY, Mr. E. S., *Yorkshire, N. Riding*
Bankruptcy and Insolvency, Com. *cl.* 129, 1990; *cl.* 132, 1991, 1992; *cl.* 152; Adj. moved, 2006, 2165
Bleaching and Dyeing Works, Com. *cl.* 91, 1059
Highways, 2R. 1366
Mines Regulation, &c., Com. *cl.* 1, 408, 410; *cl.* 2, 849; *cl.* 7, 971; *cl.* 10, 973, 976
Yeomanry, Officers of, 1335

CECIL, Lord R. T. G., *Stamford*
Census (England), Com. *cl.* 4, 1722, 1724
Gas (Metropolis), Com. 1687, 1689
Supply—China War, 1907

Census (England) Bill,
c. Com. *cl.* 4, 1695; Amend. (Mr. Baines) 1702; Amend. (Mr. Childers) 1738; Amend. neg. 1739; Amend. (Sir J. Trelawny) *ib.*; Amend. withdrawn, 1740;
cl. 6, Amend. (Mr. Caird), 1740; Amend. neg. 1741;
3R.* 1847
l. 1R.* 1925; 2R.* 2126

Census (Ireland) Bill,
c. Com. *cl.* 3, Amend. (Mr. Monsell) 1741;
3R.* 1847
l. 1R.* 1925; 2R.* 2126

Census (Scotland) Bill,
c. 1R.* 2110

Ceylon Railway,
c. Question (Sir W. Gallwey), 2273

CHANCELLOR, The LORD (The Right Hon. Lord Campbell),
Adulteration of Food or Drink, Com. *cl.* 1, 760
Annuity Tax Abolition (Edinburgh), 2R. 2014
Ballot, Vote by, and Manhood Suffrage, Res. 13
Charities, Endowed, 1R. 1; 2R. 1188, 1189
Conjugal Rights (Scotland), 1R. 2020
Ecclesiastical Courts Jurisdiction, 3R. 322
Evidence, Law of, Further Amendment, 1R. 1085
Furious Riding and Driving, 2R. 497
Land, Titles to (Scotland), Act Amendment, 2R. 2015, 2019
Law and Equity, Com. 834, 842, 1616, 1617
Masters and Operatives, 2R. 1325
Parliamentary Business, Com. moved for, 2150
Plea on Indictment, 2R. 759
Probate and Divorce Court, Returns moved for, 3
St. George's-in-the-East, 1513
Westminster, New Palace at—The Clock, 219

CHANCELLOR of the EXCHEQUER, (Right Hon. W. E. Gladstone), *Oxford University*
Bonding Ports, 2228
Bronze Coinage, The, 1947
Caledonian and Crinan Canals, 3R. 817, 820
Corks, Spanish, Exportation of, 179
Education, 2R. 2024
Excise and Assessed Taxes Acts, Com. Res. 951, 952, 953, 954
France, Commercial Treaty with, 178
Galway Contract, 1766, 1768
Harbours of Refuge, Res. 713
Inland Bonding, Com. *cl.* 6, 815, 816
Inland Revenue Officers, 1525
Paper Duty Repeal, 1862; Res. 2095
Probate Registrars, District, 2228
Property and Income Tax, 445
Refreshment Houses and Wine Licences, (Ireland) Com. 2011, 2012
Savings Banks, &c., Com. 894, 896, 897, 898, 902, 903; *cl.* 1, 906, 907, 1662, 2223, 2226, 2227
Supply, Rep. 1309;—Operations in China, 1823, 1831, 1888, 1898, 1900; Report, 1951
Tax Bills, Res. 1430, 1438
Telegraph to Gibraltar, 180
Ways and Means—Financial Statement, Res. 1, 1963, 1981, 1982, 1983; Res. 4, 1984, 1986; Res. 6, 1987; Res. 10, 1988; Res. 11, 1989, 2125

Charing Cross,
c. Question (Mr. W. Ewart) 519

Charities, Endowed, Bill,
l. 1R. 1; 2R. 1188;
Com. moved for (Marquess of Clanricarde), 1190;
3R.* 1378
c. 1R.* 1520

CHELMSFORD, Lord
Charities, Endowed, 2R. 1189
Conjugal Rights (Scotland), 1R. 2021
Jews Act Amendment, Com. 1745, 1748
Lands Clauses Consolidation Act, Amendment, 2R. 2128
Law and Equity, Com. 841, 1617
Weights and Measures, Com. 1313; Amend. 1314

CHICHESTER, Earl of
Ecclesiastical Commission (No. 2), 2R. 979; Com. Amend. 1945
Ecclesiastical Commissioners' Valuation, 554

CHILDERS, Mr. H. C. E., *Pontefract*
Army Estimates, 605; Amend. 614
Census (England), Com. *cl.* 4, Amend. 1738
Colonial Military Expenditure, 331
Metropolis Local Management (No. 2), Com. 2122; *cl.* 5, Proviso, 2124
Navy Estimates, 458, 459
New Zealand, Disturbances in, 527, 2036
Supply—Civil Service Estimates, 454;—Packet Service, 1224

China,
Naval Pay, c. Question (Sir G. Pechell), 182; Com. moved for, (Mr. B. Cochrane), 1667; Motion withdrawn, 1674
Operations in, c. Observations (Sir Henry Willoughby), 1808;—(*Supply*), 1812; Amend. (Sir H. Willoughby), 1823; Adj. moved (Mr. B. Cochrane), 1833; Motion withdrawn, 1839; Res. (Mr. B. Cochrane), 1879; Motion neg. 1887; Report, 1947
Pirates—the Colonial Office, l. Petition (Earl Grey), 1082
Stores, Conveyance of, from India, c. Question (Mr. Somes), 184

Church Rates Abolition Bill,
l. 2R. 618; Amend. (Duke of Marlborough), 638, [*o. q.*, Contents 31, Not-Contents 128, Majority 97] 663

Church Rates Law Amendment Bill,
c. 2R. 1346; Bill withdrawn, 1348

Church Temporalities (Ireland) Act Amendment Bill,
l. 2R.* 218;
Com. *cl.* 6, 552;
cl. 8, Amend. (Earl of Donoughmore), 553; Amend. neg. 554;
3R. *add. cl.* (Marquess of Clanricarde), 987; *cl.* neg. 988
c. 1R.* 1330

CHURCHILL, Lord A. S., *Woodstock*
New Zealand, Disturbances in, 521

CHURSTON, Lord
Cornwall, Duchy of, Limitation of Actions, Com. *cl.* 1, 315

Civil Service Estimates—Supply,
c. 450; Amend. (Mr. Aug. Smith), 452; Amend. withdrawn, 455, 1221

CLANRICARDE, Marquess of
Charities, Endowed, Com. moved for, 1190
Church Temporalities (Ireland) Act Amendment, Com. *cl.* 6, 553 ; 3R. *add. cl.* 987
Ecclesiastical Courts, &c. (Ireland), 2R. 220
Galway Harbour, 3R. Amend. 1844
Harbours of Refuge, Com. moved for, 1069, 1074, 1081, 1082, 1190
Holyhead Harbour, Com. moved for, 1759, 1761
India—European Troops, Returns moved for, 555
Light-Weight Racing, 2R. 304
Militia and Constabulary (Ireland), Returns moved for, 844
Savoy—Paper moved for, 1925, 1936
Tramways (Ireland), 2R. 2216, 2218

CLAY, Mr. J., *Kingston-upon-Hull*
Bankruptcy and Insolvency, Com. *cl.* 77, 1642
Metropolis Local Management (No. 2), Com. *cl.* 5, Amend. 2124
Mines Regulation, &c., Com. *cl.* 4, 856
Paper Duty Repeal, Res. 2089
Supply—Packet Service, 1232
Tax Bills, Res. 3, 1605

Clearance Inwards and Lien for Freight Bill,
c. 1R.* 1520 ; 2R.* 1617

Clerk of the Council,
c. Reply (Viscount Palmerston), 191

CLEVELAND, Duke of
Ecclesiastical Commission (No. 2), 2R. 982

CLIVE, Mr. G. (Under-Secretary of the Home Department), *Hereford*
Destitution (Ireland), Address moved, 1028
Insolvency and Bankruptcy (Salaries, &c.), Report, 934
Marine Stores, Dealers in, Com. *cl.* 3, 1377
Mines Regulation, &c., Com. *cl.* 1, 397, 404, 409 ; *cl.* 2, 848, 851, 854 ; Amend. 856 ; *cl.* 7, 970, 971 ; *cl.* 10, 972, 974, 975, 976 ; *add. cl.* 1333

COBBETT, Mr. J. M., *Oldham*
Bleaching and Dyeing Works, Com. *cl.* 1, 1062
Coroners (No. 3), 2R. 2110
Felony and Misdemeanour, 2R. 748

COCHRANE, Mr. A. D. Baillie, *Honiton*
China (Navy), Com. moved for, 1667, 1674 ;—Operations in, 1811 ; Res. 1879
Mines Regulation, &c., Com. *cl.* 19, 1330
Navy Estimates, Adj. moved, 2213
Representation of the People, Com., Adj. moved, 143
Supply—Post Office, 1235 ;—Operations in China, Adj. moved, 1833, 1838

COGAN, Mr. W. H. F., *Kildare Co.*
Party Banners in Ireland, 2262, 2270
Supply—Packet Service, 1221, 1224

Coinage Offences Bill,
c. 2R.* 280

COLCHESTER, Lord
Naval Discipline 2R. 1616

COLEBROOKE, Sir T. E., *Lanarkshire*
Business, Public, 2187
European Forces (India), 2R. 1095
Representation of the People, Com. 51

COLLIER, Mr. R. P., *Plymouth*
Bankruptcy and Insolvency, Com. *cl.* 32, 1630; *cl.* 49, 1637
Offences against the Person, 2R. 275
Tax Bills, Res. 1, 1396

COLLINS, Mr. T., *Knaresborough*
Bankruptcy and Insolvency, Com. *cl.* 77, 1641
Insolvency and Bankruptcy (Salaries, &c.), Report, 944
Savings Banks, &c., Com. Amend. 905

Colonial Military Expenditure,
c. Question (Mr. Childers), 331

Common Law Procedure (Ireland) Act (1853) Amendment Bill,
c. 1R.* 1345 ; 2R.* 1617 ; 3R.* 1945
l. 1R.* 2012

CONINGHAM, Mr. W., *Brighton*
Army Estimates, 613
Bankruptcy and Insolvency, Com. *cl.* 84, 1764
Navy Estimates, 2212
Paper Duty Repeal, Res. 2100
South Kensington Museum, Com. moved for, 726
Tax Bills, Res. 1, 1415, 1601

Conjugal Rights (Scotland) Bill,
l. 1R. 2020

CONOLLY, Mr. T., *Donegal Co.*
Irish Appointments, Res. 999, 1022
Land, Tenure and Improvement of (Ireland), Com. *cl.* 37, 1199

Copyhold and Inclosure Commissions Bill,
c. 1R.* 1658 ; 2R.* 1695 ; 3R.* 2110
l. 1R.* 2126

CORBALLY, Mr., M. E., *Meath Co.*
Keogh, Mr., Appointment of, 1534

Corks, Spanish, Exportation of
c. Question (Mr. T. Duncombe), 175

Cornwall, Duchy of (Limitation of Actions) Bill,
l. Com. *cl.* 1, Amend. (Lord Kingsdown), 314 ; Report, 501

Coroners' (No. 3) Bill,
c. 2R. 2110

Corrupt Practices at Elections Bill,
c. 1R.* 992

Corrupt Practices Preventions Act,
c. Question (Mr. Hunt) 175

Corry, Rt. Hon. T. L., *Tyrone Co.*
Galway Contract, 1766
Supply—Packet Service, 1234
Tyrone, Outrage in, 1864

Councillors of Burghs and Burgesses (Scotland) Bill,
c. 3R.* 322
l. 1R.* 417; 2R.* 755; 3R.* 1236

Cowper, Rt. Hon. W. F. (Chief Commissioner of Works), *Hertford*
Charing Cross, 520
Kensington Gardens, Road through, 1618, 1664, 2253
Nelson Monument, The, 1776
Parks, The, 520
Parliament, New Houses of, 510, 521
Patents, Commissioners of, Offices, 998
Smithfield Market, &c., 2R., 21

Cranworth, Lord
Benefices, Union of, Re-Com. *cl.* 15, 318
Charities, Endowed, 1R. 1; 2R. 1189
Ecclesiastical Courts, &c. (Ireland), 3R. 990
Ecclesiastical Courts Jurisdiction, 3R. 321
Land, Titles to, (Scotland) Act Amendment, 2R. 2018
Railway Cheap Trains, 2R. 1657

Craufurd, Mr. E. H. J., *Ayr, &c.*
Bankruptcy and Insolvency, Com. *cl.* 77, 1644
Land, Valuation of, (Scotland) Act Amendment, 2R. 742
Mines Regulation, &c., Com. *cl.* 10, 974

Crawford, Mr. R. W., *London*
Bankruptcy and Insolvency, 1527; Com. *cl.* 129, 1990
Ways and Means—Financial Statement, Res. 1, 1981; Res. 4, 1986

Criminal Lunatic Asylum Bill,
c. 1R.* 322; 2R.* 559; 3R.* 845
l. 1R.* 908; 2R.* 1236

Criminal Statutes Repeal Bill,
c. 2R.* 280

Crook, Mr. J., *Bolton*
Bleaching and Dyeing Works, Com. *cl.* 1, 1051, 1058, 1060, 1066; *cl.* 2, 1068; *add. cl.* 1069
Mines Regulation, &c., Com. *cl.* 19, 1330.

Crossley, Mr. F., *Yorkshire, W. Riding*
Bankruptcy and Insolvency, Com. *cl.* 28, 1625
Bleaching and Dyeing Works, Com. *cl.* 1, 1063
Census (England), Com. *cl.* 4, 1727
Mines Regulation, &c., Com. *cl.* 1, 403, 413; *cl.* 2, 416; *cl.* 10, 975
Supply—Packet Service, 1231

Crown Debts and Judgments Bill,
c. 1R.* 1380; 2R.* 1761; 3R.* 1945
l. 1R.* 2012

Customs and Excise, Officers of
c. Question (Mr. Blake), 1526

Customs Department—Supply,
c. 1234; Rep., 1309

Dalglish, Mr. R., *Glasgow*
Births, &c., Registration of, (Scotland), Com. *cl.* 4, Adj. moved, 1236
Bleaching and Dyeing Works, Com. *cl.* 1, 1059

Dawson, Mr. R. P., *Londonderry Co.*
Bleaching and Dyeing Works, Com. *cl.* 1 1052
Census (England), Com. *cl.* 4, 1737
Party Banners in Ireland, 2268

Deasy, Rt. Hon. R., (Attorney General for Ireland), *Cork Co.*
Appointments, Irish, Res. 1020
Keogh, Mr. Appointment of, 1534
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 667, 671; *cl.* 22, 992; *cl.* 25, 993, 998; *cl.* 32, 1191; *cl.* 36, 1192; *cl.* 37, 1195; Consid. *add. cl.* 1848. 1849
Landlord and Tenant (Ireland), (No. 2), 2R. 282; Com. *cl.* 1, 2153; *cl.* 35, 2155
Roman Catholic Charities, Com. *cl.* 3, 1690
Volunteer Corps (Ireland), 1201

Deedes, Mr. W., *Kent, E.*
Aggravated Assaults Act Amendment, Com. 738
Caledonian and Crinan Canals, 3R. 819
Coroners (No. 3), 2R. 2113
Highways, 2R. 1358
Maynooth College, Leave, Adj. moved, 1607
Roman Catholic Charities, Com. *cl.* 2, 491
Smithfield Market, &c., 2R. 22

De Grey and Ripon, Earl of, (Under Secretary for War)
Church Rates Abolition, 2R. 640
Lands Clauses Consolidation Act Amendment, 2R. 2127, 2128
Rifled Cast Iron Guns, 494
Tithe Commutation, Com. 1656, 2215

Defences, National
c. Question (Sir F. Smith), 189;—Observations (Sir C. Napier), 196; Question (Mr. Hankey), 1768;—see *Portsmouth.*

Denison, Rt. Hon. J. E.—*see* Speaker, The

Denman, Lord
Furious Riding and Driving, 2R. 498
Refreshment Houses and Wine Licences, Com 174; 3R. Amend., 221

Denman, Hon. G., *Tiverton*
Felony and Misdemeanour, 2R. 744
Offences against the Person, 2R. 280
Professional Oaths Abolition, 2R. 730

DERBY, Earl of
Annuity Tax Abolition (Edinburgh), 2R. 2014
Church Rates Abolition, 2R. 659
Ecclesiastical Commission (No. 2), 2R. 983
Harbours of Refuge, 1079
India—Education, 1238
Land, Titles to, (Scotland) Act Amendment, 2R. 2016, 2019, 2020
Light-Weight Racing, 2R. 295, 298, 308
Masters and Operatives, 2R. 1323
New Zealand, Com. 1518
Parliamentary Business, Com. moved for, 2129
Scottish Drainage, &c., Company, 3R. 1843
Tithe Commutation, Com. 2215
Westminster, New Palace at—The Clock, 218, 219

DERRY, Bishop of
Church Temporalities (Ireland) Act Amendment, Com. *cl.* 6, 553; *cl.* 8, 554; 3R. *add. cl.* 988
Ecclesiastical Courts, &c. (Ireland), 2R. 220

DICKSON, Col. S. A., *Limerick Co.*
Admiralty, Board of, Com. moved for, 346
Army Estimates, 590, 596, 597, 614
Army Surgeons, Rank of, 191, 192 :—Medical Officers, Address moved, 537 :—State of the, 870, 876, 877
Kensington Gardens, 2252
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 668; *cl.* 37, 1195; Consid. *add. cl.* 1850
Militia, Leave, 1045
New Zealand, 524
Promotion from the Ranks, Address moved, 565
Refreshment Houses and Wine Licences (Ireland), Com. 2012
Representation of the People, Com. 37
Volunteers (Ireland), Leave, 2110

DILLWYN, Mr. L. L., *Swansea*
Highways, 2R. 1366
Locomotive, Com. *cl.* 5, 1047, 1048
South Kensington Museum, Com. moved for, 726
Tax Bills, Res. 1, 1457

Dioceses, Subdivision of, Bill,
l. 1R.* 1925

Diplomatic Service,
c. Com. moved for (Mr. G. Duff), 714; Motion withdrawn, 724

Disqualified Candidates, Votes for, Bill,
c. Leave, 537; 1R.* 539; 2R.* 845

DISRAELI, Rt. Hon. B., *Buckinghamshire*
Business, Public, 2168, 2182
Late Sittings of the House, Res. 1960
Paper Duty Repeal, Res. 2101
Petitions—Rules of the House, 761
Representation of the People, Com. 87, 130, 231
Supply—Operations in China, 1838
Tax Bills, Res. 1, 1484, 1496, 1601

DIVETT, Mr. E., *Exeter.*
Excise and Assessed Taxes, Com. Res., 950, 953

DODSON, Mr. J. G., *Sussex, E.*
Harbours of Refuge, Res. 681
Whitworth Gun, 1667

Dominica Hurricane Loan Bill,
c. 1R.* 1190; 2R.* 1380; 3R.* 1658
l. 1R.* 1742; 2R.* 2215

DONOUGHMORE, Earl of
Church Temporalities (Ireland) Act Amendment, Com. *cl.* 8, Amend. 553
Ecclesiastical Courts, &c. (Ireland), 2R. 220
Holyhead Harbour, Com. moved for, 1760
Probate and Divorce, Court of, Returns moved for, 3
Railway Cheap Trains, 2R. 1657
Refreshment Houses and Wine Licences, Com. 167, 173; 3R. 221

DOUGLAS, Sir C. E., *Banbury*
Census (England), Com. *cl.* 4, 1738
Supply—China War, 1893
Tax Bills, Res. 1, 1465

DUFF, Mr. M. E. G., *Elgin, &c.*
Diplomatic Service, Com. moved for, 714, 723

DUKE, Sir J., *London*
Smithfield Market, &c., 2R. 19, 22

DUNBAR, Sir W., *Wigton, &c.*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 10, 329

DUNCOMBE, Rear-Adm., Hon. A. *Yorkshire, E. Riding*
Admiralty, Board of, Com. moved for, 334, 340, 348, 368
Greenwich Hospital, Res. 2202
Naval Reserve, Res. 4, 39
Navy Estimates, 488

DUNCOMBE, Hon. W. E., *Yorkshire, N. Riding*
Representation of the People, Com. 266

DUNCOMBE, Mr. T. S., *Finsbury*
Corks, Spanish, Exportation of, 175
Insolvency and Bankruptcy (Salaries, &c.), 5, Report, 936
Lords, House of, Proceedings of the, 856
Mumford, Jesse, Case of, 22
Petitions—Rules of the House, 761
Privileges of the House, Tax Bills, 1345, 1383, 1524
Smithfield Market, &c., 2R. 21

DUNGANNON, Viscount
Commanders of Packets between Holyhead and Kingston, 1186, 1188
Glebe Houses, Dilapidation of, 295
Holyhead Harbour, Com. moved for, 1760
St. George's-in-the-East, 1507, 1512
Shipwrights, English, in French Dockyards, 161, 164, 843

DUNKELLIN, Lord, *Galway Bo.*
Supply—Packet Service, 1234

DUNLOP, Mr. A. M., *Greenock*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 2, 323; *cl.* 8, 327; *cl.* 21, 514; *cl.* 7, Amend., 1521; *add. cl.* 1523
Bible, Printing of the, 2261
Births, &c., Registration of (Scotland), Com. *cl.* 4, Amend. 1236
Census (England), Com. 1741
Supply—Packet Service, 1224

DUNN, Mr. J., *Dartmouth*
Senior Naval Lieutenants, 1850

DUNNE, Col. F. P., *Queen's Co.*
Army Estimates, 592, 596, 597, 610, 615
Army—General Officers, Com. moved for, 1341
Destitution (Ireland), Address moved, 1029
European Forces (India), 2R. 1274
Holyhead Harbour, 531
India, Prize Money in, 1531
Land, Tenure and Improvement of, Com. *cl.* 2, 548, 549; *cl.* 10, 667; *cl.* 25, 997
Promotion from the Ranks, Address moved, 563
Refreshment Houses and Wine Licences (Ireland), Com. 2010
Supply—Packet Service, 1222, 1229;—Inland Revenue Department, 1234
Weedon Inquiry, The, 580

DURHAM, Bishop of
Benefices, Union of, 3R. 506

East India Stock Transfer, &c., Bill,
c. 1R.* 1658

Ecclesiastical Commission Bill,
c. 2R. Adj. Debate, 748, 954; Amend. withdrawn, 970

Ecclesiastical Commission (No. 2) Bill,
l. 1R.* 755;
2R. 977;
Com. 1944; Amend. (Earl of Chichester), 1945

Ecclesiastical Commissioners' Valuation,
l. Question (Lord Portman), 554

Ecclesiastical Courts and Registries (Ireland) Bill,
l. 2R. 219;
3R. Amend. (Bishop of Oxford), 988; Amend. neg. 991
c. 1R.* 1330

Ecclesiastical Courts Jurisdiction Bill,
l. 3R. 321
Royal Assent, 1312

Education Bill,
c. 2R. 2021; Amend. (Mr. Pease), 2022, [*o. q.*, A. 51, N. 122, M. 71] 2034

EDWARDS, Major H., *Beverley*
Wakefield Election, Res. 145

EGERTON, Hon. A. F., *Lancashire, S.*
Bleaching and Dyeing Works, Com. *cl.* 1, Amend. 1059, 1066; *add. cl.* 1069

EGERTON, Hon. W., *Cheshire, N.*
Bleaching and Dyeing Works, Com. *cl.* 1, 1066

Election Committees,
c. Question (Mr. Warner), 331

ELLENBOROUGH, Earl of
Benefices, Union of, Re-Com. 316; *cl.* 15, 319; *cl.* 27, 320; 3R. 505, 506
India—European Troops, Returns moved for, 555, 556, 557;—Education, 1237;—Prize Money, 1742, 1744
Naples—Interference of the French, 557, 559
St. George's-in-the-East, 1513
Sicily—Gen. Garibaldi, 1379

ELLICE, Rt. Hon. E., *Coventry*
Army Estimates, 616
Insolvency and Bankruptcy (Salaries, &c.) Report, 943

ELLICE, Mr. E., *St. Andrews*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 16, 509; *cl.* 21, 514; *add. cl.* 1523

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Admiralty, Board of, Com. moved for, 360
Anchors and Chain Cables—Merchant Service, Leave, 217
Ceylon Railway, 2275
China (Navy), Com. moved for, 1673
Defences, National, 190, 193
European Forces (India), 2R. 1120
Greenwich Hospital, Res. 2202
Harbours of Refuge, Res. 709
Navy Estimates, 2204, 2213
Supply—Operations in China, 1836, 1891, 1893

Endowed Charities Bill,
l. 1R. 1; 2R. 1188;
Com. moved for (Marquess of Clanricarde), 1190;
3R.* 1378
c. 1R.* 1520

ENFIELD, Viscount, *Middlesex*
Aggravated Assaults Act Amendment, Com. Amend. 733
Metropolis Local Management (No. 2), Com. 2122
Militia, Leave, 1044
Militia, Officers of, 1335
Kensington Gardens, 2251

ESMONDE, Capt. J., *Waterford Co.*
Cadetships—Navy, Com. Moved for, 1341
Poor Relief (Ireland), 1530

ESTCOURT, Rt. Hon. T. H. S., *Wiltshire, N.*
Ecclesiastical Commission, 2R. 967
Felony and Misdemeanour, 2R. 748

[*cont.*

Estcourt, Rt. Hon. T. H. S.—*cont.*
Gas (Metropolis), Com. 1683
Gas, Sale of, Act Amendment (No. 2), 2R. 1050
Marine Stores, Dealers in, Com. 1374
Nuisances Removal, &c., Com. *cl.* 4, 1658, 1660
Poor Law Board Continuance, 2R. 1311
Professional Oaths Abolition, 2R. 731
Representation of the People (Ireland), Bill withdrawn, 144
Savings Banks, &c., Com. 889, 896; *cl.* 1, 908, 2220

European Forces (India) Bill,
c. Leave, 368 Adj. moved (Mr. Danby Seymour), 395; Adj. Debate, 762; 1R.* 815;
2R. 1086; Amend. (Mr. A. Mills), 1095; Adj. moved (Mr. Rich), 1177, [A. 83, N. 262, M. 179] 1178; Adj. moved (Mr. Danby Seymour), *ib.*, [A. 51, N. 229, M. 178] 1179; Adj. moved (Mr. Hennessy), *ib.*, [A. 43, N. 190, M. 147], 1180; Adj. moved (Mr. A. Mills), *ib.*; Motion neg. 1181; Adj. Debate, 1255; Adj. moved (Sir D. L. Evans), 1272; Motion neg., 1309; [*o. q.*, A. 282, N. 53, M. 229] *ib.*;
Question (Col. Sykes), 1201; (Mr. Torrens), 1254

Evans, Lieut. Gen. Sir De Lacy, *Westminster*
European Forces (India), Leave, 806, 813; 2R. Adj. moved, 1262
India—Local Army, 186, 528, 529
Low Moor Gun Factory, 762

Evans, Mr. T. W., *Derbyshire, S.*
Mines Regulation, &c., Com. *cl.* 2, 851

Eversley, Viscount
Jews Act Amendment, Com. 1748

Evidence, Law of, Further Amendment Bill,
l. 1R. 1084

Ewart, Mr. W., *Dumfries, &c.*
Aggravated Assaults Act Amendment, Com. 736
Education, 2R. 2030
Houses of Refuge, 1617
India—Bengal Civilians, 187
Labourers' Cottages (Scotland), Com. 1050
Offences Against the Person, 2R. 277
Parks, The—Charing Cross, 519
Professional Oaths Abolition, 2R. 728
Smithfield Market, &c., 2R. 21

Exchequer, Chancellor of the—*see* Chancellor of the Exchequer

Excise and Assessed Taxes Acts,
c. Com. Res. (Mr. Laing) 947; Amend. (Mr. Caird) 948; Amend. neg. 952

Excise Duties Bill,
c. 1R.* 2110

Fárquhar, Sir W. M. T., *Hertford*
Business, Public, 2168, 2169, 2178
European Forces (India), 2R. 1133
Gas (Metropolis), Com. 1688

Farrer, Mr. J., *Durham, S.*
Coroners (No. 3), 2R. 2115
Harbours of Refuge, Res. 678
Mines Regulation, &c., Com. *cl.* 2, 415

Felony and Misdemeanour
c. 2R. 744; 3R.* 1847
l. 1R.* 1925

Fenwick, Mr. H., *Sunderland*
Game Licences (Scotland), 1200

Fergusson, Sir J., *Ayrshire*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 5, 324; *cl.* 6, 325; *cl.* 8, 328; *add. cl.* 1523
Births, &c., Registration of, (Scotland), Com. *cl.* 17, 1236
Business, Public, 2179
Lebanon Massacres, 1770, 2229
Representation of the People, Com. Adj. moved, 26, 33, 41, 45

Fermoy, Lord, *Marylebone*
Army Estimates, 600
Destitution (Ireland), Address moved, 1026
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 669, 670; *cl.* 25, 994, 997; *cl.* 37, 1199; Consid. *add. cl.* 1850
Paper Duty Repeal, 2035; Res. 2078, 2105
Peace Preservation (Ireland), Leave, 1839
Poor Law Board Continuance, 2R. 1311
Representation of the People, Com. 249
Tax Bills, 1383; Res. 1, 1449; Res. 2, 1604; Res. 3, Adj. moved, 1605
Ways and Means—Financial Statement, Res. 1, 1982

Financial Statement—see *Ways and Means.*

Finlay, Mr. A. S., *Argyllshire*
Caledonian and Crinan Canals, 3R. 816

Fisheries (Scotland) Bill,
l. 2R.* 417; 3R.* 834

FitzGerald, Mr. W. R. S., *Horsham*
France, Commercial Treaty with, 178, 517, 531

Foreshores at Pembroke Dock,
c. Question (Lord W. Graham), 1946

Forgery Bill,
c. 2R.* 280

Fortescue, Hon. D. F., *Andover*
Ceylon Railway, 2276

Fortescue, Mr. C. S. (Under Secretary for the Colonies), *Louth Co.*
Ceylon Railway, 2275
New Zealand, Disturbances in, 524, 526, 2036

Fox, Mr. W. F., *Oldham,*
Mines Regulation, &c., Com. *cl.* 2, 853

France,
Commercial Treaty with, c. Question (Mr. S. FitzGerald), 178, 517; (Mr. Baines) 515

FREELAND, Mr. H. W., *Chichester*
Highleigh Prebendal Schools, 332
Highways, 2R. 1354
Mines Regulation, &c., Com. *cl.* 22, Amend. 1331, 1332; *add. cl.* 1333
Nuisances Removal, &c., Com. *add. cl.* 1661

FRENCH, Col. F., *Roscommon Co.*
Appointments, Irish, Res. 1012
Business, Public, 561
Caledonian and Crinan Canals, 3R. 818
Insolvency and Bankruptcy (Salaries, &c.) Report, 938
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 666, 671; *cl.* 25, 995
Representation of the People (Ireland), Bill withdrawn, 144
Volunteer Corps (Ireland), 1200, Leave, 2106

Friendly Societies Act Amendment Bill,
c. 2R.* 396; 3R.* 1847
l. 1R.* 1925; 2R.* 2012

Furious Riding and Driving Bill,
l. 2R. 496; Amend. (Lord Portman) 498; Bill withdrawn, *ib.*

GALLOWAY, Earl of
India—Education, 1515
Labourers' Cottages (Scotland), Com. 2127

GALLWEY, Sir W. P., *Thirsk*
Ceylon Railway, 2273

GALWAY, Viscount, *Retford, E.*
Excise and Assessed Taxes, Com. Res. 954

Galway Harbour Bill,
l. 3R.* 1844; Amend. (Marquess of Clanricarde) 1845, [Contents 18, Not-Contents 26, M. 8] 1847

Game Certificates, &c., Bill,
c. 1R.* 1190; 2R.* 1253

GARNETT, Mr. W. J., *Lancaster*
Locomotive, Com. *cl.* 4, 1047; *cl.* 5, 1049
Weights and Measures, Uniform, 515

Gas (Metropolis) Bill,
c. Com. 1676; Adj. moved (Sir G. Lewis), 1686

Gas, Sale of, Act Amendment (No. 2) *Bill,*
l. 3R.* 146
c. 1R.* 396; 2R. 1050

Gas, Sale of, Act Amendment (No. 3) *Bill,*
c. 1R.* 1086; 2R.* 1345

GEORGE, Mr. J., *Wexford Co.*
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 667; *cl.* 22, 992; *cl.* 25, Amend. 993, 994; *cl.* 36, Amend. 1192; *cl.* 37, 1198
Maynooth College, 2R. 2281
Offences against the Person, 2R. 277
Representation of the People, Com. 66

GIBSON, Rt. Hon. T. M., (President of the Board of Trade), *Ashton-under-Lyne*
France, Commercial Treaty with, 516
Harbours of Refuge, Res. 693
Telegraph to Gibraltar, 178

GILPIN, Col. R. T., *Bedfordshire*
Army Estimates, 590, 593, 606
Militia, Leave, 1045
Poor Law Board Continuance, 2R. 1312
Weedon Inquiry, The, 586

GLADSTONE, Rt. Hon. W. E.—*see* CHANCELLOR of the EXCHEQUER

Glebe Houses, Dilapidation of
l. Question (Visct. Dungannon), 295

GLYN, Mr. G. C., *Kendal*
Bankruptcy and Insolvency, Com. *cl.* 84, 1764

GOLDSMID, Sir F. H., *Reading*
Bankruptcy and Insolvency, Com. *cl.* 32, 1630; *cl.* 49, 1637; *cl.* 96, 1765
Metropolis Local Management (No. 2), Com. 2118; *cl.* 5, 2124
Professional Oaths Abolition, 2R. 733
Property and Income Tax, 444
Roman Catholic Charities, Re-com. *cl.* 2, Amend. 831
Savings Banks, &c., Com. *cl.* 1, 908

GORE, Mr. W. R. O., *Leitrim Co.*
Appointments, Irish, Res. 1016
Excise and Assessed Taxes, Com. Res. 953

GRAHAM, Lord M. W., *Herefordshire*
Army Estimates, 610
Land, Government, Sale and Repurchase of, 188
Pembroke Dock, Foreshores at, 1946
Portsmouth, Defences of, 761

GRANVILLE, Earl (President of the Council)
Ballot, Vote by, and Manhood Suffrage, Res. 17
Benefices, Union of, Re-Com. *cl.* 15, 317
Berwick-upon-Tweed Election, Address moved, 423
Ecclesiastical Commission (No. 2), 2R. 980, 984, 986
Galway Harbour, 3R. 1847
Harbours of Refuge, 1080, 1081
Holyhead Harbour, Com. moved for, 1761
India—European Troops, Returns moved for, 556, 557:—Education, 1238, 1513, 1517
Land, Titles to, (Scotland) Act Amendment, 2R. 2018, 2020
Light-Weight Racing, 2R. 305

[*cont.*

GRANVILLE, Earl—*cont.*
Masters and Operatives, 2R. 1324
Naples—Interference of the French, 558
Palermo, Bombardment of, 147
Parliamentary Business, Com. moved for, 2144
Refreshment Houses and Wine Licences, Com. 165, 170, 171, 174; 3R. 222
St. George's-in-the-East, 1512
Savoy—Paper moved for, 1939
Sicily, Insurrection in, 757
Sir John Barnard's Act, &c. Repeal, 2R. 4
Scottish Drainage, &c. Company, 3R. 1843
Slave Trade—Mozambique, Papers moved for, 933
Wine Duties, Reduction of the, Returns moved for, 421

Greenwich Hospital,
c. Res. (Sir C. Napier), 2189; Motion neg. 2203

GREGORY, Mr. W. H., *Galway Co.*
Appointments, Irish, Res. 1006
Lebanon Massacres, The, 1774

GREGSON, Mr. S., *Lancaster*
European Forces (India), 2R. 1289

GREVILLE, Col. F. S., *Longford Co.*
Guydir, Dr., Case of, 1851
Land, Tenure and Improvement of, (Ireland), Com. 545; Consid. *add. cl.* 1850
Volunteers (Ireland), Leave, Adj. moved, 2110

GREY, Earl
China—Pirates—The Colonial Office, 1082
Church Rates Abolition, 2R. 648
Ecclesiastical Commission (No. 2), 2R. 980
Westminster, New Palace at—The Clock, 219

GREY, Rt. Hon. Sir G., (Chancellor of the Duchy of Lancaster), *Morpeth*
Appointments, Irish, Res. 1017
Business, Public, 2176
Insolvency and Bankruptcy (Salaries, &c.), Report, 946
Late Sittings of the House, Res. 1956
Paper Duty Repeal, Res. 2105
Representation of the People, Com. 39, 41, 45, 48, 106
Supply—China War, Report, 1948

GRIFFITH, Mr. C. DARBY, *Devizes*
Church Rates Law Amendment, 2R. 1347
Cornetcies in Cavalry Regiments, 672
Forage—Cavalry Officers, Res. 566
Land, Tenure and Improvement of (Ireland), Com. *cl.* 37, 1195
Lebanon Massacres, The, 1772
Naples and Sardinia, 1666
Poor Law Board Continuance, 2R. 1311
Representation of the People, Com. 143, 247
Savoy, Annexation of, 1666
Sicily, Annexation of, to Piedmont, Address moved, 1805
Ways and Means—Financial Statement, Res. 1, 1983

GROGAN, Sir E., *Dublin City*
Dublin, Outrage in, 1528
Landlord and Tenant (Ireland) (No. 2), 2R. 282
Supply—Packet Service, 1233, 1234

Gunpowder, &c., Bill,
c. 1R.* 1330; 2R.* 2151

Guydir, Dr.—Case of
c. Question (Col. Greville), 1851

Hackney Carriages (Metropolis) Act Amendment Bill,
c. 1R.* 1345; 2R.* 2110

HADFIELD, Mr. G., *Sheffield*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 8, 328; *cl.* 16, 510, 1520; *cl.* 7, 1521; *add. cl.* 1523
Bankruptcy and Insolvency, Com. 2162
Bonding Ports, 2228
Census (Ireland), Com. *cl.* 3, 1741
Insolvency and Bankruptcy (Salaries, &c.), Report, 938
Poor Law Board Continuance, 2R. 1310
Probate Registrars, District, 2227
Votes at Elections, Leave, 1675

HALIBURTON, Mr. T. C., *Launceston*
Galway Packet Contract, 1874

HAMILTON, Rt. Hon. Lord C., *Tyrone Co.*
Bleaching and Dyeing Works, Com. *cl.* 1, 1058
Destitution (Ireland), Res. 1027
Tyrone, Outrage in, 1878

HAMILTON, Major W. F., *Linlithgow*
Army Estimates, 604
Mines Regulation, &c., Com. *cl.* 1, 413

HANBURY, Mr. R., *Middlesex*
Smithfield Market, &c., 2R. 20

HANKEY, Mr. T., *Peterborough*
Defences, National, 1768
Marine Stores, Dealers in, Com. *cl.* 3, 1377
Savings Banks, &c., Com. 886; *cl.* 1, 2226
South Kensington Museum, Com. moved for, 727
Supply—Inland Revenue Department, 1235;—Operations in China, 1822
Ways and Means—Financial Statement, Res. 4, 1984

Harbours of Refuge,
l. Question (Lord Ravensworth), 218; Com. moved for (Marquess of Clanricarde), 1069; Motion withdrawn, 1082; Com. 1190
c. Res. (Mr. Lindsay), 672; Previous Question moved (Mr. Baxter), 681; Question put, [A. 145, N. 128, M. 17] 714
See *Holyhead*

HARDINGE, Viscount
India—European Troops, Returns moved for 556

HARDWICKE, Earl of
China—Pirates—the Colonial Office, 1084
Harbours of Refuge, 1077
Holyhead Harbour, Com. moved for, 1758
Naval Discipline, 2R. 1614
Trotman's Anchors, 1181, 1186

HARDY, Mr. G., *Leominster*
Aggravated Assaults Act Amendment, Com. 734
Education, 2R. 2030
Felony and Misdemeanour, 2R. 746
Metropolis Local Management (No. 2), Com. *cl.* 5, 2125

HARRINGTON, Earl of
Refreshment Houses and Wine Licences, Com. 169, 171; Amend. 174

HARRIS, Lord
India—Education, 1238

HASSARD, Mr. M. D., *Waterford City*
Land, Tenure and Improvement of, Com. 544; *cl.* 10, 668
Savings Banks, &c., Com. *cl.* 1, 907

HEADLAM, Rt. Hon. T. E. (Judge Advocate General), *Newcastle-on-Tyne*
Guydir, Dr., Case of, 1851
Insolvency and Bankruptcy (Salaries, &c.), Report, 944

Health, Local Boards of, Bill,
c. 2R.* 396; 3R.* 761
l. 1R.* 834; 2R.* 1181; 3R.* 1647

HENEAGE, Mr. G. F., *Lincoln*
Highways, 2R. 1358

HENLEY, Rt. Hon. J. W., *Oxfordshire*
Army Estimates, 611
Bankruptcy and Insolvency, Com. *cl.* 28, 1625, 1627; *cl.* 40, 1631; *cl.* 46, 1635; *cl.* 77, 1646; *cl.* 84, 1763, 1764; *cl.* 136, 1994; *cl.* 152, Amend. 1995, 2166
Business, Public, 2188
Caledonian and Crinan Canals, 3R. 819
Census (England), Com. *cl.* 4, 1719
Ecclesiastical Commission, 2R. 748, 750
Education, 2R. 2026
Excise and Assessed Taxes, Com. Res. 949
Greenwich Hospital, Res. 2201
Gas (Metropolis), Com. 1687
Highways, 2R. 1371
Inland Bonding, Com. *cl.* 6, 816
Insolvency and Bankruptcy (Salaries, &c.), Report, Adj. moved, 945, 1624
Land, Tenure and Improvement of, (Ireland), Consid. *add. cl.* 1848
Late Sittings of the House, Res. 1962
Marine Stores, Dealers in, Com. 1372; *cl.* 3, 1376
Mines Regulation, &c., Com. *cl.* 1, 406; *cl.* 2, 853
Navy Estimates, 485
Nuisances Removal, &c., Com. *cl.* 4, 1659, 1660
Offences against the Person, 2R. 279
Professional Oaths Abolition, 2R. 732

HENLEY, Rt. hon. J. W.—*cont.*
Roman Catholic Charities, Consid. Amend. 824; Re-com. *cl.* 1, 825; *cl.* 2, 831; *cl.* 3, 1694
Savings Banks, &c., Com. *cl.* 1, 2222, 2226

HENNESSY, Mr. J. P., *King's Co.*
Education, National, (Ireland), Address moved, Adj. moved, 2075, 2276
European Forces (India), 2R. Adj. moved, 1179
Galway Packet Contract, 1877
Ireland, Destitution in, 197; Address moved, 1022
Land, Tenure and Improvement of, (Ireland), 2R. 290; Com. *cl.* 2, 548
Landlord and Tenant (Ireland), Com. *cl.* 36; Adj. moved, 2155
Peace Preservation (Ireland), Leave, Adj. moved, 1839, 1841
Poor Law Board Continuance, Com. 1923
Refreshment Houses and Wine Licences (Ireland), Com. Amend. 2008
Representation of the People (Ireland), Bill withdrawn, 144

HENNIKER, Lord, *Suffolk, E.*
Tithe Commutation, Com. *add. cl.* 543

HERBERT, Rt. Hon. H. A., *Kerry Co.*
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 667
Shea, Daniel, and the Islington Union, 225
Supply—Packet Service, 1223

HERBERT, Rt. Hon. S., (Secretary of State for War,) *Wiltshire, S.*
Apprentices, Enlistment of, 1529
Army Estimates, 590, 591, 592, 594, 596, 598, 599, 601, 606, 608, 610, 611, 613, 616
Army Surgeons, Rank of, 192:—Medical Officers, Address moved, 535;—State of the, 876, 877;—General Officers, Com. moved for, 1338
Cadets at Sandhurst, 1335
China (Navy), Com. moved for, 1673, 1674
Colonial Military Expenditure, 331
Cornetcies in Cavalry Regiments, 672
Defences, National, 1768
European Forces (India), 2R. 1160
Inch Keith, 1852
Knapsacks, Soldiers', 999
Land, Government, Sale, and Re-purchase of, 193
Low Moor Gun Factory, 762
Militia, Leave, 1030
Militia, Desertions from the, 331;—Commissions in, 1336
New Zealand, Disturbances in, 528
Officers' Chargers, 23
Ordnance Survey—Civil Assistants 570
Portsmouth, Defences of, 762
Promotion from the Ranks, 563
Reserve Fund, 1528
Rifled Muskets, 2227
Supply—Operations in China, 1812, 1821, 1822 1823, 1888, 1889, 1890
Weedon Inquiry, The, 585, 588
Whitworth Gun, The, 1667
Yeomanry Volunteer Corps, 1336

HERBERT, Hon. Col. P. E., *Ludlow*
Army Estimates, 612
European Forces (India), 2R. 1133
Telegraph to Gibraltar, 177

Heritable Securities, &c. (Scotland) Bill,
c. 1R.* 991; 2R.* 1380

Highland Roads, and Bridges, Bill,
l. 2R.* 295

Highleigh Prebendal Grammar School,
c. Question (Mr. Freeland), 332

Highways Bill,
c. 2R. 1348; Amend. (Mr. Hodgkinson), 1352, [*o. q.*, A. 203, N. 120, M. 83] 1372

Highway Rates Act Continuance Bill,
c. 1R.* 1658; 2R.* 1695; 3R.* 2110
l. 1R.* 2126

Highways, Roads, &c., Bill,
c. 2R.* 225

Highways (South Wales), Bill,
c. 2R.* 728

HODGKINSON, Mr. G., *Newark-upon-Trent*
Highways, 2R. Amend. 1348

Holyhead Harbour,
l. Com. moved for (Earl of Mayo), 1750; Motion withdrawn, 1761
c. Question (Col. Dunne), 531; (Mr. Stanley), 1216

HOPE, Mr. G. W., *Windsor*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 6, 326
Labourers' Cottages (Scotland), Com. Amend. 1051
Supply—Packet Service, 1232

HOPWOOD, Mr. J. T., *Clitheroe*
Bronze Coinage, The, 1947

HORSFALL, Mr. T. B., *Liverpool*
Bankruptcy and Insolvency, Com. *cl.* 96, 1765
Galway Contract, 1766

HORSMAN, Rt. Hon. E., *Stroud*
Appointments, Irish, Res. 1017
Business, Public, 2169, 2170, 2175, 2178, 2179, 2182, 2237, 2238, 2242, 2244, 2247
European Forces (India), 2R. 1148, 1178, 1180, 1181, 1203, 1309
Representation of the People, Com. 257
Tax Bills, Res. 1, 1561

HOTHAM, Lord, *Yorkshire, E. Riding*
Reserve Fund, 1527

Houses of Refuge,
c. Question (Mr. W. Ewart), 1617

HOWARD, Rt. Hon. Lord E., *Arundel*
*Poor Law Board Continuance, Com. Instruction, 1912, 1924

HOWES, Mr. E., *Norfolk, E.*
Ecclesiastical Commission, 2R. 959

HUBBARD, Mr. J. G., *Buckingham*
Church Rates Law Amendment, 2R. 1346
Kensington Gardens, 2250
Savings Banks, &c., Com. *cl.* 1, 2221

HUMBERSTON, Mr. P. S., *Chester City*
Apprentices, Enlistment of, 1528, 1529
Coroners' (No. 3) 2R. 2117

HUNT, Mr. G. W., *Northamptonshire, N.*
Bankruptcy and Insolvency, Com. *cl.* 84, 1763
Corrupt Practices Prevention Act, 175

Husband and Wife Relation Law Amendment (Scotland) Bill,
c. 2R.* 423

Inclosure (No. 2) Bill,
c. 1R.* 1617; 2R.* 1761; 3R.* 1945
l. 1R.* 2012; 2R.* 2126

Income Tax—see *Property Tax,*

Indemnity Bill,
c. 1R.* 1253; 2R.* 1380; 3R.* 1617
l. 1R.* 1647; 2R.* 1742; 3R.* 1925

India,
Army, European, l. Returns moved for (Marquess of Clanricarde), 555
c. Question (Sir D. L. Evans), 186, 528
Army, Organization of the, c. Question (Col. Sykes), 183; (Sir H. Willoughby), 333
Bengal Army—Rewards to Officers, c. Question (Mr. Kennard), 185
Civilians Killed during the Mutiny, c. Question (Mr. Vansittart), 182
Disarming of the Natives, c. Papers moved for, (Mr. H. Baillie), 214
Education, l. Observations (Earl of Shaftesbury), 1237; Res. (Duke of Marlborough), 1252; Previous Question moved (Lord Brougham), 1253;—Petition, Bishop of Oxford, 1514
Leasing of Children, l. Returns moved for (Lord Brougham), 492
Prize Money, l. Question (Earl of Ellenborough), 1742
c. Question (Col. Dunne), 1531
See *East India Stock Transfer Bill—European Forces (India) Bill*

Infants' Marriage Act Amendment Bill,
l. 1R.* 492; 2R.* 550; 3R.* 618

Infectious Diseases—Public Carriages
c. Question (Viscount Raynham), 560

INGHAM, Mr. R., *South Shields*
Mines Regulation, &c., Com. *cl.* 8, 972

INGRAM, Mr. H., *Boston*
Representation of the People, Com. 55

Inland Bonding Bill,
c. 1R.* 559 ; 2R.* 728 ; Com. *cl.* 6, 815 ; 3R.* 934
l. 1R.* 977 ; 2R.* 1236

Inland Revenue Department—Supply,
c. 1234 ; Rep. 1309

Inland Revenue Officers,
c. Question (Mr. Norris), 1525

Insolvency and Bankruptcy (*Salaries, &c.*).
c. Report, 934 ; Amend. (Sir H. Willoughby), 935, [*o. q.*, A. 98, N. 111, M. 13] 939 ; Adj. moved (Mr. Henley), 946 ; Adj. Debate, 1618

Ionian Islands Marriages Bill,
l. 1R.* 1312 ; 2R.* 1378 ; 3R.* 1842

Ireland,
Academy, Royal Irish, c. Question (Mr. Maguire), 423
Appointments, Irish, c. Res. (Mr. Conolly), 999 ; Motion neg. 1022
Brehon Law Commission, c. Question (Mr. Maguire), 423
Clare County Election, c. Report, 175
Destitution in, c. Question (Mr. Hennessy), 197 ; Address moved, 1022, [A. 49, N. 84, M. 35] 1030
Dublin, Outrage in, c. Question (Sir E. Grogan), 1530
Dundalk, Arrests in, c. Question (Mr. Whiteside), 194
Education, National, c. Address moved (Mr. Butt), 2036 ; Adj. moved (Mr. Hennessy), 2075, [A. 66, N. 177, M. 111] 2076 ; [*m. q.*, A. 62, N. 196, M. 134] 2078
Galway Contract, c. Question (Mr. Corry), 1766 ; (Sir S. Northcote), 1865
High Sheriffs, c. Observations (Mr. Blake), 874
Keogh, Mr., Appointment of, c. Observations (Mr. M'Evoy), 1533
Land, Transfer of, c. Question (Mr. V. Scully), 859
Landed Estates Court, c. Question (Captain Stacpoole), 1200
Londonderry City Election, c. Report, 175
Militia and Constabulary, l. Returns moved for (Marquess of Clanricarde), 844
Party Banners, c. Question (Mr. Cogan), 2262
Reform Bill, The, c. Question (Mr. Brady), 25
Shea, Daniel, and the Islington Union, c. Question (Mr. H. A. Herbert), 225
Tyrone, Outrage in, c. Question (Mr. Maguire), 1862 ; Observations (Lord C. Hamilton), 1878
Volunteer Corps, c. Question (Col. French), 1200 ; (Captain O'Connell), 1535 ; Observations (Mr. Brady), 1858 ; Leave (Colonel French), 2106 ; Adj. moved (Col. Greville), [A. 61, N. 28, M. 33] 2110
See
Bank of Ireland Bill
Benefices (*Ireland*), *Augmentation of Small, Bill*

[*cont.*

Ireland—cont.
Burial Grounds (*Ireland*) *Act* (1856) *Amendment Bill*
Census (*Ireland*) *Bill*
Church Temporalities (*Ireland*) *Act Amendment Bill*
Common Law Procedure (*Ireland*) *Act* (1853) *Amendment Bill*
Ecclesiastical Courts and Registries (*Ireland*) *Bill*
Galway Harbour (*No.* 2) *Bill*
Land, Leasing and Improving, (*Ireland*) *Bill*
Land, Tenure and Improvement of, (*Ireland*) *Bill*
Landed Property Improvement (*Ireland*) *Bill*
Landlord and Tenant (*Ireland*) (*No.* 2) *Bill*
Maynooth College Bill
Municipal Corporations (*Ireland*) *Act Amendment Bill*
Peace Preservation (*Ireland*) *Act* (1856) *Amendment Bill*
Phœnix Park Bill
Poor Relief, &c., (*Ireland*) *Bill*
Railways (*Ireland*) *Act* (1851) *Amendment Bill*
Refreshment Houses and Wine Licences (*Ireland*) *Bill*
Representation of the People (*Ireland*) *Bill*
Spirits (*Ireland*) *Act Amendment Bill*
Tramways (*Ireland*) *Bill*
Weights and Measures (*Ireland*) *Bill*

Italy,
Correspondence, l. Explanation (Marquess of Normanby), 1608
Foreign Enlistment, c. Observations (Mr. E. James), 571
French interference, l. Question (Lord Brougham), 557
See *Naples—Rome—Sicily*

JACKSON, Mr. W., *Newcastle-under-Lyme*
Mines Regulation, &c., Com. *cl.* 2, 851, 854 ; *cl.* 19, 1330 ; *add. cl.* 1334
Supply—Packet Service, 1226

JAMES, Mr. E., *Marylebone*
Bankruptcy and Insolvency, Com. *cl.* 49, 1638 ; *cl.* 77, 1642 ; *cl.* 84, 1762, 1764 ; *cl.* 138, 1995 ; *cl.* 152, 1998
Bleaching and Dyeing Works, Com. *cl.* 1, 1065
Census (England), Com. *cl.* 4, 1723, 1724
Coroners (No. 3) 2R. 2115
Italy—Foreign Enlistment, 571
Kensington Gardens, Road through, 1664, 2247
Late Sittings of the House, Res. 1957, 1960
Metropolis Local Management (No. 2), Com. 2118 ; *cl.* 5, Amend. 2125
Mines Regulation, Com. *cl.* 10, 974, 975
Poor Law Board Continuance, 2R. 1312 ; Com. Adj. moved, 1923
Representation of the People, Com. 245
Tax Bills—Res. 1, 1429

JERVIS, Capt. H. J. W., *Harwich*
Army Estimates, 594, 600
European Forces (India), Leave, 813
New Zealand, Disturbances in, 527
Representation of the People, Com. 88
Wakefield Election, Res. 144, 146, 201

Jews Act Amendment Bill,
l. 2R.* 1507;
Com. 1745; Amend. (Lord Lyndhurst), 1750; 3R.* 1925

JOHNSTONE, Hon. H. B., *Canterbury*
Shipwrights, English, in French Dockyards, 208, 211

JOHNSTONE, Sir V. B., *Scarborough*
Harbours of Refuge, Res. 703

JOLLIFFE, Rt. Hn. Sir W. G. H., *Petersfield*
Bankruptcy and Insolvency, 1647; *cl.* 152, 2006
Excise and Assessed Taxes, Com. Res. 952
Highways, 2R. 1365

KEKEWICH, Mr. S. T., *Devonshire, S.*
St. George's-in-the-East, 1212, 1213

KELLY, Sir FitzRoy, *Suffolk, E.*
Bankruptcy and Insolvency, Com. *cl.* 40, 1632; *cl.* 41, 1633; *cl.* 49, Amend., 1635, 1636; *cl.* 67, Amend., 1638, 1639; *cl.* 74, 1640; *cl.* 84, 1763; *cl.* 136, 1995; *cl.* 152, 2004

KENDALL, Mr. N., *Cornwall, E.*
Harbours of Refuge, Res. 687
Mines Regulation, &c., Com. *cl.* 1, 411; *cl.* 2, 849

KENNARD, Mr. R. W., *Newport, Isle of Wight*
Bengal Army—Rewards to Officers, 185

Kensington Gardens, Road through
c. Question (Sir J. Shelley), 1618; (Mr. E. James), 1664, 2247

KINGLAKE, Mr. A. W., *Bridgwater*
Sicily, Annexation of, to Piedmont, Address moved, 1795
Switzerland and France—The Congress, 1852, 1856

KINGSDOWN, Lord
Cornwall, Duchy of, Limitation of Actions, Com. *cl.* 1, Amend., 314, 316; Report, 501
Law and Equity, Com. 842

KINNAIRD, Hon. A. F., *Perth*
Diplomatic Service, Com. moved for, 723
European Forces (India), 2R. 1124
Mines Regulation, &c., Com. *cl.* 1, Amend. 409, 410; *cl.* 2, Amend. 413, 416, 845, 849; *cl.* 10, 975, 977
Slave Trade, African, 204
South Kensington Museum, Com. moved for, 728
York, Deanery of, 1946

KNIGHT, Mr. F. W., *Worcestershire, W.*
Highways, 2R. 1357

KNOX, Hon. Major W. S., *Dungannon*
Army Estimates, 614
Officers Chargers, 23

KNOX, Lt.-Col. B. W., *Marlow (Great)*
Army Estimates, 612, 613

Labourers' Cottages (Scotland) Bill,
c. Com. 1050; Amend. (Mr. G. W. Hope), 1051
3R.* 1253
l. 1R.* 1312; 2R.* 1842;
Com. 2126

LAING, Mr. S., (Joint-Secretary to the Treasury), *Wick, &c.*
Caledonian and Crinan Canals, 3R. 818
Customs and Excise, Officers of, 1526
Excise and Assessed Taxes Acts, Com. Res. 947, 948, 949
Galway Packet Contract, 1871
Holyhead Harbour, 531
Marriage in the Preventive Service (Scotland), 1874

Land, Government, Sale and repurchase of,
c. Question (Lord W. Graham), 188

Land, Leasing and Improving, (Ireland) Bill,
c. 2R.* 225

Land, Tenure, and Improvement of, (Ireland) Bill,
c. 2R. Adj. Debate, 282; Amend. neg. 294;
Com. 544;
cl. 2, 548; *cl.* 4, 550;
cl. 10, 665; Amend. (Lord Naas), 666, [*o. q.*, A. 51, N. 127, M. 76] 671;
cl. 22, 992;
cl. 25, Amend. (Mr. George), 993, [*o. q.*, A. 82, N. 79, M. 3] 997; Amend. (Mr. M'Mahon), [*o. q.*, A. 117, N. 45, M. 72] 998;
cl. 32, 1190;
cl. 34; *cl.* 36, 1191;
cl. 37, 1192; Amend. (Mr. Maguire) 1194, [*o. q.*, A. 140, N. 48, M. 92] 1200;
cl. 40, 1334;
Consid. *add. cl.* (Mr. Whiteside), 1847, [A. 19, N. 86, M. 67] 1848; 2nd *add. cl.* 1849, [A. 26, N. 102, M. 76] 1850;
3R.* 2151
l. 1R.* 2215

Land, Titles to, (Scotland) Act (1858) Amendment Bill,
l. 1R.* 1647;
2R. 2015

Land, Valuation of, Scotland Act Amendment Bill,
c. 2R. 740; Amend. (Mr. Black), 742, [*o. q.*, A. 69, N. 116, M. 47] 743

Lands Clauses Consolidation Act (1845) Amendment Bill,
c. 2R.* 396; 3R.* 1617
l. 1R.* 1647;
2R. 2127

Landed Property Improvement (Ireland) Bill,
c. 1R.* 1847; 2R.* 1945

Landlord and Tenant (Ireland) (No. 2) Bill,
c. 2R.* 280;
Com. *cl.* 1, 2151; Adj. moved (Mr. M'Mahon), 2152, [A. 8, N. 88, M. 80] 2154;
cl. 35, [A. 89, N. 21, M. 68] 2155;
cl. 36, Adj. moved (Mr. Hennessy), 2155

LANIGAN, Mr. J., *Cashel*
Land, Tenure and Improvement of, (Ireland), Consid. *add. cl.* 1849
Post Office Administration, 212
Supply—Civil Service, 450, 451, 454;—Packet Service, 1221, 1222, 1227, 1229, 1230, 1231, 1232, 1233, 1234:—Inland Revenue Department, 1235
Weights and Measures, Uniform, 515

Larceny, &c., Bill,
c. 2R.* 280

Larceny Laws Consolidation Act Amendment Bill,
c. 1R.* 1345

Late Sittings of the House,
c. Res. (Mr. Newdegate), 1953; Motion neg. 1963

Law and Equity Bill,
l. Com. 834, 1616; 3R.* 1742

LEATHAM, Mr. E. A., *Huddersfield,*
Tax Bills, Res. 1, 1422

Lebanon Massacres—see *Syria*

LEFROY, Mr. A., *Dublin University,*
Education, National, (Ireland), Address moved, 2075
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 25, 997
Landlord and Tenant (Ireland), Com. *cl.* 1, 2154

LEGH, Major G. C., *Cheshire, N.*
Bleaching and Dyeing Works, Com. *cl.* 1, 1061

LESLIE, Mr. C. P., *Monaghan Co.*
Roman Catholic Charities, Re-Com. *cl.* 2, 833

LEWIS, Rt. Hon. Sir G. C., (Secretary of State for the Home Department), *Radnor*
Aggravated Assaults Act Amendment, Com. 736
Bible, Printing of the, 2261
Bleaching and Dyeing Works, Com. *cl.* 1, 1055, 1057, 1058, 1063, 1067
Business, Public, 2170, 2186, 2188
Census (England), Com. *cl.* 4, 1702, 1717, 1719, 1738, 1739; *cl.* 6, 1740, 1741
Coroners (No. 3), 2R. 2110, 2113
Corrupt Practices Prevention Act, 175
Education, 2R. 2022

LEWIS, Rt. hon. Sir G. C.—*cont.*
Election Committees, 331
European Forces (India), 2R. 1180
Felony and Misdemeanour, 2R. 747
Gas (Metropolis), Com. Adj. moved, 1685, 1686
Gas, Sale of, Act Amendment (No. 2), 2R. 1050
Highleigh Prebendal School, 332
Highways, 2R. 1348, 1367, 1371
Income Tax, 2034
Infectious Diseases—Public Carriages, 560
Land, Valuation of, (Scotland) Act Amendment, 2R. 741
Late Sittings of the House, Res, 1959
Locomotive, Com. *cl.* 4, 1045; *cl.* 5, 1047, 1048
London Corporation, Bill withdrawn, 2215
Marine Stores, Dealers in, Com. 1373; *cl.* 3, 1375, 1376, 1378
Metropolis Local Management (No. 2), Com. 2119; *cl.* 3, 2123; *cl.* 5, 2124, 2125.
Mines Regulation, &c., Com. *cl.* 1, 407, 410, 413; *cl.* 2, 414, 846, 850, 852; Amend. 854, 855; *cl.* 8, 972; *cl.* 19, 1330; *cl.* 22, 1332; *cl.* 29, 1332; *add. cl.* 1333; Preamble 1334
Mumford, Jesse, Case of, 22
Navy Estimates, 2213
Poor Law Board Continuance, 2R. 1312
Privileges of the House, 1346
Professional Oaths Abolition, 2R. 730, 733
Roman Catholic Charities, Com. 490; *cl.* 2, 491, 492; Consid. 825; Re-Com, *cl.* 1, 830; *cl.* 2, 832, 833; *cl.* 3, 1693
St. George's-in-the-East, 1213
Smithfield Market, &c., 2R. 20, 21
South Kensington Museum, Com. moved for, 726, 727
Supply—Post Office, 1235
Tithe Commutation, Com. *cl.* 1, 542; *add. cl.* 543
Valuation of Property, 518
Votes at Elections, Leave, 1675
Whipping, Punishment of, 1663
York, Deanery of, 1946

LIDDELL, Hon. H. G., *Northumberland, S.*
Harbours of Refuge, Res. 702
Mines Regulation, &c., Com. *cl.* 1, 398, 412 *cl.* 2, 847, 854, 855
Naval Reserve, Res. 427

LIFFORD, Viscount
Tramways (Ireland), 2R. 2218

Light-Weight Racing Bill,
l. 2R. 295; Amend. (Duke of Beaufort), 302 Amend. withdrawn, Bill withdrawn, 314

LINDSAY, Hon. Col. J., *Wigan*
Army Estimates, 593, 604, 612
Army Medical Officers, Address moved, 532, 535, 537;—General Officers, Com. moved for, 1336, 1359
Knapsacks, Soldiers', 999
Mines Regulation, &c., Com. *cl.* 1, 409, 412; *cl.* 2, 415
Naval Reserve, Res. 424
Navy Estimates, 463
New Zealand, Disturbances in, 528
Promotion from the Ranks, Address moved 566

[*cont.*

LINDSAY, Mr. W. S., *Sunderland*
Admiralty, Board of, Com. moved for, 350
Cadetships — Navy, Com. moved for, 1343, 1344
Greenwich Hospital, Res. 2200
Harbours of Refuge, Res. 672, 712

Local Government Act Amendment Bill,
c. 1R.* 991 ; 2R.* 1190

Local Government Supplemental Bill,
c. 2R.* 396 ; 3R.* 761
l. 1R.* 834 ; 2R.* 1312 ; 3R.* 1842

Local Government Supplemental (No. 2) *Bill,*
c. 1R.* 1847 ; 2R.* 1945

Local Taxation Returns Bill,
c. 1R.* 845 ; 2R.* 1086 ; 3R.* 1520
l. 1R.* 1608 ; 2R.* 1742 ; 3R.* 2215

LOCKE, Mr. JOHN, *Southwark*
Cadetships—Navy, Com. moved for, 1344
Coroners (No. 3), 2R. 2116
Excise and Assessed Taxes Acts, Com. Res. 950
Gas (Metropolis), Com. 1687
Metropolis Local Management (No. 2), Com. 2119 ; *cl.* 3, 2123 ; *cl.* 5, 2125
Mines Regulation, &c., Com. *cl.* 2, 416, 848
South Kensington Museum, Com. moved for, 725

LOCKE, Mr. JOSEPH, *Honiton*
Army Estimates, 616
Locomotive, Com. *cl.* 5, 1047, 1049

LOCKHART, Mr. A. E., *Selkirkshire*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 6 ; Amend. 325

Locomotive Bill,
c. Com. *cl.* 4, 1045 ; *cl.* withdrawn, 1047 ;
cl 5, Amend. (Mr. E. P. Bouverie), 1048 ; Adj. moved, [A. 39, N. 83, M. 44] 1049

LONDON, Bishop of
Benefices, Union of, Re-Com. *cl.* 15, 318 ; *cl.* 22 320 ; 3R. Amend. 505, 507
Ecclesiastical Commission (No. 2), 2R. 984
Ecclesiastical Courts, &c. (Ireland), 3R. 990
St. George's-in-the-East, 1509

London Corporation Bill,
c. Bill withdrawn, 2215

LONG, Mr. W., *Wiltshire, N.*
Representation of the People, Com. 266

LONGFIELD, Mr. R., *Mallow*
Bankruptcy and Insolvency, Com. *cl.* 77, 1644 ; *cl.* 132, 1992
Caledonian and Crinan Canals, 3R. 819
Destitution (Ireland), Address moved, 1029

[*cont.*

LONGFIELD, Mr. R.—*cont.*
Land, Tenure and Improvement of, (Ireland), 2R. 286 ; Com. *cl.* 10, 669 ; Amend. 671 ; *cl.* 22, 992 ; *cl.* 25, 993, 995 ; *cl.* 32, Amend. 1190, 1191 ; Consid. *add. cl.* 1849
Representation of the People, Com. 52

Lords, House of, Proceedings of the
c. Question (Mr. T. Duncombe), 856 ;—see *Paper Duties Repeal Bill—Tax Bills*

LOVAINE, Lord, *Northumberland, N.*
Admiralty, Board of, Com. moved for, 366
Greenwich Hospital, Res. 2202
Late Sittings of the House, Res. 1959
Locomotive, Com. *cl.* 5, 1047
Mines Regulation, &c., Com. *cl.* 2 ; Amend. 850, 851 ; *cl.* 10, 974
Roman Catholic Charities, Re-Com. *cl.* 2, 833
Supply—Packet Service, 1231, 1233 ;—Inland Revenue Department, 1235 ;—China War, 1893

LOWE, Rt. Hon. R. (Vice-President of the Committee of the Privy Council for Education), *Calne*
Nuisances Removal, &c., Com. *cl.* 4, 1659, 1660
Roman Catholic Charities, Com. *cl.* 3, 1691, 1693
South Kensington Museum, Com. moved for, 724

Low Moor Gun Factory,
c. Question (Sir D. L. Evans), 762

LUCAN, Earl of
Galway Harbour, 3R. 1845
Tramways (Ireland), 2R. Amend. 2218, 2219

LYGON, Hon. F., *Tewkesbury*
Navy Estimates, 459, 462
Supply—Packet Service, 1230, 1233

LYNDHURST, Lord
Jews Act Amendment, Com. 1745 ; Amend. 1750
Law and Equity, Com. 837

LYTTELTON, Lord
Cathedral and Collegiate Churches Commission, 550
New Zealand, 2R. 1329 ; Com. 1518

LYVEDEN, Lord
Church Rates Abolition, 2R. 618, 655, 663

M'CANN, Mr. J., *Drogheda*
Excise and Assessed Taxes, Com. Res. 953
South Kensington Museum, Com. moved for, 727
Supply—Packet Service, 1234

MACEVOY, Mr. E., *Meath Co.*
Destitution (Ireland), Address moved, 1025
Keogh, Mr., Appointment of, 1533
Land, Tenure and Improvement of, (Ireland), 2R. 288
Promotion from the Ranks, Address moved, 562, 565

MACKIE, Mr. J., *Kirkcudbright*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 8, 327

MACKINNON, Mr. W. A., *Rye*
Representation of the People, Com. 231
Smithfield Market, &c., 2R. Amend. 19

M'MAHON, Mr. P., *Wexford Co.*
Appointments, Irish, Res. 1015
Disqualified Candidates, Votes for, Leave, 539
Italy—Foreign Enlistment, 579
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 25, 996; Amend. 997
Landlord and Tenant (Ireland) (No. 2), 2R. 282; Com. *cl.* 1, Adj. moved, 2151
Offences against the Person, 2R. 275
Refreshment Houses and Wine Licences (Ireland), Com. 2012

MAGUIRE, Mr. J. F., *Dungarvan*
Academy, Royal Irish, 423
Brehon Law Commission, 423
Destitution (Ireland), Address moved, 1026
Land, Tenure and Improvement of, (Ireland), Com. 545; *cl.* 25, 995; *cl.* 37, Amend. 1192
Peace Preservation (Ireland), Leave, Adj. moved, 1839, 1840, 1841
Tyrone, Outrage in, 1862

Malicious Injuries to Property Bill,
c. 2R.* 280

Malicious Injuries to Property Act Amendment Bill,
l. 2R.* 146; 3R.* 295
Royal Assent, 417

MALINS, Mr. R., *Wallingford*
Bankruptcy and Insolvency, Com. *cl.* 28, 1625, 1626; *cl.* 40, 1632; *cl.* 46, 1635; *cl.* 49, 1636, 1637, 1638; *cl.* 132, 1992; *cl.* 152, 2005, 2007, 2161
Ecclesiastical Commission, 2R. 960
Insolvency and Bankruptcy (Salaries, &c.), Report, 939, 945
Savings Banks, &c., Com. 893, 897
Wakefield Election, Res. 146
Ways and Means—Financial Statement, Res. 10, 1989

MALMESBURY, Earl of
Rome, Diplomatic Relations with, Papers moved for, 158
Tuscany—The Yacht "Medina," 422

Man, Isle of, Harbours Bill,
c. 3R.* 1086
l. 1R.* 1181; 2R.* 2215

Manchester Cathedral Church Bill,
c. 1R.* 1345; 2R.* 1945

MANNERS, Rt. Hon. Lord J. J. R., *Leicestershire, N.*
Bleaching and Dyeing Works, Com, *cl.* 1, 1056, 1060, 1067; *cl.* 2, 1068; *cl.* 6, 1069
Caledonian and Crinan Canals, 3R. 818
Census (England), Com. *cl.* 4, 1736, 1740
[*cont.*

MANNERS, Rt. hon. Lord J. J. R.—*cont.*
Greenwich Hospital, Res. 2203
Mines Regulation, &c., Com. *cl.* 1, Amend. 410, 412
Refreshment Houses and Wine Licences (Ireland), Com. 2010
Representation of the People, Com. 47
Roman Catholic Charities, Re-Com. *cl.* 1, 830; *cl.* 2, 832
Supply—China War, 1888, 1901

Marine Stores, Dealers in, Bill,
c. Leave, 724; 1R.* 728; 2R.* 1050; Com. 1372; *cl.* 3, 1375

MARLBOROUGH, Duke of
Benefices, Union of, Re-Com. *cl.* 15, 318
Church Rates Abolition, 2R. Amend. 629
Ecclesiastical Commission (No. 2), 2R. 983
India—Education, 1238; Res. 1239, 1516, 1517
Scottish Drainage &c. Company, 3R. 1844

MARSH, Mr. M. H., *Salisbury*
Census (English), Com. *cl.* 4, 1720

MARTIN, Mr. P. W., *Rochester*
Ceylon Railway, 2275

MASSEY, Mr. W. N., (Chairman of Committees,) *Salford*
Bleaching and Dyeing Works, Com. *cl.* 1, 1067
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 2, 549
Mines Regulation, &c., Com. *cl.* 2, 854
Navy Estimates, 2215, 2214
Supply—Civil Service Estimates, 452

Masters and Operatives Bill,
c. 3R.* 225
l. 1R.* 295;
2R. 1314; Amend. (Lord Ravensworth) 1323; Amend. withdrawn, 1325

Maynooth College Bill,
c. Leave, 1606; 1R.* 1658;
2R. 2277; Amend. (Mr. Spooner) 2280, [*o.q.*, A. 135, N. 57, M. 78] 2287

MAYO, Earl of
Holyhead Harbour, Com. moved for, 1750
Tramways (Ireland), 2R. 2219

Medical Act (1858) *Amendment Bill,*
c. 1R.* 1190; 2R.* 1345; 3R.* 2110
l. 1R.* 2126

MELLOR, Mr. J., *Nottingham*
Bankruptcy and Insolvency, Com. *cl.* 49, 1637
Professional Oaths Abolition, 2R. 732
Tax Bills, Res. 1, Adj. moved, 1601; Res. 2, Amend. 1602

MELVILLE, Viscount
Naval Discipline, 2R. 1616

Metropolis Local Management Act Amendment (No. 2) *Bill,*
c. 1R.* 423; 2R.* 665
[*cont.*

Metropolis Local Management, &c. Bill—cont.
Com. 2117, [A. 78, N. 68, M. 10] 2123;
cl. 3, 2123; Amend. (Mr. Ayrton) 2124;
cl. 5, Amend. (Mr. Clay), [*o. q.*, A. 86, N. 81, M. 5] 2124; Amend. (Mr. E. James), 2125

Metropolitan Building Act (1855) *Amendment Bill*
c. 1R.* 760; 2R.* 1050; 3R.* 1617
l. 1R.* 1647; 2R.* 1925; 3R.* 2215

MILDMAY, Mr. H. F., *Herefordshire*
Trotman's Anchors, 1217

MILES, Sir W., *Somersetshire, E.*
Coroners (No. 3), 2R. 2116
Metropolis Local Management (No. 2), Com. 2122
Petitions—Rules of the House, 761

Militia,
Commissions in Volunteer Corps, c. Question (Viscount Enfield), 1335
Desertions from the, c. Question (Lord Burghley), 330

Militia Bill,
c. Leave, 1030; 1R.* 1045; 2R.* 1253

Militia Ballot Bill,
c. 1R.* 1945; 2R.* 2151

Military Attachés to Foreign Courts.
c. Question (Mr. Stanley), 332

MILLER, Mr. T. J., *Colchester*
Metropolis Local Government (No. 2), Com. *cl.* 3, 2123

MILLS, Mr. A., *Taunton*
European Forces (India), 2R. Amend. 1086; Adj. moved, 1180, 1206, 1308
Newfoundland Fisheries, 1665
Professional Oaths Abolition, 2R. 730
Supply—China War, 1900

MILNES, Mr. R. M., *Pontefract*
Business, Public, 2181
Census (England), Com. *cl.* 4, 1728
Diplomatic Service, Com. moved for, 723
European Forces (India), 2R. 1272

Mines Regulation and Inspection Bill,
c. Com. *cl.* 1, 396; Amend. (Mr Paget), 397, [*o. q.*, A. 178, N. 71, M. 107] 409; Amend. (Mr. Kinnaird) *ib.*; Amend. withdrawn, 410; Amend. (Lord J. Manners) *ib.*; Amend. withdrawn, 412, [*m. q.*, A. 180, N. 91, M. 89] 413;
cl. 2, Amend. (Mr. Kinnaird) 414, [A. 77, N. 146, M. 69] 417; 2nd Amend. 845; [A. 61, N. 78, M. 18] 850; Amend. (Mr. Paget) *ib.*; Amend. withdrawn, 852; Amend. (Mr. Monsell), [*o. q.*, A. 131, N. 69, M. 62] 854; Amend. (Mr. H. A. Bruce), [*o. q.*, A. 106, N. 84, M. 22] 855;
cl. 4, Amend. (Mr. Clive), [A. 132, N. 31, M. 101] 856;
cl. 7, Amend. (Mr. H. A. Bruce) 970; Amend. neg. 971;

Mines Regulation &c. Bill—cont.
cl. 10, Amend. (Mr. Ayrton), 972 [A. 185, N. 18, M. 167] 973; Amend. (Mr. H. A. Bruce), [A. 47, N. 127, M. 80] 976;
cl. 19, 1330;
cl. 22, Amend. (Mr. Freeland) 1331;
cl. 29, Amend. (Mr. H. H. Vivian) 1332; *add. cl.* (Mr. Ayrton) 1333;
Preamble, 1334;
3R.* 1617
l. 1R.* 1647;
2R. 2216

MITFORD, Mr. W. T., *Midhurst*
Mines Regulation, &c., Com *cl.* 1, 405

MONCREIFF, Rt. Hon. J., *see* ADVOCATE, The Lord

MONSELL, Rt. Hon. W., *Limerick Co.*
Army Estimates, 592, 594, 597, 599, 602, 615
Census (England), Com. *cl.* 4, 1729
Census (Ireland), Com. *cl.* 3, Amend. 1741
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 667; *cl.* 34, Amend. 1191; *cl.* 37, 1195; Consid. *add. cl.* 1849
Mines Regulation, &c., Com. *cl.* 2, 852; Amend. 854
Poor Law Board Continuance, Com. 1923, 1924
Roman Catholic Charities, Re-Com. *cl.* 1, 829; *cl.* 2, 833
Sicily, Annexation of, to Piedmont, Address moved, 1803
Supply—Packet Service, 1229
Weedon Inquiry, The, 585

MONTAGU, Lord R., *Huntingdonshire*
Selling and Hawking Goods on Sunday, 2R. 541

MONTEAGLE, Lord
Bank of Ireland, 3R. 500
Galway Harbour, 3R. 1846
India—Prize Money, 1744
Refreshment Houses and Wine Licences, 3R. 220
Tramways (Ireland), 2R. 2217
Wine Duties, Reduction of the, Returns moved for, 418, 422

MOWBRAY, Rt. Hon. J. R., *Durham City*
Insolvency and Bankruptcy (Salaries, &c.) Report, 941, 942

Mumford, Jesse, Case of
c. Question (Mr. T. Duncombe), 22

Municipal Corporations (Ireland) Act Amendment Bill,
c. 3R.* 1190
l. 1R.* 1236

MURE, Mr. D., *Buteshire*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 2, 323; *cl.* 5, 324; *cl.* 8, 327; *cl.* 10, Amend 328; *cl.* 14, Amend. 507, 508; *cl.* 28, 511; *add. cl.* 1524
Land, Valuation of, (Scotland) Act Amendment, 2R. 742

MURRAY, Mr. W., *Newcastle-under-Lyme*
Bankruptcy and Insolvency, Com. *cl.* 33, Amend. 1630; *cl.* 77, 1641; *cl.* 84, Amend. 1761, 1762; *cl.* 129, 1990

NAAS, Lord, *Cockermouth*
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 2, 549; *cl.* 4, 550; *cl.* 10, Amend. 665, 670; *cl.* 22, 992; *cl.* 25, 995, 998; *cl.* 36, 1192; Consid. *add. cl.* 1848
Landlord and Tenant (Ireland), Com. *cl.* 36, 2155
Maynooth College, Leave, 1607

NAPIER, Vice-Adm. Sir C., *Southwark*
Admiralty, Board of, Com. moved for, 354
China (Navy), Com. moved for, 1672, 1674
European Forces (India), 2R. 1180
Greenwich Hospital, Res. 2189, 2194, 2202
Lebanon Massacres, 1769
Locomotive, Com. *cl.* 5, 1048; Adj. moved, 1049, 1050
Metropolis Local Management (No. 2), Com. 2123
Naval Reserve, Res. 432
Navy Estimates, 457, 458, 460, 461, 462, 481, 488, 489, 2203, 2212, 2213, 2214; Report, 2287
Portsmouth, Defences of, 196
Supply—Packet Service, 1226;—Operations in China, 1837, 1907

Naples,
Alliance with Sardinia, c. Question (Mr. D. Griffith), 1666
Bombardment, Apprehended, c. Question (Col. Stuart), 1381
French, Interference of the, l. Question (Lord Brougham), 557

Naval Discipline Bill,
l. 1R.* 1181;
2R. 1612

Naval Reserve,
c. Res. (Mr. Lindsay), 424; Motion neg. 440

Navy,
Dockyard Labourers, Superannuation of, c. Question (Sir S. Northcote), 1201
Estimates, c. 455; Motion withdrawn, 490, 2203; Adj. moved (Mr. B. Cochrane), 2213; Report, 2287
Greenwich Hospital, c. Res. (Sir C. Napier), 2189; Motion neg. 2203
Roman Catholics in the, c. Question (Mr. Bellew), 2229
Senior Naval Lieutenants, c. Question (Mr. Dunn), 1850
See *Cadetships*

Nelson Monument
c. Question (Adm. Walcott), 1775

NEWCASTLE, Duke of, (Secretary of State for the Colonies)
Australian Colonies—Introduction of Animals, 499
Cathedral and Collegiate Churches Commission, 551

NEWCASTLE, Duke of—*cont.*
China—Pirates—The Colonial Office, 1082
Church Rates Abolition, 2R. 658, 659
Commanders of Packets between Holyhead and Kingstown, 1188
Cornwall, Duchy of, Limitation of Actions, Com. 314; *cl.* 1, 315; *add. cl.*, 316; Report, 503
New Zealand, 2R., 1326, 1329; Com. 1519
New Zealand, Disturbances in, 417, 418

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 21, 513
Census (England), Com. *cl.* 4, 1724
Education, 2R. 2031
European Forces (India), 2R. 1180
Late Sittings of the House, Res. 1953, 1963
Locomotive, Com. *cl.* 5, 1048
Marine Stores, Dealers in, Com. 1374
Maynooth College, Leave, 1607; 2R. 2281
Mines Regulation, &c., Com. *cl.* 2, 851, 854; *cl.* 10, 977; *cl.* 22, 1332; *add. cl.* 1333
Poor Law Board Continuance, Com. 1922
Professional Oaths Abolition, 2R. 729
Representation of the People, Com. 243
Roman Catholic Charities, Consid. Amend. 617, 820, 824, 825; Re-Com. *cl.* 1, 827; Adj. moved, 829, 831; *cl.* 2, Adj. moved, *ib.*, 833, 834; *cl.* 3, 1691, 1692, 1693, 1694

Newfoundland Fisheries,
c. Question (Mr. A. Mills), 1665

New Zealand Bill,
l. 1R.* 1069;
2R. 1326;
Com. 1518

New Zealand, Disturbances in
l. Question (Earl of Carnarvon), 417
c. Question (Lord A. Churchill), 521; (Mr. Adderley), 2035

Nice, Annexation of, see *Savoy*

NORMANBY, Marquess of
Italy, Explanation, 1608, 1611
Rome, Diplomatic Relations with, Papers moved for, 160, 1842
Savoy, Paper moved for, 1937, 1939
Sicily, Insurrection in, 755;—Gen. Garibaldi, 1378, 1379

NORRIS, Mr. J. T., *Abingdon*
Gas (Metropolis), Com. 1686
Inland Revenue Officers, 1525
Marine Stores, Dealers in, Com. 1374
Nuisances Removal, &c., Com. *cl.* 4, 1658
Smithfield Market, &c., 2R. 21

NORTH, Col. J. S., *Oxfordshire*
Aggravated Assaults Act Amendment, Com. 736
Army Estimates, 592, 597, 601, 608, 614
Army—General Officers, Com. moved for, 1338
China (Navy), Com. moved for, 1671
European Forces (India), 2R. 1298

NORTH, Mr. F., *Hastings,*
Gas (Metropolis), Com. 1688

NORTHCOTE, Sir S. H., *Stamford*
Army Estimates, 597, 602, 610
Dockyard Labourers, Superannuation of, 1201
Education, 2R. 2023
Galway Packet Contract, 1865
Supply — Packet Service, 1230, 1233;—Post Office, 1235;—Operations in China, 1822, 1901
Telegraph to Gibraltar, 177
Ways and Means—Financial Statement Res. 1, 1982

Nuisances Removal and Diseases Prevention Bill
c. Com. *cl.* 4, Amend. (Mr. P. Watlington), 1658; *add. cl.* (Mr. Freeland), 1661;
3R.* 1945
l. 1R.* 2012

O'BRIEN, Mr. P., *King's Co.*
Peace Preservation (Ireland), Leave, 1840
Refreshment Houses and Wine Licences, Com. 2011
Volunteers (Ireland), Leave, 2110

O'CONNELL, Capt. D., *Tralee*
Volunteer Corps for Ireland, 1535

O'DONOGHUE, The, *Tipperary Co.*
Destitution (Ireland), Address moved, 1023
Education, National, (Ireland), Address moved, 2076
Land, Tenure and Improvement of, (Ireland), 2R. 283; Consid. *add. cl.* 1850
Representation of the People (Ireland), 2R. Adj. moved, 144

O'FERRALL, Rt. Hon. R. More, *Kildare Co.*
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 666

Offences against the Person Bill,
c. 2R. 270

Offences within Her Majesty's Possessions Abroad Bill,
l. 1R.* 2215

Ordnance Survey—Civil Assistants,
c. Observations (Mr. Digby Seymour), 568

OSBORNE, Mr. R. B., *Liskeard*
Admiralty, Board of, Com. moved for, 344, 345
Army Estimates, 611; Amend. 612
Census (England), Com. *cl.* 4, 1715, 1717
Education, National, (Ireland), Address moved, 2076
Paper Duty Repeal, Res. 2096
Representation of the People, Com. 252
Shipwrights, English, in French Dockyards, 209, 211
Supply—China War, 1900
Switzerland and France—The Congress, 1855, 1856
Tax Bills, Res. 1, 1426

OXFORD, Bishop of
Benefices, Union of, Re-Com. *cl.* 15, Amend. 316, 317, 318; *cl.* 27, 320
Ecclesiastical Courts and Registries (Ireland), 3R. Amend. 988
Ecclesiastical Courts Jurisdiction, 3R. Amend. 321
India—Education, 1514
Railway Cheap Trains, 2R. 1657
Slave Trade—Mozambique, Papers moved for, 929, 933
Tithe Commutation, Com. 1656

Oxford University (No. 2) *Bill,*
c. 1R.* 728; 2R.* 934; 3R.* 2110
l. 1R.* 2126

PACKE, Mr. C. W., *Leicestershire, S.*
Bleaching and Dyeing Works, Com. *cl.* 1, 1058, 1064
Tax Bills, 1524

Packets between Holyhead and Kingstown, Commanders of
l. Question (Visct. Dungannon), 1186

Packet Service—Supply,
c. 1221

PAGET, Lord C. E. (Secretary of the Admiralty), *Sandwich*
Admiralty, Board of, Com. moved for, 338, 340, 345
Cadetships—Navy, Com. moved for, 1342, 1344
China—(Navy), Com. moved for, 1670
Dockyard Labourers, Superannuation of, 1201
Greenwich Hospital, Res. 2194, 2202
Holyhead Harbour, 1218
Naval Reserve, Res. 428
Navy Estimates, 455, 457, 458, 460, 461, 462, 463, 464, 466, 486, 489, 2208, 2212, 2213
Pembroke Dock, Foreshores at, 1946
Roman Catholics in the Navy, 2229
Senior Naval Lieutenants, 1851
Shipwrights, English, in French Dockyards, 210, 211
Trotman's Anchors, 560, 1219

PAGET, Mr. C., *Nottingham*
Bankruptcy and Insolvency, Com. *cl.* 135, Amend. 1993
Mines Regulation, &c., Com. *cl.* 1, Amend. 396, 409, 410; *cl.* 2. Amend. 850, 852

PAKINGTON, Rt. Hon. Sir J. S., *Droitwich*
Admiralty, Board of, Com. moved for, 347
Bankruptcy and Insolvency, Com. 2162, 2164
Census (England), Com. *cl.* 4, 1729
Education, 2R., 2032
European Forces (India), 2R. 1178
Greenwich Hospital, Res. 2199
Harbours of Refuge, Res. 689
Kensington Gardens, 2251
Military Attaches to Foreign Courts, 332
Navy Estimates, 455, 456, 457, 459, 466, 471, 488, 489, 2206, 2211, 2214
Supply—Operations in China, 1830, 1888; Report, 1947

PALK, Mr. L., *Devonshire, S.*
Excise and Assessed Taxes Act, Com. Res. 949

PALMERSTON, Rt. Hon. Viscount (First Lord of the Treasury), *Tiverton*
Appointments, Irish, Res. 1021
Bankruptcy and Insolvency, 1527; Com. *cl.* 77, 1643, 1646, 1647, 2007, 2163, 2164
Business, Public, 561, 2168, 2169, 2185, 2244
Caledonian and Crinan Canals, 3R. 819
Census (England), Com. *cl.* 4, 1732
Clerk of the Council, 191
Defences, National, 191
Education, National, (Ireland), Address moved, 2076
European Forces (India), 2R. 1177, 1178, 1179, 1180, 1203
Galway Packet Contract, 1877
Greenwich Hospital, Res. 2201, 2203
Harbours of Refuge, Res. 710
Late Sittings of the House, Res. 1961
Lebanon Massacres, 1775
Lords, House of, Proceedings of the, 857
Maynooth College, Leave, 1606, 1607
Military Attaches to Foreign Courts, 332
Navy Estimates, 2214
Paper Duties Repeal, Res. Previous Question moved, 2086, 2105
Peace Preservation (Ireland), Leave, 1839, 1840, 1841
Poor-Law Board Continuance, Com. 1923
Postmaster General, Office of, 1762
Representation of the People, Com. 119, 143
Sicily, Insurrection in, 329
Supply—Civil Service Estimates, 453;—Operations in China, 1838, 1907
Tax Bills, Res. 1, 1383, 1384, 1506, 1536, 1601; Res. 2, 1602, 1603; Res. 3, 1604, 1605
Volunteer Corps for Ireland, 1535; Leave, 2109
Votes at Elections, Leave, 1675
Wakefield Election, Res. Adj. moved, 145

Paper Duty Repeal Bill,
c. Petition (Mr. Bright), 1253;—Notice (Mr. T. Duncombe), 1345; Observation (Sir J. Trelawny), 1806; Question (Mr. Whalley), 1859; (Lord Fermoy), 2035; Res. 2078; Previous Question proposed (Visct. Palmerston), 2087; Previous Question put, [A. 138, N. 177, M. 39] 2106; Question (Mr. Puller), 2257;—See *Tax Bills*

Parks, The
c. Question (Mr. W. Ewart), 519

PARKER, Major W., *Suffolk, W.*
Army Estimates, 613
European Forces (India), 2R. 1297

Parliament, New Houses of—see *Westminster, New Palace at*

Parliamentary Business,
l. Com. moved for (Earl of Derby), 2129; Motion withdrawn, 2150

Parochial Assessments Bill,
c. 1R.* 559

Passing Tolls Bill,
c. 1R.* 322

Patents, Commissioners of, Offices,
c. Question (Mr. Tite), 998

PATTEN, Col. J. W., *Lancashire, N.*
Bleaching and Dyeing Works, Com. *cl.* 1, 1064; Proviso, 1066
Highways, 2R. 1365
Locomotive, Com. *cl.* 5, 1049
Militia, Leave, 1042
Parliament, New Houses of, 518, 521

PAULL, Mr. H., *St. Ives*
Aggravated Assaults Act Amendment, Com. 735
Harbours of Refuge, Res. 703

PAXTON, Sir J., *Coventry*
Army Estimates, 595, 596, 598, 603

Peace Preservation (Ireland) Act (1856) *Amendment Bill,*
c. Leave, Adj. moved (Mr. Hennessy), [A. 11, N. 60, M. 49] 1839; Adj. moved (Mr. Brady). [A. 9, N. 61, M. 52] 1840; Adj. moved (Mr. Sullivan), [A. 11, N. 59, M. 48] 1841; Adj. moved (Mr. Maguire), [A. 7, N. 59, M. 52] *ib.*; Adj. moved (Mr. Blake); Motion withdrawn, [*o. q.*, A. 53, N. 15, M. 38] *ib.*
1R.* 1841;
Question (Sir W. Verner), 2155

PEACOCKE, Mr. G. M. W., *Maldon*
Bankruptcy and Insolvency, Com. *cl.* 138, 1995
European Forces (India), Leave, 803

PEASE, Mr. H., *Durham, S.*
Ecclesiastical Commission, 2R. 753
Education, 2R. Amend. 2022
Mines Regulation, &c., Com. *cl.* 1, 410; *cl.* 2, 848
Representation of the People, Com. 68

PECHELL, Rear Adm. Sir G. R. B., *Brighton*
China War—Naval Pay, 182

PEEL, Rt. Hon. Major Gen. J., *Huntingdon*
Army—General Officers, Com. moved for, 1340
China, Operations in, 1809
European Forces (India), Leave, 789; 2R. 1180
Supply—Operations in China, 1822

PEEL, Rt. Hon. F., *Bury*
Army Estimates, 595

PEEL, Sir R., *Tamworth*
Savoy and Nice, Annexation of, 860, 1254
Sicily, Annexation of, to Piedmont, Address moved, 1776, 1790
Switzerland and France—The Congress, 1854

Pembroke Dock, Foreshores at,
c. Question (Lord W. Graham), 1946

PENNANT, Hon. Col. E. G. D., *Carnarvonshire*
Locomotive, Com. *cl.* 4, 1046

Petitions of Right Bill,
l. 3R.* 295
Royal Assent, 1312

Petitions—Rules of the House,
c. Motion (Mr. T. Duncombe), 761

PETO, Sir S. M., *Finsbury*
Army Estimates, 606
Census (England), Com. *cl.* 4, 1725
Harbours of Refuge, Res. 704
Smithfield Market, &c., 2R. 20

PHILIPPS, Mr. J. H., *Haverfordwest*
Coroners (No. 3), 2R. 2115

Phœnix Park Bill,
c. 1R.* 19; 2R.* 423; 3R.* 655
l. 1R.* 755; 2R.* 1647; 3R.* 1842

PIGOTT, Mr. F., *Reading*
Army Estimates, 604, 613

Plea on Indictment Bill,
l. 2R. 757; 3R.* 908
c. 1R.* 1520

POLLARD-URQUHART, Mr. W., *Westmeath Co.*
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 10, 669; *cl.* 37, 1194; *cl.* 40, Amend. 1334
Landlord and Tenant (Ireland), Com. *cl.* 35, 2154
Property and Income Tax, 444

Poor Law Board Continuance Bill,
c. 1R.* 934;
2R. 1310;
Com. 1912; Instruction (Lord E. Howard), 1921; Adj. moved (Mr. E. James), [A. 40, N. 97, M. 57] 1923; Motion withdrawn, 1924

Poor Law Rating,
c. Question (Mr. P. Watlington), 24

Poor Relief, &c., (Ireland) Bill,
c. 2R.* 761;
Question (Capt. Esmonde), 1530

PORTMAN, Lord
Cornwall, Duchy of, Limitation of Actions, Com. *cl.* 1, 314, 316; Report, 504
Ecclesiastical Commission (No. 2), 2R. 980
Ecclesiastical Commissioners' Valuation, 554
Furious Riding and Driving, 2R. Amend. 497
Harbours of Refuge, 218

Portsmouth, Defences of,
c. Question (Lord W. Graham), 761

Postage (Army and Navy) Bill,
c. 1R.* 1190; 2R.* 1380; 3R.* 1945
l. 1R.* 2012

Postmaster General, Office of,
c. Question (Sir G. Bowyer), 1769

Post Office Administration,
c. Question (Sir G. Bowyer), 211

Post Office—Supply,
c. 1235

POWIS, Earl of
Benefices, Union of, Re-Com. *cl.* 15, 318; *cl.* 22, 320; 3R. Amend. 505
Church Temporalities (Ireland) Act Amendment, Com. *cl.* 6, 552

Privileges of the House—Paper Duty,
c. Notice (Mr. T. Duncombe), 1345;—see *Paper Duty Repeal Bill—Tax Bills*

Probate and Divorce, Court of
l. Returns moved for, 2

Probate Registrars, District,
c. Question (Mr. Hadfield), 2227

Professional Oaths Abolition Bill,
c. 2R. 728

Property and Income Tax,
c. Observations (Mr. Whalley), 441; Question, 2034

Property, Law of, Bill,
c. 3R.* 761

Property, Valuation of
c. Question (Mr. Stanley), 517

Protests
Bank of Ireland Bill, 500
Refreshment Houses and Wine Licences Bill, 223

Public Improvements Bill,
l. Royal Assent, 1312

PULLER, Mr. C. W. G., *Hertfordshire*
Aggravated Assaults Act Amendment, Com. 739
Bankruptcy and Insolvency, Com. *cl.* 77, 1644
Paper Duties, 2257
Roman Catholic Charities, Re-Com. *cl.* 1, Amend. 829; *cl.* 3, Amend. 1692

Queen's Bench, Court of, Act Amendment Bill,
c. 1R.* 1190; 2R.* 1520; 3R.* 1847
l. 1R.* 1925; 2R.* 2126

Queen's Prison Bill,
c. 1R.* 1380; 2R.* 1617; 3R.* 1847
l. 1R.* 1925

Railway Cheap Trains, &c., Bill,
c. 1R.* 728; 2R.* 845; 3R.* 1253
l. 1R.* 1312;
2R. 1657; 3R.* 1842

Railways (Ireland) Act (1851) *Amendment Bill,*
c. 1R.* 1658 ; 2R.* 1761

RAVENSWORTH, Lord
Ecclesiastical Commission (No. 2), 2R. 981 ; Com. 1944
Harbours of Refuge, 218
Masters and Operatives, 2R. Amend. 1320, 1325
Mines Regulation, &c., 2R. 2216

RAYNHAM, Viscount, *Tamworth*
Aggravated Assaults Act Amendment, Com. 733, 740
Anchors, 560
Infectious Diseases—Public Carriages, 560
Whipping, Punishment of, 1663

REDESDALE, Lord (Chairman of Committees)
Benefices, Union of, Re-Com. 321 ; 3R. 506
Business of the House, Res. 550
Commanders of Packets between Holyhead and Kingstown, 1188
Conjugal Rights (Scotland), 1R. 2021
Ecclesiastical Commission (No. 2), 2R. 982
Galway Harbour, 3R. 1846
Labourers' Cottages (Scotland), Com. 2127
Lands Clauses Consolidation Amendment, 2R. 2128
Light-Weight Racing, 2R. 295, 298, 313
Parliamentary Business, Com. moved for, 2148
Railway Cheap Trains, 2R. 1657
Refreshment Houses and Wine Licences, 3R. 222
Scottish Drainage &c. Company, 3R. 1843
Tramways (Ireland), 2R. 2217, 2218

Reform Bill—Dissolution of Parliament,
c. Question (Mr. Blake), 23

Refreshment Houses and Wine Licences Bill,
l. Com. 165 ; Amend. (Earl of Harrington), 174 ; Amend. withdrawn, *ib* ;
3R. 220 ; Amend. (Lord Denman), 221, [*o. q.*, Contents 36, Not-Contents 2, M. 34] 223
Protests, 223
Royal Assent, 417

Refreshment Houses and Wine Licences (Ireland) Bill,
c. 1R.* 665 ; 2R.* 934 ;
Com. 2008 ; Amend. (Mr. Hennessy), 2009, [*o. q.*, A. 136, N. 38, M. 98] 2012

Refreshment Houses and Wine Licences (Scotland) Bill,
c. 1R.* 991

Representation of the People Bill,
c. Com. Adj. Debate, 26 ; Adj. moved (Sir J. Fergusson), 37, [A. 248, N. 269, M. 21] 139 ; Adj. moved (Mr. B. Cochrane), [A. 222, N. 267, M. 45] 143 ; Adj. moved (Mr. D. Griffith), *ib.* ; Adj. Debate, 226 ; Amend. and Motion withdrawn ; Bill withdrawn, 270

Representation of the People (Ireland) Bill,
c. Bill withdrawn, 144

Representation of the People (Scotland) Bill,
c. Bill withdrawn, 144

Reserve Fund,
c. Question (Lord Hotham), 1527

RICARDO, Mr. J. L., *Stoke-upon-Trent*
Mines Regulation, &c., Com. *cl.* 10, 975
Navy Estimates, 458, 460
Tax Bills, Res. 1, 1464

RICH, Mr. H., *Richmond*
European Forces (India), 2R. Adj. moved, 1177, 1255

RIDLEY, Sir M. W., *Northumberland, N.*
Locomotive, Com. *cl.* 5, 1049
Mines Regulation, &c., Com. *cl.* 2, 849

RIDLEY, Mr. G., *Newcastle-on-Tyne*
Coroners (No. 3), 2R. 2117
Marine Stores, Dealers in, Com. *cl.* 3, 1377
Mines Regulation, &c., Com. *cl.* 1, 413 ; *cl* 4, Amend. 855

Rifled Iron Guns and Muskets,
l. Question (Earl of Camperdown), 492
c. Question (Mr. H. Vivian), 2227

ROEBUCK, Mr. J. A., *Sheffield*
Bankruptcy and Insolvency, Com. *cl.* 28, 1627, 1628 ; *cl.* 32, 1630 ; *cl.* 40, 1631, 1632 ; *cl.* 41, 1633, 1635 ; *cl.* 67, 1638 ; *cl.* 74, 1640, 1645 ; Adj. moved, 1646, *cl.* 112, 1765
Bleaching and Dyeing Works, Com. *cl.* 1, 1053, 1055, 1057, 1061, 1067 ; *cl.* 2, 1068
Census (England), Com. *cl.* 6, 1740
Marine Stores, Dealers in, Com. *cl.* 3, 1376, 1378
Mines Regulation, &c., Com. *cl.* 2, 852
Supply — China War, 1891, 1896 ; Report, 1948

ROLT, Mr. J., *Gloucestershire, W.*
Roman Catholic Charities, Com. *cl.* 3, 1694

Roman Catholic Charities Bill,
c. Com. *cl.* 2, 490 ;
Consid. Adj. moved (Mr. Newdegate), 617 ; Adj. Debate, 820 ; Amend. (Mr. Henley), 824 ;
Re-Com. *cl.* 1, 825 ; Amend. (Mr. Puller), 829 ; Amend. and *cl.* neg. 831 ;
cl. 2, Amend. (Sir F. Goldsmid), 831, [*r. p.*, A. 14, N. 66, M. 52] 832 ; 2nd Div. [A. 16, N. 50, M. 34] *ib.* ; 3rd Div. [A. 9, N. 47, M. 38] *ib.* ; 4th Div. [A. 9, N. 47, M. 38] 834 ; 5th Div. [A. 7, N. 46, M. 39] *ib.* ;
cl. 3, Amend. (Mr. Adderley), 1690 ; Amend. withdrawn, 1692 ; Amend. (Mr. Puller), 1693, [*o. q.*, A. 71, N. 49, M. 22] 1694 ; Adj. moved (Mr. Henley), [*r. p.*, A. 37, N. 67, M. 30] 1695

Rome, Diplomatic Relations with
l. Papers moved for (Earl Stanhope), 147; Observations (Marquess of Normanby), 1842
c. Foreign Enlistment, Observation (Mr. E. James), 571

RUSSELL, Right Hon. Lord J. (Secretary of State for Foreign Affairs), *London*
Business, Public, 2180
China, War in, Res. 1886
Corks, Spanish, Exportation of, 531
Diplomatic Service, Com. moved for, 722
Ecclesiastical Commission, 2R. 963
Escalante, Senor, Case of, 530
France, Commercial Treaty with, 207, 530
Greenwich Hospital, Res. 2198
Naples, Apprehended Bombardment of, 1381;—Alliance with Sardinia, 1666
Newfoundland Fisheries, 1666
Paper Duties, 2258
Reform Bills—Dissolution of Parliament, 24, 25, 26
Representation of the People, Com. 32, 104, 137, 226
St. Juan, Island of, 1381
Savoy and Nice, Annexation of, 865, 1254, 1667
Sheil, Col. Sir J., 204
Sicily, Atrocities in, 1527;—Annexation of, to Piedmont, Address moved, 1786, 1791, 1803
Slave Trade, African, 205
Smithfield Market, &c., 2R. 22
Supply—Operations in China, 1833, 1902, 1906
Switzerland and France—The Congress, 1856
Syria, Massacres in, 1572, 2229
Tax Bills, Res. 1, 1438, 1499

RUSSELL, Sir W., *Norwich*
Army Estimates, 597
European Army (India), 2R. 1129

RUSSELL, Mr. F. W., *Limerick City*
Gas (Metropolis), Com. 1689
Metropolis Local Management (No. 2), Com. 2122

RUTLAND, Duke of
Church Rates Abolition, 2R. 655, 656

ST. ASAPH, Bishop of
Benefices, Union of, 3R. 507

ST. DAVID'S, Bishop of
Benefices, Union of, Re-Com. *cl.* 15, 318; 3R. 507

St. George's-in-the-East,
l. Question (Viscount Dungannon), 1507
c. Observations (Mr. Kekewich), 1212

ST. GERMANS, Earl of (Lord Steward of the Household)
Berwick-upon-Tweed Election, Her Majesty's Answer to Address, 1313
Church Temporalities (Ireland) Act Amendment, Com. *cl.* 6, 553; *cl.* 8, 554; 3R. *add. cl.* 987
Ecclesiastical Courts, &c. (Ireland), 2R. 219; 3R. 989
Slave Trade—Mozambique, Her Majesty's Answer to Address, 1313

St. Juan, Island of,
c. Question (Mr. W. Williams), 1381

ST. LEONARDS, Lord
Law and Equity, Com. 838
Masters and Operatives, 2R. 1314, 1325
Scottish Drainage &c. Company, 3R. 1843; Adj. moved, 1844

SALISBURY, Bishop of
Benefices, Union of, Re-Com., *cl.* 15, 319

SALISBURY, Marquess of
Tithe Commutation, Com. 1656

SALOMONS, Mr. Alderman D., *Greenwich*
Greenwich Hospital, Res. 2199
Smithfield Market, &c., 2R. 20

Savings Banks and Friendly Societies Investments Bill,
c. Com. 880; Amend. (Mr. Collins), [*o. q.*, A. 92, N. 65, M. 27] 906;
cl. 1, Amend. (Sir H. Willoughby), 906, [A. 49, N. 73, M. 24] 908, 1662, 2220, [*m. q.*, A. 78, N. 116, M. 38] 2227

Savoy and Nice, Annexation of
l. Paper moved for (Marquess of Clanricarde), 1925
c. Question (Sir R. Peel), 860, 1254; Mr. D. Griffith), 1666

SCHOLEFIELD, Mr. W., *Birmingham*
Bankruptcy and Insolvency, Com. *cl.* 77, 1640

SCLATER-BOOTH, Mr. G., *Hampshire, N.*
Army Estimates, 609
Supply—China War, 1894

Scotland,
Game Licences, c. Question (Mr. Fenwick), 1200
Inch Keith, c. Question (Mr. Black), 1852
Marriage in the Preventive Service, c. Question (Mr. Black), 1865
Reform Bill, c. Question (Mr. Brady), 25
Schoolmasters, c. Question (Mr. H. Baillie), 1526
See
Annuity Tax Abolition (Edinburgh) Bill,
Bankrupt Law (Scotland) Act Amendment Bill
Births, &c., Registration of (Scotland) Bill
Caledonian and Crinan Canals Bill
Census (Scotland) Bill
Conjugal Rights (Scotland) Bill
Councillors of Burghs and Burgesses (Scotland) Bill
Fisheries (Scotland) Bill
Heritable Securities, &c. (Scotland) Bill
Highland Roads and Bridges Bill
Husband and Wife Relation Law Amendment (Scotland) Bill
Labourers' Cottages (Scotland) Bill
Land, Valuation of, (Scotland) Act Amendment Bill
Lands, Titles to, &c., (Scotland) Act (1858) *Amendment Bill*
Refreshment Houses and Wine Licences (Scotland) Bill

[*cont.*

Scotland—cont.
Representation of the People (Scotland) Bill
Tramways (Scotland) Bill

SCOTT, Sir W., *Roxburghshire*
Land, Valuation of, (Scotland) Act Amendment, 2R. 741

Scottish Drainage and Improvement Company Bill,
l. 3R. 1843; Adj. moved (Lord St. Leonards), [Contents 36, Not-Contents 39, M. 3] 1844

SCULLY, Mr. V., *Cork Co.*
Italy—Foreign Enlistment, 576
Land, Tenure and Improvement of, (Ireland), Com. 548; *cl.* 4, 550; *cl.* 10, 668, 671; *cl.* 25, 997, 998; *cl.* 37, 1197; Consid. *add. cl.* 1849
Land, Transfer of (Ireland), 859
Peace Preservation (Ireland) Leave, 1840
Sicily, Annexation of, to Piedmont, Address moved, 1805
Tax Bills, Res. 1, 1418; Res. 3, 1605

Selling and Hawking Goods on Sunday Bill,
c. 1R.* 174;
2R. 539

SELWYN, Mr. C. J., *Cambridge University*
Ecclesiastical Commission, 2R. 750, 969
Roman Catholic Charities, Com. *cl.* 3, 1692, 1693

SEYMER, Mr. H. K., *Dorsetshire*
Highways, 2R. 1352
Mines Regulation &c., Com. *cl.* 10, 972

SEYMOUR, Rear-Adm. Sir M., *Devonport*
Admiralty, Board of, Com. moved for, 367
China (Navy), Com. moved for, 1668
Greenwich Hospital, Res. 2197
Navy Estimates, 485, 2205

SEYMOUR, Mr. H. Danby, *Poole*
European Forces (India), Leave, Adj. moved, 395; 2R. Adj. moved, 1178, 1181, 1283
Harbours of Refuge, Res. 685
Sheil, Col., Sir J., 207

SEYMOUR, Mr. W. Digby, *Southampton*
Admiralty Court Jurisdiction, Withdrawal of Bill, 280
Offences Against the Person, 2R. 278
Ordnance Survey—Civil Assistants, 568
Representation of the People, Com. 270
Selling and Hawking Goods on Sunday, 2R. 539, 541
Tax Bills, Res. 1, Adj. moved, 1506, 1536

SHAFTESBURY, Earl of
India—Education, 1237
Refreshment Houses and Wine Licences, Com., 165

Sheil, Col. Sir Justin
c. Observations (Mr. Whiteside), 193; (Lord J. Russell), 204

SHELLEY, Sir J. V., *Westminster*
Excise and Assessed Taxes Act, Com. Res. 948, 951
Gas (Metropolis), Com. 1678, 1688
Kensington Gardens, Road through, 1618, 2256
Locomotive, Com. *cl.* 5, 1048
Metropolis Local Management (No. 2), Com. 2122; *cl.* 3, 2123
Supply—Civil Service Estimates, 453
Tax Bills, Res. 1, 1474
Ways and Means—Financial Statement, Res. 6, 1987

SHERIDAN, Mr. H. B., *Dudley*
Mines Regulation, &c., Com. *cl.* 1, 412; *cl.* 2, 415; *cl.* 22, 1332; *add. cl.* 1333; Preamble Amend. 1334
Sicily, Insurrection in, 329; — Atrocities in, 1527

Shipwrights, English, in French Dockyards,
l. Question (Visct. Dungannon), 161, 843
c. Question (Mr. H. B. Johnstone), 208

SHREWSBURY and TALBOT, Earl of
Holyhead Harbour, Com. moved for, 1760
Shipwrights, English, in French Dockyards, 164

Sicily,
Annexation of, to Piedmont, c. Address moved, (Sir R. Peel), 1776; Motion neg. 1806
Atrocities in, c. Question (Mr. H. B. Sheridan), 1527
Garibaldi, General, l. Question (Marquess of Normanby), 1378
Insurrection in, l. Question (Marquess of Normanby), 755
c. Question (Mr. H. B. Sheridan), 329
Palermo, Bombardment of, l. Question (Lord Brougham), 146

Sir John Barnard's Act, &c., Repeal Bill,
l. 2R. 4; 3R.* 218
Royal Assent, 417

SLANEY, Mr. R. A., *Shrewsbury*
Mines Regulation, &c., Com. *cl.* 1, 405
Representation of the People, Com. 266
Smithfield Market, &c., 2R. 22

Slave Trade, African—Mozambique
l. Address moved, (Lord Stratheden), 908, [Contents 11, Not-Contents 6, M. 5] 934; Her Majesty's Answer, 1313
c. Question (Mr. Cave), 202

SMITH, Major Gen. Sir J. M. F., *Chatham*
Army Estimates, 589, 594, 596, 597, 599, 600, 605, 610
Defences, National, 189
European Forces (India), 1207; 2R. 1290
Harbours of Refuge, Res. 700
Weedon Inquiry, The, 588

SMITH, Mr. Augustus, *Truro*
Army Estimates, 611, 615
Bankruptcy and Insolvency, Com. *cl.* 28, 1625; *cl.* 77, 1640; *cl.* 132, 1992
Harbours of Refuge, Res. 688

[*cont.*

SMITH, Mr. A.—*cont.*
Kensington Gardens, Road through, 1618
Naval Reserve, Res. 439
Navy Estimates, 456
Poor Law Board Continuance, 2R. 1311
Supply—Civil Service Estimates, 451; Amend. 452, 455

SMITH, Mr. J. B., *Stockport*
Bleaching and Dyeing Works, Com. *cl.* 1, 1061; *cl.* 2, Amend. 1068
India—Disarming of the Natives, Papers moved for, 217

SMITH, Mr. M. T., *Wycombe (Chipping)*
Ways and Means—Financial Statement, Res. 1, 1982

SMITH, Mr. Montague E., *Truro*
Bankruptcy and Insolvency, Com. *cl.* 32, 1629; *cl.* 49, 1638; *cl.* 152, 2002
Coroners (No. 3), 2R. 2116
Felony and Misdemeanour, 2R. 747

Smithfield Market and Improvement Bill,
c. 2R. 19; Amend. (Mr. Mackinnon), 20; Amend. neg. 22

SOLICITOR GENERAL, The, (Sir W. Atherton,) *Durham City*
Bankruptcy and Insolvency, Com. *cl.* 67, 1639
Felony and Misdemeanour, 2R. 746
Offences against the Person, 2R. 270
Roman Catholic Charities, Com. *cl.* 3, 1694

SOMERSET, Duke of (First Lord of the Admiralty)
Church Rates Abolition, 2R. 656
Commanders of Packets between Holyhead and Kingstown, 1187
Harbours of Refuge, 218, 1073, 1074, 1079
Holyhead Harbour, Com. moved for, 1757
Lands Clauses Consolidation Amendment, 2R. 2128
Naval Discipline, 2R. 1612, 1616
Shipwrights, English, in French Dockyards, 162, 844
Slave Trade—Mozambique—Papers moved for, 931
Trotman's Anchors, 1183

SOMERVILLE, Rt. Hon. Sir W. M., *Canterbury*
Land, Tenure and Improvement of, (Ireland), Com. *cl.* 37, 1199

SOMES, Mr. J., *Kingston-upon-Hull*
Stores, Conveyance of, from India to China, 184

South Kensington Museum,
c. Com. moved for (Mr. Lowe), 724; Adj. moved (Mr. Dillwyn), 726; Motion withdrawn, 728

SPEAKER, THE, (Rt. Hon. J. E. Denison) *Nottinghamshire, N.*
Business, Public, 2169, 2175, 2242
European Forces (India), Leave, 813; 2R. 1178, 1309

SPEAKER, The—*cont.*
Forage—Cavalry Officers, Res. 568
Greenwich Hospital, Res. 2200
India—European Army in, 529
Marine Store Dealers, Leave, 724
Paper Duty Repeal, Res. 1807, 2035
Paper Duty—Tax Bills, 1253, 1254
Petitions—Rules of the House, 761
Poor Law Board Continuance, Com. 1923, 1924
Reform Bills, The, 25
Representation of the People, Com. 270
Roman Catholic Charities, Consid. 824
Savings Banks, &c., Com. 880
Selling and Hawking Goods on Sunday, 2R. 541
Smithfield Market, &c., 2R. 22
Tax Bills, 1524

Spirit Duties Bill,
c. 1R.* 2110

Spirits (Ireland) Act Amendment Bill,
l. 2R.* 1181; 3R.* 1312

SPOONER, Mr. R., *Warwickshire, N.*
Caledonian and Crinan Canals, 3R. 820
Gas, Sale of, Act Amendment (No. 2), 2R. 1050
Marine Stores, Dealers in, Leave, 724; Com. 1372, 1373; *cl.* 3, 1375, 1377, 1378
Maynooth College, Leave, 1606, 1607; 2R. Amend. 2279
Metropolis Local Management (No. 2), Com. 2121; *cl.* 3, 2123
Mines Regulation, &c., Com. *cl.* 1, 412
Roman Catholic Charities, Com. Adj. moved, 490; *cl.* 2, 491; Re-Com. *cl.* 1, 830
Supply—Civil Service Estimates, 453

STACPOOLE, Capt. W., *Ennis*
Army Purchase, 192
Landed Estates Court (Ireland), 1200

STANHOPE, Earl
Rome, Diplomatic Relations with, Papers moved for, 147

STANILAND, Mr. M., *Boston*
Gas (Metropolis), Com. 1676, 1688
Metropolis Local Management (No. 2), Com. 2117

STANLEY, Lord, *King's Lynn*
European Forces (India), Leave, 762

STANLEY OF ALDERLEY, Lord
Benefices, Union of, 3R. 507
Ecclesiastical Commission (No. 2), 2R. 981 982
Lands Clauses Consolidation Amendment, 2R 2128
Masters and Operatives, 2R. 1225
Railway Cheap Trains, 2R., 1657
Scottish Drainage &c. Company, 3R. 1843

STANLEY, Hon. W. O., *Beaumaris*
Holyhead Harbour, 1216
Military Attaches to Foreign Courts, 332
Valuation of Property, 517

cont.

STANSFELD, Mr. J., *Halifax*
Tax Bills, Res. 1, 1475, 1496

STEUART, Mr. A., *Cambridge*
Caledonian and Crinan Canals, 3R. 819
Locomotive, Com. *cl.* 4, 1047
Paper Duty—Tax Bill, 1253, 1254
Roman Catholic Charities, Re-Com. *cl.* 2, Adj. moved, 832, 834
Supply—Inland Revenue Department, 1235

Stipendiary Magistrates Bill,
c. 1R.* 559; 2R.* 728

STIRLING, Mr. W., *Perthshire*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 21, Amend. 512, 514; *add. cl.* 1522, 1524
Representation of the People, Com. 69, 144

STRATFORD DE REDCLIFFE, Viscount
Savoy, Paper moved for, 1940
Syria, Massacres in, 1647

STRATHEDEN, Lord
Slave Trade—Mozambique, Address moved for, 908, 933

STUART, Col. J. F. D. C., *Cardiff*
Coroners (No. 3), 2R. 2117
Naples, Apprehended Bombardment of, 1381

STURT, Capt. C. N., *Dorchester*
Roman Catholic Charities, Com. *cl.* 2, 491

SULLIVAN, Mr. M., *Kilkenny Bo.*
Peace Preservation (Ireland), Leave, Adj. moved, 1840

Superannuations—Supply,
c. 1236

Supply,
Army Estimates, 589; Amend. (Mr. B. Osborne), 612, [A. 18, N. 154, M. 136] 614; Amend. (Mr. Childers), *ib.*; Motion and original Question withdrawn, 616
China, Operations in, [A. 198, N. 13, M. 185] 1812; Amend. (Sir H. Willoughby), 1823; Adj. moved (Mr. B. Cochrane), 1833; Motion withdrawn, 1839, 1887; Report, 1947
Civil Service Estimates, 450; Amend. (Mr. Aug. Smith), 452; Amend. withdrawn, 455
Customs Department, 1234; Rep. 1309
Inland Revenue Department, 1234; Rep. 1309
Navy Estimates, 455; Motion withdrawn, 490, 2203; Adj. moved (Mr. B. Cochrane), 2213; Report, 2287
Packet Service, 1221
Post Office, 1235
Superannuations, 1236

Switzerland and France—The Congress
c. Question (Mr. Kinglake), 1852

SYKES, Col. W. H., *Aberdeen City*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 6, 325

SYKES, Col. W. H.—*cont.*
Army Estimates, 590, 598, 600, 605
Army—General Officers, Com. moved for, 1340
Diplomatic Service, Com. moved for, 722
European Forces (India), Leave, 796; 2R. 1179, 1201, 1207, 1210, 1292
India—Organization of the Army, 183;—Disarming of the Natives, Papers moved for, 215
Late Sittings of the House, Res. 1957
Navy Estimates, 456, 461, 462
Savings Banks, &c., 892; Com. *cl.* 1, 2227
Supply—Civil Service Estimates, 453;—Packet Service, 1226;—China War, 1895
Weedon Inquiry, The, 588

Syria—Massacres in
l. Question (Viscount Stratford de Redcliffe), 1647
c. Observations (Sir C. Napier), 1769; Question (Sir J. Fergusson), 2229

TALBOT, Hon. Capt. W. C., *Waterford Co.*
Harbours of Refuge, Res. 682

Tax Bills,
c. Notice (Mr. T. Duncombe), 1345; Question (Lord Fermoy), 1383, 1536;
Petition (Mr. T. Duncombe), 1524;
Res. 1 (Viscount Palmerston), 1384; Adj. moved (Mr. Digby Seymour), 1506; Adj. Debate, 1536; Adj. moved (Mr. Mellor), 1601; Motion withdrawn, 1602;
Res. 2, 1602; Amend. (Mr. Mellor) 1603; Adj. moved (Mr. Whalley), [A. 36, N. 433, M. 397] 1604; Amend. [A. 52, N. 369, M. 317] *ib.*;
Res. 3, 1604; Adj. moved (Lord Fermoy), 1605; Motion neg. 1606

TAYLOR, Mr. H., *Tynemouth*
Cadetships—Navy, Com. moved for, 1344
Harbours of Refuge, Res. 687
Mines Regulation, &c., Com. *cl.* 1, 404; *cl.* 2, 847; *cl.* 7, 971

TEIGNMOUTH, Lord
Jews Act Amendment, Com. 1749

Telegraph to Gibraltar,
c. Question (Col. P. Herbert), 177

TEMPEST, Lord, A. F. C. W. Vane, *Durham N.*
Mines Regulation, &c., Com. *cl.* 1, 413

Tenison's Charity Bill,
c. 1R.* 423; 2R.* 560; 3R.* 728
l. 1R.* 755; 2R.* 1312; 3R*. 1842

TEYNHAM, Lord
Adulteration of Food or Drink, Com. *cl.* 1, Amend. 759
Ballot, Vote by, and Manhood Suffrage, Res. 4, 13
Weights and Measures, Com. 1313, 1314

Theatres and Public Houses Bill,
c. 1R.* 1847; 2R.* 1945

THOMPSON, Mr. H. S., *Whitby*
Highways, 2R. 1360

TITE, Mr. W., *Bath*
Patents, Commissioners of, Offices, 998

Tithe Commutation Bill,
c. 2R.* 225;
Com. *cl.* 1;
add. cl. (Lord Henniker) 543
3R.* 934
l. 1R.* 977; 2R.* 1312;
Com. 1656, 2215

TORRENS, Mr. R., *Carrickfergus*
European Forces (India), 1254; 2R. 1260

Tramways (Ireland) Bill,
c. 3R.* 1761
l. 1R.* 1841;
2R. 2216; Amend. (Earl Lucan) 2218; Amend. withdrawn, 2219

Tramways (Scotland) Bill,
c. 3R.* 1050
l. 1R.* 1069; 2R.* 1378

TRELAWNY, Sir J., *Tavistock*
Annuity Tax Abolition (Edinburgh), Com. *cl.* 6, 326; *cl.* 29, 511, 512
Census (England), Com. *cl.* 4, 1727; Amend. 1739
Paper Duty Repeal, Res. 1806, 1807, 2087
Tax Bills, Res. 1, 1461

TROLLOPE, Rt. Hon. Sir J., *Lincolnshire, S.*
Excise and Assessed Taxes Acts, Com. Res. 950
Tithe Commutation, Com. *cl.* 1, 542

Trotman's Anchors—see *Anchors,*

Trustees, Mortgagees, &c., Bill,
l. 3R.* 1
c. 1R.* 559

TURNER, Mr. J. A., *Manchester*
Bleaching and Dyeing Works, Com. *cl.* 1, 1064, 1067; *cl.* 2, 1068; *add. cl.* 1069
Savings Banks, &c., Com. 906
Weedon Inquiry, The, 582

Turnpike Acts Continuance Bill,
c. 1R.* 1658; 2R.* 1695

Turnpike Trusts Arrangement Bill,
c. 1R.* 1658; 2R.* 1695; 3R.* 2110
l. 1R.* 2126

Tuscany—The Yacht "Medina,"
l. Question (Earl of Malmesbury), 422

Universities and College Estates Bill,
c. 3R.* 1086
l. 1R.* 1181; 2R.* 1647; 3R.* 1925

UPTON, Hon. Major-Gen., F. G., *Antrim Co.*
Army Estimates, 610
Militia, Leave, 1045

Vaccine Board,
c. Question (Mr. Brady), 1945

Valuation of Property,
c. Question (Mr. Stanley), 517

VANCE, Mr. J., *Dublin City*
Bankruptcy and Insolvency, Com. *cl.* 40, 1632; *cl.* 41, 1633; *cl.* 74, 1639; *cl.* 132, 1991
Ordnance Survey—Civil Assistants, 570
Ways and Means—Financial Statement, Res. 1, 1980

VANE, Lord H. G., *Hastings*
Coroners (No. 3), 2R. 2114
Ways and Means—Financial Statement, Res. 6, 1987

VANSITTART, Mr. W., *Windsor*
European Forces (India), 2R. 1127
India—Civilians killed during the Mutiny, 182; —Disarming of the Natives, Papers moved for, 217

VERNER, Sir W., *Armagh Co.*
Maynooth College, 2R. 2280
Party Banners in Ireland, 2272
Peace Preservation (Ireland) Act Amendment, 2155

VERNEY, Sir H., *Buckingham*
European Forces (India), 2R. 1118
Harbours of Refuge, Res. 683
Mines Regulation, &c., Com. *cl.* 2, 849

VILLIERS, Rt. Hon. C. P. (Chief Commissioner of the Poor Law Board), *Wolverhampton*
Houses of Refuge, 1617
Poor Law Board Continuance, 2R. 1310; Com. 1921, 1924
Poor Law Rating, 24
Shea, Daniel, and the Islington Union, 225

VIVIAN, Lord
Cornwall, Duchy of, Limitation of Actions, Com. 314; *cl.* 1, 315; *add. cl.* 316; Report, 501, 504
Holyhead Harbour, Com. moved for, 1760

VIVIAN, Mr. H. H., *Glamorganshire*
Marine Stores, Dealers in, Com. *cl.* 3, 1377
Mines Regulation, &c., Com. *cl.* 1, 413; *cl.* 2, 854; *cl.* 10, 973, 974, 976; *cl.* 29, Amend. 1332
Rifled Muskets, 2227

Volunteer Corps, Commissions in,
c. Question (Mr. Cayley), 1335

Volunteer Rifle Corps Bill,
c. 1R.* 1847; 2R.* 2151

Volunteers, Ireland,
c. Leave, 2106; Adj. moved (Col. Greville), [A. 61, N. 28, M. 33] 2110

Votes at Elections Bill,
c. Leave, 1674; 1R.* 1676

Wakefield Election,
c. Res. (Capt. Jervis), 144; Adj. moved (Visct. Palmerston), 145; Observations (Captain Jervis), 201

WALCOTT, Rear Adm. J. E., *Christchurch*
China (Navy), Com. moved for, 1669
Greenwich Hospital, Res. 2193
Naval Reserve, Res. 431
Navy Estimates, 461, 462, 482; Report, 2287
Nelson Monument, The, 1775
Savings Banks, &c., Com. *cl.* 1, 1661

WALPOLE, Rt. Hon. S. H., *Cambridge University*
Bankruptcy and Insolvency, Com. *cl.* 77, 1641
Roman Catholic Charities, Re-Com. *cl.* 1, 827
Ways and Means—Financial Statement, Res. 11, 1989

WALSH, Sir J. B., *Radnorshire*
Land, Tenure and Improvement of (Ireland), Com. *cl.* 37, 1197

WALTER, Mr. J., *Berkshire*
Excise and Assessed Taxes Acts, Com. Res. 951
Highways, 2R. 1362

WARNER, Mr. E., *Norwich*
China, Operations in, 1812
Election Committees, 331
Representation of the People, Com. 268

WARRE, Mr., J. A., *Ripon*
Admiralty, Board of, Com. moved for, 360
Navy Estimates, 2212

WATLINGTON, Mr. J. Perry, *Essex, S.*
Nuisances Removal, Com. *cl.* 4, Amend. 1658, 1660
Poor Law Rating, 24
Representation of the People, Com. 56

Ways and Means—Financial Statement,
c. Com. Res. 1, (Spirits), (Chancellor of the Exchequer), 1963;
Res. 4 (Excise Licences), 1984;
Res. 5 (Malt), 1986;
Res. 6 (Hops), 1987;
Res. 10 (Stamp Duty), 1988;
Res. 11 (Promissory Notes), 1989, 2125

Weedon Inquiry, The
c. Observations (Col. Dunne), 580

Weights and Measures Bill,
Com. 1313; Amend. (Lord Chelmsford), 1314

Weights and Measures (Ireland) Bill,
c. 1R.* 1658; 2R.* 1761

Weights and Measures, Uniform
c. Question (Mr. Garnett), 515

WEMYSS, Mr. J. H. E., *Fifeshire*
Mines Regulation, &c., Com. *cl.* 2, 416, 84

WENSLEYDALE, Lord
Adulteration of Food or Drink, Com. *cl.* 1, 760
Church Rates Abolition, 2R. 638
Ecclesiastical Commission (No. 2), 2R. 986
Ecclesiastical Courts Jurisdiction, 3R. Amend. 321

WESTHEAD, Mr. J. P. B., *York City*
Property and Income Tax, 444

WESTMEATH, Marquess of
Cornwall, Duchy of, (Limitation of Actions), 505
Ecclesiastical Courts, &c. (Ireland), 2R. 220
Furious Riding and Driving, 2R. 496, 497, 498

Westminster, New Palace at—The Clock,
l. Question (Earl of Derby), 218
c. The late Sir C. Barry, Question (Col. W. Patten), 518

WHALLEY, Mr. G. H., *Peterborough*
Bleaching and Dyeing Works, Com. *cl.* 1, 1057, 1065
Maynooth College, 2R. 2280
Paper Duty, 1859
Property and Income Tax, 411, 449, 2034
Representation of the People, Com. 269
Roman Catholic Charities, Re-Com. *cl.* 1, 830, 831; *cl.* 2, Adj. moved, 832, 833, 834; *cl.* 3, 1693
Tax Bills, Res. 1, 1601; Res. 2, Adj. moved, 1604

Whipping, Punishment of
c. Question (Visct. Raynham), 1663

WHITBREAD, Mr. S., (Lord of the Admiralty), *Bedford*
Cadetships—Navy, Com. moved for, 1344
Naval Reserve, Res. 438
Navy Estimates, 456, 459

WHITE, Mr. J., *Brighton*
Paper Duty Repeal, Res. 2085

WHITESIDE, Rt. Hn. J., *Dublin University*
Bankruptcy and Insolvency, Com. *cl.* 77, 1642, 1647
Census (England), Com. *cl.* 4, 1734
Dundalk, Arrests in, 194, 199
Education, 2R. 2033
Education, National, (Ireland), Address moved, 2043, 2067
Keogh, Mr., Appointment of, 1534
Land, Tenure and Improvement of, (Ireland), 2R. 288; Consid. *add. cl.* 1847, 1849

K 20 .E5 1970